

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

House; and I will say that the bill was misunderstood by the Senators at the time, and that it is proper that it should be recommitted to the Committee on Banks and Banking; and therefore, I move that the Senate recede, and concur with the House in the reference to the Committee on Banks and Banking.

The PRESIDENT: The papers should have accompanied the report.

Mr. GOODWIN: I supposed they had been handed to the Secretary. I think the chairman on the part of the committee on the part of the House may have them.

The CHAIR: No motion would be in order in relation to that until the papers accompanying them are before the Senate.

On motion by Mr. Dudley of Aroostook, the Senate adjourned to meet on Wednesday, March 18, 1903, at ten o'clock A. M.

HOUSE.

Tuesday, March 17, 1903.

Prayer by Rev. Mr. Canham of Hallowell.

Papers from the Senate disposed of in concurrence.

Bill, An Act to extend the charter of the Bluehill Trust and Banking Company, was on March 12, recommitted in the House to the committee on banks and banking. It now comes from the Senate, that body nonconcurring and calling for a committee of conference.

On motion of Mr. Dudley of Augusta, the House insisted and joined a committee of conference.

The speaker joined on the part of the House Messrs. Dudley of Augusta, Barker of Bangor and Smith of Madison.

Senate Bills on First Reading.

(Mr. Pettengill of Rumford Falls, in the chair).

An Act in aid of soldiers of the Aroostook war.

An Act to amend Chapter 89 of the Public Laws of 1899, amendatory of Chapter 116 of the Public Laws of 1895 as amended by Chapter 286 of the Public Laws of 1887 in Chapter 206 of the Public Laws of 1901, entitled An Act to provide for the schooling of children in unorganized townships.

An Act authorizing the town of Fort Fairfield to make a loan.

An Act relating to the jurisdiction of the Municipal Court of the city of Auburn.

An Act relating to the taxation of mortgages.

On motion of Mr. Putnam of Houlton, this bill was tabled pending the acceptance of the report of the committee, and Friday of this week assigned for its consideration.

The following petitions, bills, etc., were presented and referred:

Judiciary.

By Mr. Smith of Presque Isle: Bill, An Act relating to the defense of actions brought against administrators or executors.

Also: Bill, An Act relating to bonds given by collectors of taxes.

Legal Affairs.

By Mr. Kelley of Lewiston: Bill, An Act relating to the municipal court for the city of Lewiston. (Received under suspension of the rules).

Taxation.

By Mr. Eaton of Calais: Resolve waiving a forfeiture of the public lots in the north half of township No. 4, Hancock county, North Division.

Orders.

On motion of Mr. Drew of Portland, Ordered, That the clerk of the House prepare and cause to be printed under his supervision eight hundred copies of the Journal of the House for the current session:

On motion of Mr. Davidson of Hammond Plantation,

Ordered, That after March 18th John Sweeney of Fort Kent be excused from further attendance at this session, and that the clerk of the House be directed to make up his pay to the end of the session with travel.

On motion of Mr. Smith of Presque Isle,

Ordered, The Senate concurring, that all committee except the Committee on Appropriations and Financial Affairs, the Committee on the Revision of the Statutes, make their final reports on or before Monday, March 23, 1903.

On motion of Mr. Drew of Portland, the rules were suspended and that that gentleman introduced Bill, An Act providing for the forfeiture of the charter of certain corporations. (Referred to the Committee on the Judiciary).

On motion of Mr. Potter of Brunswick, the rules were suspended and that gentleman introduced Bill, An Act to authorize the town of Brunswick to defray expenses of creating a water supply. (Referred to the Committee on the Judiciary).

On further motion of Mr. Potter, the rules were suspended and that gentleman introduced Bill, An Act to authorize West Bath and Brunswick to build a bridge over the New Meadows river between Brunswick and West

Bath. (Referred to the Committee on Ways and Bridges).

On motion of Mr. Thurlow of Cutler, the rules were suspended and that gentleman introduced petition of C. H. Tarbell and 94 others of Machias for aid to repair toll bridge in Machiasport. (Referred to the Washington County Delegation).

Reports of Committees.

Mr. Littlefield from the Committee on Judiciary on Bill, An Act concerning the town of Dexter, reported ought not to pass.

Mr. Kelley from the Committee on Legal Affairs on Bill, An Act to incorporate the Munsungun Telephone Company, reported that the same be referred to the Committee on Railroads, Telegraphs and Expresses.

Mr. Sweeny from the Committee on Interior Waters on Bill, An Act to authorize the Saint Croix Land and Water Power Company to build and maintain a dam at Enoch's Rips on the Saint Croix river, reported leave to withdraw.

Mr. Thompson from the committee on education on bill, An Act allowing pupils residing in towns having free high schools and living at a distance therefrom to attend the free high school of neighboring towns, reported ought not to pass.

Mr. Thomas from same committee on bill, An Act relating to delinquent town officers, reported ought not to pass.

Mr. Mead from same committee on resolve in favor of the city of Eastport for the benefit of the Boynton high school, reported ought not to pass.

Mr. Stearns from the committee on claims on petition of M. C. Austin praying that he be reimbursed for damages caused by engine of Washington county railroad setting fire to hay and buildings, reported leave to withdraw.

Mr. Smith from the committee on the judiciary on bill, An Act to amend Section one of Chapter 75 of the Revised Statutes as amended by Chapter 157 of the Public Laws of 1895 and by Chapter 193 and 196 of the Public Laws of 1898 relating to descent of real estate, reported ought to pass.

Same gentleman from same committee on bill, An Act to incorporate the Washington County General Hospital, reported ought to pass.

Mr. Randall from the committee on education on bill, An Act to amend Section six of Chapter eleven of the Revised Statutes relating to the raising and expending of common school funds, reported ought to pass.

Same gentleman from same committee reported in a new draft bill, An Act to change the corporate name of Maine Wesleyan Seminary and Woman's College, and that it ought to pass.

Mr. Mead from same committee on bill, An Act to amend An Act incorporating the trustees of Briugton Academy, reported ought to pass.

Mr. Cordwell from the committee on inland fisheries and game on petition reported bill, An Act for the protection of the wild hare or rabbit.

Mr. Peaslee from the committee on State lands and State roads reported in a new draft resolve authorizing the land agent to sell certain lots in Dallas Plantation, Washington county, and that it ought to pass.

Mr. Cordwell from the committee on inland fisheries and game reported in a new draft bill, An Act to amend Section eleven of Chapter 30 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1899 and as amended by Chapter 258 of the Public Laws of 1901, relating to close time for game birds, and that it ought to pass.

Mr. Randall from the Cumberland county delegation on Bill, an Act to amend Chapter 381 of the Private Laws of 1901, relating to open time on deer in Cumberland county, reported ought to pass.

The reports were accepted and the bills and resolves ordered printed under the joint rules.

Mr. Perkins from the Committee on Education on resolve in favor of the town of Jackson, reported ought to pass. (Referred to the Committee on Appropriations and Financial affairs).

Mr. Snowe from the Committee on Agriculture reported in a new draft Bill, An Act to regulate the sale and analysis of concentrated commercial feeding stuffs, and that it ought to

pass. (Referred to the Committee on Appropriations and Financial Affairs).

Mr. Stearns from the Committee on Claims reported in a new draft resolve in favor of the town of Houlton, and that it ought to pass. (Referred to the Committee on Appropriations and Financial Affairs).

Mr. Potter from the Cumberland county delegation, on petition, reported Bill, An Act to increase the salary of the Justice of the Superior Court of the county of Cumberland, and that it ought to pass. (Referred to the Committee on Appropriations and Financial affairs).

First Reading of Printed Bills and Resolves.

An Act to incorporate the Buckfield Water Power and Electric Light Company.

An Act to incorporate the Sullivan Harbor Water Company.

An Act to amend Section 1 of Chapter 329 of the Private and Special Laws of 1901, relating to ice fishing in certain lakes and ponds in Kennebec county.

An Act to prevent the destruction of smelts in the waters of the towns of Lubec and Trescott in the county of Washington.

An Act in relation to the Ellsworth Municipal Court.

An Act to incorporate the Lubec Trust and Banking Company.

An Enabling Act for the annexation of the city of South Portland to Portland.

An Act to supply the town of Lisbon with pure water.

Resolve in favor of the Bar Harbor Medical and Surgical Hospital.

Resolve in favor of the town of Island Falls.

Resolve in favor of Knox County General Hospital.

Resolve in favor of the Maine Home for Friendless Boys. (Read a second time and passed to be engrossed, under suspension of the rule on motion of Mr. Drew of Portland.)

Resolve in favor of the Bangor Children's Home.

Resolve in favor of Passamaquoddy Tribe of Indians for the completion of a new church at Pleasant Point, in the town of Perry.

Resolve in favor of the Farmington State Normal School.

Resolve for an appropriation for the use of the commissioner of Sea and Shore Fisheries.

Resolve in favor of rebuilding the house of the Sisters of Mercy at Peter Dana's Point, within the jurisdiction of the Passamaquoddy Tribe of Indians.

Resolve in favor of the Augusta City Hospital. (Read a second time and passed to be engrossed under suspension of the rules on motion of Mr. Dudley of Augusta).

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of the Maine Industrial School for Girls. (Read a second time and passed to be engrossed, under suspension of the rules, on motion of Mr. Bodwell of Hallowell).

On motion of Mr. Swett of Portland, the vote was reconsidered whereby resolve in favor of the Maine Eye and Ear Infirmary was assigned for tomorrow morning, and on further motion by the same gentleman the rules were suspended, the resolve was read a second time and was passed to be engrossed.

Resolve in favor of the Eastern Maine General Hospital. (Read a second time and passed to be engrossed under suspension of the rules, on motion of Mr. Barker of Bangor).

Resolve in favor of the Central Maine General Hospital. (Read a second time and passed to be engrossed under suspension of the rules, on motion of Mr. Little of Lewiston).

Resolve in favor of the Saint Elizabeth's Roman Catholic Orphan Asylum of Portland.

Resolve in favor of the Maine General Hospital.

An Act to incorporate the Wilton Trust Company.

An Act to incorporate the Somerset Trust Company.

Resolve in favor of the Hospital of the Society of the Sisters of Charity of Lewiston, Maine. (Read a second time and passed to be engrossed under suspension of the rules on motion of Mr. Kelley of Lewiston).

An Act conferring certain power upon the trustees of the University of Maine.

Resolve in favor of the town of Crystal.

An Act to prohibit spitting upon the floors of street cars.

An Act to amend Section 1 of Chapter 185 of the Public Laws of 1901, relating to truants.

Resolve to aid in repairing roads in Jerusalem Plantation.

An Act relating to the franchise rights and privileges of the Milbridge and Cherryfield Electric Railroad Company.

An Act to amend Section 3 of Chapter 103 of the Public Laws of 1895, relating to telegraph and telephone companies.

Resolve in aid of Caratunk for repairing road from Caratunk Village to Pleasant Pond in said plantation.

An Act to extend the charter of the Eastport Street Railway Company.

An Act to incorporate the Maine and New Hampshire Railroad.

An Act to incorporate the Washington Telephone Company.

An Act to incorporate the Ferguson Stream Improvement Company.

An Act to incorporate the Castine Gas Company, Castine, Hancock county.

An Act to incorporate the Waterville and Winslow Bridge Company.

An Act to incorporate the Winterport, Frankfort, and Prospect Electric Railway.

An Act to incorporate the Lee Telephone Company.

An Act additional to Chapter 16 of the Revised Statutes relating to Public Drains and Sewers.

An Act to establish the Lubec and Machias Railway Company.

An Act to incorporate the South Branch Moose River Dam Company.

Resolve in favor of the town of Moscow.

Resolve for repairs of highway in Upton, Magalloway Plantation and Township C, in the county of Oxford. (Read a second time and passed to be engrossed under suspension of the rules on motion of Mr. Peaslee of Upton).

An Act to incorporate the Jonesport Railway Company.

An Act to incorporate the Androscoggin Log Driving Company.

An Act to provide in part for the Expenditures of Government for the year nineteen hundred and four.

An Act to amend Chapter six of the Revised Statutes so that counties may collect county taxes on lands in unorganized places. (Tabled pending first reading on motion of Mr. Eaton of Calais).

An Act relating to the Public Health. (Referred to the committee on appropriations and financial affairs pending its first reading, on motion of Mr. Morrison of Bar Harbor).

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, as prohibits fishing in Goodwin brook, and Higgins stream above the first dam, tributaries to Moose pond, in Somerset county.

Resolve in favor of the town of Parkman.

An Act to provide for the protection of deer on the island of Mount Desert.

An Act to incorporate the Ellis River Improvement Company.

An Act to amend an act entitled "An Act to incorporate the Machias Log Driving Company," approved April eighth, one thousand eight hundred and fifty-four.

An Act to fix the beginning of the open season on fishing in Sebago lake in Cumberland county.

An Act to authorize John M. Jewell to erect and maintain a dam across the Sebasticook river in the town of Clinton.

An Act to authorize the Kennebec Log Driving Company to maintain piers and booms in the Kennebec river above the Augusta dam.

An Act to authorize the Norcross Transportation Company to erect buoys in certain waters of the West Branch of the Penobscot river.

An Act to repeal so much of Chapter 30 of the Revised Statutes as amended by Section 5 of Chapter 42 of the Public Laws of 1899, as prohibits fishing through the ice in Indian pond, situated partly in Franklin and partly in Somerset county.

An Act amendatory to Chapter 369 of the Private and Special Laws of 1889, entitled "An Act regulating the ap-

pointment of the members of the police force of the city of Bangor. (Read a third time and passed to be engrossed under suspension of the rules, on motion of Mr. Barker of Bangor).

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Section 5 of Chapter 42 of the Public Laws of 1899, as prohibits fishing through the ice in Dexter pond, in Dexter, Penobscot county.

An Act to regulate fishing in Kennebago lake and other lakes and ponds and their tributaries, in Franklin county.

An Act regulating fishing in Quimby pond in the county of Franklin.

An Act to prohibit bait fishing, so called, in certain portions of the Magalloway river and its tributaries and in various ponds in Oxford county.

An Act to repeal so much of Section 5 of Chapter 42 of the Public Laws of 1899, as prohibits fishing in the inlet stream of Squaw Pan lake from Thibadeau's landing to the source of said stream.

Resolve providing for an Epidemic or Emergency Fund. (Referred to the committee on appropriations and financial affairs pending its first reading under suspension of the rules).

An Act to regulate the taking of black bass in waters lying wholly or partly in the county of Hancock.

On motion of Mr. Pike of Lubec, the rules were suspended, and that gentleman introduced bill, An Act to amend the charter of the Lubec Water Company, and on further motion by the same gentleman the rules were suspended, the bill received its three readings and was passed to be engrossed without reference to a committee.

Passed to be Engrossed.

(At this point the Speaker returned the chair.

An Act to amend the charter of "Dead River Log Driving Company."

An Act to amend the charter of the "Moose River Log Driving Company."

An Act to amend Chapter 358 of the Private and Special Laws of the State of Maine for the year 1867, as amended by the Private and Special Laws of the State of Maine for the year 1868, relative to the charter of the Great

Works Dam Company, and the change of the name thereof.

An Act to amend Section 43 of Chapter 284, Public Acts of 1901.

An Act to establish an additional Normal school to be located at Presque Isle, in the county of Aroostook.

Mr. Smith of Presque Isle, offered House amendment A to Section 4 by striking out the word "one" in the third line and inserting in place thereof the words "two of this act."

The amendment was adopted and the bill was read a third time and passed to be engrossed as amended.

An Act to amend "An Act to establish a municipal court in the town of Brunswick."

Resolve in favor of George B. Haskell, Jacob R. Little and Stephen J. Kelley, in payment of witnesses', magistrates' and officers' fees and disbursements made by them in the city of Lewiston contested election case.

An Act relating to the powers of the Portland and Rumford Falls Railway.

An Act authorizing the town of Madison to purchase with the town of Anson in the county of Somerset the Norridgewock Falls bridge.

An Act relating to claims against the estates of deceased persons.

An Act authorizing the Lewiston Trust and Safe Deposit Company to establish a branch at Freeport. (Tabled pending third reading, on motion of Mr. Oakes of Auburn).

An Act amending Section 1 of Chapter 284 of the Public Laws of 1893, in relation to ways.

An Act additional to Chapter 73 of the Revised Statutes. (Tabled pending third reading on motion of Mr. Weeks of Fairfield).

An Act to extend the time for the acceptance of the charter of the city of Dexter.

An Act authorizing the town of Anson to purchase with the town of Madison in the county of Somerset the Norridgewock Falls bridge.

An Act authorizing the sale of Norridgewock Falls bridge. (Tabled pending third reading on motion of Mr. Weeks of Fairfield).

An Act to extend the charter of the Sebasticook Manufacturing and Power Company. (Tabled pending third

reading on motion of Mr. Allen of Sanford).

An Act to incorporate the Mt. Abram Cemetery Company.

An Act to authorize the Augusta Trust Company to increase its capital stock.

An Act to incorporate the Hillside Water Company. (Tabled pending third reading on motion of Mr. Clark of Prospect).

An Act to amend Chapter 378 of the Public Laws of 1885, relating to electric posts and wires.

An Act regulating fishing in the streams in Salem and Strong in Franklin county.

An Act to permit ice fishing in Pease pond on Saturdays of each week during certain months.

An Act to amend and extend the charter of the Waldo Trust Company.

An Act to amend Chapter 149 of the Private and Special Laws of 1895, entitled "An Act to divide the town of Sullivan and incorporate the town of Sorrento."

An Act to extend and amend the charter of the Bangor Loan and Trust Company.

An Act to regulate the appointment of constables by the city of Portland.

Passed to be Enacted.

An Act to incorporate the East Branch Improvement Company.

An Act to amend Section 2 of Chapter 56 of the Private and Special Laws of 1895, relative to the water supply of Boothbay Harbor.

An Act to incorporate the Tamarack Club of Patten.

An Act to amend Section 1 of Chapter 30 of the Revised Statutes, as amended by Chapter 115 of the Public Laws of 1895, and Sections 3 and 4 of Chapter 30 of the Revised Statutes in relation to dogs.

An Act to remove a doubt in the act incorporating the Gardiner Water District.

An Act to incorporate the Sanford Light and Power Company.

An Act to incorporate the Wells Electric Light and Power Company.

An Act to amend Section 2 of Chapter 20 of the Revised States relating to ferries.

An Act to incorporate the Hillside Water Company.

An act to amend the charter of the city of Calais, relating to ward and district lines.

An Act to make valid certain doings of the assessors of Norway for the year 1902.

An Act to amend Section 98 of Chapter 82 of the Revised Statutes relating to evidence.

An Act to amend the charter of the Maine Historical Society, permitting said society to hold real and personal estate to the value of \$500,000.

An Act to incorporate the Boothbay Harbor Light and Power Company.

An Act amendatory of Section 2 of Chapter 287 of the Public Laws of 1893, as amended by Chapter 33 of the Public Laws of 1899, and Chapter 163 of the Public Laws of 1901, relating to the better protection of sheep.

An Act to amend the charter of the city of Gardiner.

An Act to incorporate the Searsport Water Company.

An Act to extend the rights, powers and privileges of the Greenville Water Company.

An Act relating to proof of attested instruments.

An Act in relation to judges of municipal courts.

An Act in regard to compensation of town officers.

An Act to incorporate the Brownville and Williamsburg Water Company.

An Act establishing the jurisdiction and term of office of women appointed to solemnize marriages, administer oaths and take acknowledgements of deeds.

An Act to extend the charter of the Dexter Water Company.

An Act to incorporate the Pike Family Association.

An Act to amend Section 80 of Chapter 18 of the Revised Statutes relating to injuries on highways.

An Act to amend Chapter 77 of the Public Laws of 1899 relating to giving mortgages, a lien for costs of foreclosure under Section 5 of Chapter 90 of the Revised Statutes.

An Act additional to the acts which constitute the charter of the trustees of Hebron Academy.

An Act to regulate costs in the taking of lands or other property for public uses.

An Act relating to the office of county commissioner.

An Act to incorporate the Wells Telephone Company.

An Act to extend the charter of the Hallowell Trust Company.

An Act to amend Section 106 of Chapter 47 of the Revised Statutes relating to the reserve fund of savings banks.

An Act to amend Chapter 136, Public Laws of 1887, relating to unclaimed deposits in savings banks.

An Act to amend Section 1 of Chapter 242 of the Public Laws of 1889, in relation to the salary of the adjutant general.

An Act to extend the charter of the Union River Water Storage Company.

An Act to authorize the St. John Lumber Company to build piers and booms in the St. John River in the town of Van Buren.

An Act to authorize the Carratunk River Company to erect and maintain dams across the Carrabasset river in the towns of Anson and Embden.

An Act to prevent the throwing of sawdust and other mill waste into St. George's river in the towns of Montville, Searsmont and Appleton.

An Act to authorize the Kennebunk Electric Light Company to issue bonds.

An Act to correct an error and repeal "An Act approved, February 11, 1903," relating to migrating fish.

An Act authorizing the county commissioners of Cumberland county to erect a county building in Portland.

An Act to prohibit the use of purse and drag seines in the waters of Sargentville Harbor, known as Billing's cove.

An Act to change the name of Burnt island in the town of North Haven to Scallop island.

An Act to amend Section 16 of Chapter 266 of the Public Laws of 1893, relating to the militia. (Tabled on motion of Mr. Perkins of Milton, pending its passage to be enacted).

An Act to regulate the placing of permanent moorings in harbors.

An Act to amend Section 6 of Chapter 3 of the Public Laws of 1899, entitled

“An Act to amend Section 6 of Chapter 156 of the Public Laws of 1895, entitled ‘An Act to amend Section 6 of chapter 35 of the Revised Statutes,’ relating to intelligence offices.

An Act to construe and continue in force Chapter 106 of the Private and Special laws of the year 1891, relating to the election of a school committee and superintendent of schools, for the town of Skowhegan.

An Act to enable cities and towns to establish permanent fuel yards.

An Act to incorporate the Saint John River Dam Company.

An Act to amend an act entitled “An Act to incorporate the city of Old Town.”

An Act to amend Section 2 of Chapter 93 of the Public Laws of 1899, fixing the salary of the county commissioners of Kennebec county.

An Act to amend Section 1 of Chapter 249 of the Public Laws of 1901, in relation to compensation for clerk hire in adjutant general’s office.

An Act to incorporate the City Trust Company of Bangor, Maine.

An Act to amend Section 16 of Chapter 72 of the Revised Statutes, relating to suits on probate bonds.

An Act to provide for the protection of trees and shrubs from injurious insects and diseases.

An Act to regulate the taking of codfish, pollock, hake and haddock in the water of Frenchman’s bay.

Finally Passed.

Resolves in favor of repairing elevator in State House.

Resolve in favor of the Women’s Christian Temperance Union.

Resolve waiving a forfeiture of the public lot in the southeast quarter of township No. 4, Hancock county, north division.

Resolve authorizing the land agent to sell certain public lots in E plantation and Portage Lake plantation, in Aroostook county.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healy Asylum of Lewiston, Maine.

Resolve in favor of the town of Trecott.

Resolve in favor of Albert R. Buck, chairman of the committee on Maine State prison.

Resolve in favor of the Young Women’s Home of Lewiston.

Resolve in favor of the committee on revision of the statutes.

Orders of the Day.

On motion of Mr. Weeks of Fairfield, bill, An Act to authorize the sale of the Norridgewock Falls bridge, was taken from the table. The bill was then read a third time and was passed to be engrossed.

Mr. Dudley from the committee of conference, to which was referred bill, An Act to amend and extend the charter of the Bluehill Trust and Banking Company, reported that the Senate has receded and concurs with the action of the House in recommitting the bill to the committee on banks and banking. The report was accepted.

On motion of Mr. Dudley of Augusta, the rules were suspended and that gentleman introduced bill, An Act relating to the elections of treasurers and collectors of the city of Augusta, and on further motion by the same gentleman the rules were suspended the bill received its three readings and was passed to be engrossed without reference to a committee.

Bangor Bridge Bill.

On motion of Mr. Cameron of Bangor, bill, An Act to extend the time during which the tolls granted to the Bangor Bridge Company shall continue, was taken from the table.

Mr. Cameron moved that this bill be recommitted to the committee on judiciary.

Mr. SARGENT of Brewer: Mr. Speaker, I hope that motion will not prevail, and for these reasons: This bill was put into the Senate early in February. It was set down for a hearing on February 27th, and in order to give those who could not appear at that time more opportunity, it was assigned for March 6th. On March 6th, a few citizens of Brewer and Orrington, represented by their counsel, Mr. Floyd of Brewer, and Mr. Heath of Augusta, appeared before this Legislature, and at a conference with the bridge attorney,

Mr. Woodard, a new draft was agreed upon; and at that hearing and since there has not been any one from Bangor, after all this notice has been given of nearly a month, who has appeared either for or against this bill, and I contend that time enough has been granted, this bill having been reported by the judiciary committee unanimously that it ought to pass—that they have had time enough and that they ought not to occupy the time and attention of this Legislature at this late hour to have this thing threshed over again. This bill was fairly drawn in the interests of Brewer and Bangor, and to protect their interests and the interest of the bridge, and the whole matter is virtually before the supreme court of this State, where it should be settled, and I say at this time it is not necessary to recommit this to the judiciary committee, and I trust that the gentleman will withdraw his motion.

Mr. BARKER of Bangor: Mr. Speaker, what the gentleman from Brewer says in regard to the notice given is perfectly true and just, but I would suggest that at the time this bill was introduced and notice was ordered for a hearing, the mayor of Bangor, who was then mayor, for reasons best known to himself, did not see fit to appear or send counsel or instruct the representatives of the city of Bangor to appear in opposition to this bill. The gentleman most interested in the matter is Hon. F. O. Beal of Bangor, who was, yesterday, inaugurated as mayor, and within 10 minutes after his inaugural he asked that this bill be recommitment to the committee.

Bangor has not been heard at all. It may be considered laches on the part of the city of Bangor—I should so consider it—but that is not the fault of the present mayor of Bangor, and he has certain ideas in regard to this bridge that he would like to bring before this committee, and he would like to introduce an amendment to the bill before the committee. If it is not brought before the committee it will be brought into the House, and it seems to me in regard to the saving of time which my colleague from Brewer speaks of, that more time would be saved if this thing could go before the committee and there be settled, one way

or another, than to refuse to commit it to the committee and put us all to a discussion of this proposed amendment, next Thursday, or at any other time, because if it is not recommitted we shall be obliged to discuss the amendment here on the floor of the House when it might be settled in the committee. And I trust, out of consideration for the mayor of Bangor, Mr. Beal, who was only yesterday inaugurated, who has acted as quickly as he possibly could, that this bill be recommitted to the committee on the judiciary, with their permission.

The question being to recommit the bill to the committee on the judiciary,

The motion was lost.

Mr. Barker of Bangor, moved that the bill lie upon the table, and that Thursday of this week be assigned for its consideration.

Mr. WEEKS of Fairfield: Mr. Speaker, I would ask the gentleman from Bangor (Mr. Barker) if material amendments are to be offered to this bill? If so, why not have them offered at the present time and printed and then we can discuss this matter intelligently, next Thursday.

Mr. BARKER: Mr. Speaker, the mayor of Bangor told me, yesterday morning, he would immediately consult counsel and draw up the proposed amendment and send it as quickly as possible. It has not yet reached me. It is not my amendment; it is the amendment of the mayor of Bangor.

The question being to lay the bill on the table and assign it for Thursday of this week,

The motion was agreed to.

Sale or Exchange of Mortgaged Personal Property.

Mr. BARKER of Bangor: Mr. Speaker, I would ask the gentleman from Rockland (Mr. Littlefield) if he will call from the table House document No. 8.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I have no objection. I move that it be taken from the table.

The motion was agreed to, and bill, An Act to regulate the sale or exchange of mortgaged personal property was taken from the table.

Mr. BARKER: Mr. Speaker, this bill was introduced by me early in the session, and referred to the committee on

legal affairs. After a hearing it was unanimously reported by the committee, ought to pass. There was some question at that time as to whether it was advisable to pass this bill or not, whether it would correct certain errors and shut a door on certain frauds, or open a door to others, and in consideration of the attorneys in the House it was laid on the table that they might have a fair opportunity to consider it. It was afterwards brought up and assigned for a certain day, which day happened to be the second day of the resubmission hearing. I should like that the bill should continue its readings, if it be considered a good bill, or, if not, that it be laid on the table indefinitely.

The bill reads, "No consent by the mortgagee of personal property to the mortgagor for the sale or exchange of the mortgaged personal property shall be valid or be used in evidence in civil process unless in writing and signed by the mortgagee or his assigns." In our practice over in Penobscot county we frequently have cases to which this bill would apply. I take, for illustration, a mortgage on a horse from A. He sells or exchanges that horse, and I, desiring to recover my property, bring replevin to recover the horse, and my mortgagor goes into court, or some friend of his, and swears that I gave the mortgagor verbal permission to exchange or sell the horse. There is no power, to my knowledge, whereby a man can rebut that evidence, and I am practically lied out of my property. We see that a great deal in Bangor, and I think it occurs in other places where personal property mortgages are held. I merely propose in this bill that before the mortgagor sells or exchanges that horse, he should obtain from me my consent in writing. It is not an outrageous thing to ask of him, and it seems rather simple to me that he should obtain the consent of the mortgagee in writing before selling or exchanging mortgaged personal property. And I have provided that no verbal consent shall be used in evidence. Then if the mortgagor sells or exchanges the property and goes into court, I can require him to produce a writing signed by me or my assigns, giving him that permission. In that

way he is precluded from bringing in his friends, his neighbors, and lying me out of my property, as is quite frequently done. The bill is simple and requires but little discussion. Those are the plain facts, the effect of the bill and the purpose of the bill; and I trust that the House will allow it to take its second reading.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I move that the bill be indefinitely postponed. In making this motion I will state to the House that I have no interest in the bill whatever. I never ran against anything of the kind in my practice, in a horse trade, and I do not expect to, because I do not trade horses to any extent, and I have not been so fortunate or unfortunate as to have any cases of horse trades of this nature. My ideas as to the purposes or as to the advisability of this bill, differ somewhat from those of the gentleman from Bangor, although we are both on the same basis in this respect—he does not desire the passage of the bill if it will promote more fraud than it will cure. I do not desire the defeat of the bill if it will cure more fraud than it will promote. I have discussed the bill with various attorneys and various gentlemen learned in the law, and it seemed to them as it does to me when I read it, that it would promote fraud rather than cure it. If such is the effect of it, and if the House deems such will be the effect of it, I have no doubt the gentleman from Bangor desires that the House would defeat the bill. The bill provides that "No consent by the mortgagee of personal property to the mortgagor for the sale or exchange of the mortgaged personal property shall be valid or be used in evidence in civil process unless in writing and signed by the mortgagee or his assigns." And the gentleman from Bangor says that a party, having in his possession mortgaged personal property, sells it, and some parties come up who see fit to commit perjury and swear that consent was given by the mortgagee, and there is no way to rebut it, and the mortgagee is deprived of his security or his property. Now, it seems to me that the man who would perjure himself in that respect, would go one step farther and would say that consent was

given, "that consent I saw, it was in writing and I read it;" and then the party who sold it, the mortgagor who sold the personal property or the party who bought it of him, says "this consent which I had made in writing I have lost." Now, it is only necessary for them to swear to two lies instead of one to accomplish the same purpose. It seems to me for that reason that the man who will swear that there was consent given when there was none, will certainly swear, if necessary, that the consent was in writing when it was not. And then it is only necessary to say that the writing has been lost. Therefore, it seems to me that on that phase of it, it does not cure any fraud.

What is it looked at from the other side? It is in effect an addition to the statute of frauds. Such statutes are not favored by the court particularly. Some were passed in England and have been brought down to us because they prevented fraud. Instead of promoting fraud they prevented fraud. Now, on the other hand, the mortgagee gives his consent to the sale of personal property. See how it works in the other direction. The mortgagee gives his consent to the sale of personal property. An unsuspecting purchaser buys it in good faith. Then the question comes up; the mortgagee claims his property. The party who has bought it says: "You consented, the mortgagee consented to the sale of this property." The mortgagee replies: "All true, but have you got that ni writing?" "No. I thought you would stand to it. I did not think it was necessary." "Well, I simply plead what is called the statute of frauds and you cannot prevail in court. I can recover this property because you have not my consent in writing."

Now, it not only does not cure fraud, on the one side, because it is only necessary to tell one more lie; but it gives a chance on the other side for the promotion of fraud which does not exist at the present time. To my mind it sets a trap for the unwary which can be taken advantage of by the professional horse trader; and I am fully convinced in thinking it over that instead of preventing fraud on one side, it makes the fraud simply a little more difficult and opens the door for fraud on the other side, and therefore I hope that simply for the general good, not because I have any interest in it or care anything about it, the bill will be indefinitely postponed.

Mr. CAMERON of Bangor: Mr. Speaker, as a business man of considerable many years' experience and experience along the line of this argument and this bill, I have to some extent suffered by the present law in regard to the matter of security, and many business men in this House must have had similar expe-

riences and suffered from the present condition of affairs. It does not apply only to a single horse or cow or pig but sometimes it applies to a whole drove of horses or cows or pigs and other collateral, and a man that is shrewd may swindle you out of the whole job lot if he is an unscrupulous person. The party holding the mortgage has no claim other than to attempt to take the property, and he is perhaps weeks and months in getting it together again, finding it so scattered and so impossible to replevy it that he goes to a very great expense beyond the necessary requirements, and it deprives him of his property and he thereby suffers greatly in his business. I know from experience whereof I speak; and this matter I think is not so serious a matter as the gentleman from Rockland makes it out, he having had no experience himself. But the ordinary business man, where he has to take security and accommodate people with credit and has no other means of securing himself than this collateral security, is frequently put in jeopardy and suffers great loss because he has no redress except in the word of the fellow that gave him the claim. I certainly think that this restriction and this preventative, so to speak, will work to the advantage of every business man and will result in a greater respect for the law among those who are accommodated by the average business man; and I trust the matter will receive consideration and support.

Mr. CAMPBELL of Cherryfield: Mr. Speaker, as a member of the committee on legal affairs which reported unanimously "ought to pass" on this bill, and coming from a section which is infested with horse jockeys probably to a greater extent than any other part of the State of Maine, I believe for the protection of the innocent purchasers and mortgagees that the bill should become a law. Those of us who are country lawyers, who have a good deal to do with horse trading, know that it is a most common thing for a man to travel about with a horse which is mortgaged, and say: "I know this horse is mortgaged but I have consent to sell it," and the horse is sold and the man is unable to replevy the horse if the dishonest horse jockey can successfully maintain that he had that permission. Now, we know that if a mortgaged horse cannot be sold unless with the permission of the mortgagee in writing, if that man has lost the writing it would be a very easy matter for him to get another writing from the mortgagee and put the party on his guard. I know that this practice prevails to such an extent that it should be cured by this Legislature, and I hope the bill will be allowed to pass.

Mr. BARKER of Bangor: Mr. Speaker; I would suggest that the word "horse" does not appear in the bill, that the word "chattel" covers a great many things beside horses, and that this bill is intended to cover mortgages of personal property of a nature otherwise than horses or cows; and that when this vote is taken it be not taken with the sole idea that the

bill is intended to cover horse trades and nothing else, because that is not the case.

The question being on the motion to indefinitely postpone the bill,

The motion was lost.

The bill was then read a second time, and on motion of Mr. Barker of Bangor, the rules were suspended, the bill received its third reading and was passed to be engrossed.

On motion of Mr. Potter of Brunswick, the vote was reconsidered whereby bill, An Act to authorize the town of Brunswick to defray expenses of locating a water supply, was referred to the committee on the judiciary.

Mr. Potter moved that the rules be suspended and that this bill take its three readings at the present time and be passed to be engrossed without reference to a committee.

On motion of Mr. Sewall of Bath, this bill was tabled pending its first reading.

Subsequently Mr. Sewall moved to reconsider the vote whereby the bill was tabled.

The motion was agreed to, and the bill then received its three readings and was passed to be engrossed in concurrence.

On motion of Mr. Pettingill of Rumford, Adjourned.