

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Wednesday, March 1, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Clark of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Clark of Hancock four several petitions favoring constitutional amendment for a tax upon wild lands, were tabled.

“Resolved to amend chapter 194 of the resolves of 1893, relating to industrial exhibits,” came from the House, reported by the Committee on Agriculture “ought to pass.” In the House the report was not accepted, and the bill was recommitted to the Committee on Agriculture. On motion of Mr. Ayer of Kennebec the same was recommitted to the Committee on Agriculture in concurrence.

House Bills Read and Assigned.

An act to amend an act to incorporate the Kennebec Water District.

Resolve in favor of the early York deeds.

An act to extend the charter of the Norridgewock Bridge proprietors, and to authorize the town of Norridgewock to take and purchase the property of the same.

An act relating to the appointment of an inspector of milk and vinegar in the City of Portland.

An act to amend chapter 75 of the special laws of 1876, as amended by chapter 15 of the private and special laws of 1878, entitled an act creating the South Paris Village Corporation.

An act to amend an act to incorporate the Phillips Village Corporation.

An act granting additional powers to the Sebec Power Co.

An act to amend the charter of the George A. Young Co.

An act to legalize the construction and maintenance of a wharf into the tide waters of Casco Bay in the town of Falmouth, Maine.

An act to regulate the licensing of inn-holders and victuallers of the city of Portland.

Resolve in favor of the Castine Normal School.

An act to renew and extend the charter of the Boothbay Harbor Banking Co.

An act to extend the charter of the City Trust Company of Bangor, Maine.

An act to amend and extend the charter of the Sanford Trust Co.

An act to amend section 76 of chapter 48 of the Revised Statutes, relating to loan and building associations.

An act to extend the charter of the Somerset Trust Co.

An act to incorporate the Oxford Trust Co., to be located at Fryeburg, Maine.

An act to incorporate the Lincoln Trust Co., to be located at Lincoln, Maine.

An act to incorporate the Kenduskeag Trust Co., to be located at Bangor, Maine.

An act to incorporate the Newport Trust Co., to be located at Newport, Maine.

An act to incorporate the Belfast Banking Co., to be located at Belfast, Maine.

An act in relation to the lands reserved for public uses in the Plantation of Pleasant Ridge.

Resolve authorizing the land agents to sell certain public lots in St. Francis Plantation in Aroostook county.

Resolve in favor of the re-establishment where necessary of the boundaries of the lots reserved for public uses in the several plantations and unincorporated places.

Resolve in favor of repairing bridge across the St. Croix river near Squirrel Pond in Baileyville.

An act to prohibit fishing in the tributaries to Little Sebago Lake in Gray, Raymond, and Windham, Cumberland county.

An act for the protection of gray squirrels upon a certain territory in Fryeburg, Oxford county.

An act to regulate fishing in Marble Brook, Marble Pond, Chase Brook, or Blackstone Brook, in Piscataquis county, and Bolt Brook in Somerset county.

An act to prohibit ice fishing in Hancock Pond in the town of Embden and

plantation of Lexington, Somerset county.

An act to regulate fishing in Lake Webb, Franklin county.

An act to permit ice fishing in Half Moon Pond, in the county of Oxford, and to permit fishing for pickerel through the ice in Jenne Pond, so called, in Mexico and Carthage, partly in Oxford and partly in Franklin counties.

An act to prohibit fishing in Branch and Meadow Brooks, in Thomaston and Rockland.

An act to regulate fishing in South Boundary Pond, Little Northwest Pond, Massachusetts Bog, in Franklin county.

An act to prohibit ice fishing in Narraguagus Lake, so-called, in Hancock county.

An act authorizing the codification of the sea and shore fisheries laws. On motion by Mr. Tupper of Lincoln this bill, together with the report of the Committee on Sea and Shore Fisheries, "ought to pass," was tabled.

Mr. SIMPSON of York: Mr. President, I would like to ask the gentleman from Lincoln if he will assign a day when he will take this from the table.

Mr. TUPPER of Lincoln: Mr. President, I think I shall be able to take this from the table tomorrow. I want to find out how this was reported. I was not aware that any hearing had ever been had on this bill.

The bill was assigned for tomorrow for consideration.

An act to amend section 50 of chapter 41 of the Revised Statutes, relating to the alewife fishery in the Pemaquid river.

Resolve in favor of the town of Machias.

An act to amend the charter of the city of Rockland.

Mr. STAPLES of Knox: Mr. President, is that the bill amending the city charter of Rockland, in regard to abolishing the common council?

The PRESIDENT: The Chair is unable to inform the Senator whether the bill relates to abolishing the common council or to something else, without reading it through.

Mr. STAPLES of Knox: Mr. Presi-

dent, I understand that is an act to abolish the common council of the city of Rockland; and as they have their election next Monday, and it is to be submitted to the people, I move the bill take its two several readings at the present time and passed to be engrossed, under suspension of the rules.

The motion prevailed, the bill took its several readings, and was passed to be engrossed.

"Resolve to resubmit the fifth amendment to the constitution, relative to the manufacture and sale of intoxicating liquors" came from the House accompanied by a majority report of the committee on temperance that the same "ought not to pass," signed by Messrs. Pike and Brown on the part of the Senate, and Messrs. Downs, Hutchings, Irving, and Howes on the part of the House; also by a minority report of the same committee, that the same "ought to pass"—signed by Messrs. O'Brien and Leighton.

Mr. Pike of Washington thereupon moved that the majority report of the committee be accepted.

Mr. Staples of Knox moved that both reports lie upon the table, pending the motion of the Senator from Washington.

Mr. PIKE of Washington: Mr. President, what day will the Senator from Knox assign?

Mr. STAPLES of Knox: Mr. President, I see that a number of matters are assigned for this week. I desire to take the matter up at the earliest possible moment, and I would suggest, if agreeable, Friday of this week.

Friday assigned.

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

Mr. MORSE of Waldo: Mr. President, I desire to present a matter here out of order, which has recently come to my attention. It is a pension matter. The claimant is the widow of a soldier. She was married since the passage of the Act of June 27, 1890, the law passed by Congress, so she is not entitled to any status before the pension office under that law. This soldier was pensioned for diseased eyes, and finally became entirely blind, from that or some other cause. Conse-

quently, under the Act of July 14, 1892, what is termed the general pension law of the United States, he is not entitled, under that Act or any other Act of Congress to a pension. There may, however, be something passed by Congress to meet these cases in the near future; and I apprehend there may be, because it would otherwise leave out a class which in many instances is very deserving. This widow has three children under ten years of age. She is left without any support whatever, except her own manual labor, and I ask leave to introduce this matter, namely, "resolve in favor of Ida Yeaton, widow of John Yeaton, late of the 3d Maine Battery," and I move that it be referred to the committee on pensions.

Thereupon on motion of Mr. Morse of Waldo, the rules were suspended, the resolve was received and referred to the committee on pensions.

Mr. Simpson of York under suspension of the rules presented bill, an act to change the name of the Dover Gas Light Co., and on his further motion the same was referred to the committee on judiciary.

Mr. Staples of Knox introduced five remonstrances against the sale of trading stamps, as follows:

Remonstrance of C. E. and F. A. Hovey and 41 others of Waldoboro;

Remonstrance of M. C. Oliver and 23 others of Rockland;

Remonstrance of L. W. McAdam and 65 others of Solon;

Remonstrance of Bean Brothers and 21 others of Portland;

Remonstrance of E. C. Nicho's and 15 others of Bangor.

Which were received, and on further motion of the same Senator were referred to the committee on legal affairs.

Mr. Brown of Kennebec under suspension of the rules introduced the following:

Resolve in favor of the town of West Gardiner, appropriating the sum of \$50 to be paid the town of West Gardiner on account of money expended for roads for the year 1903;

Resolve in favor of the town of Wayne, appropriating the sum of \$50 to that town;

Resolve in favor of the town of Litchfield, appropriating the sum of \$50;

Resolve in favor of the town of China, appropriating \$100;

Resolve in favor of the town of Chelsea; appropriating \$50;

Resolve in favor of the town of Farmingdale, appropriating \$100;

Resolve in favor of the town of Vienna, appropriating \$50;

Resolve in favor of the town of Vassalboro appropriating \$100.

Which were received, and on further motion by the same Senator were referred to the committee on claims.

The same Senator presented petition of A. E. White and 31 others, citizens of Wayne, in favor of an act for the proper labelling of proprietary medicines; on further motion by the same Senator the same was referred to the committee on temperance.

Mr. Futnam of Aroostook presented petition of J. O. Ford and others of Houlton in favor of the proper labelling of proprietary medicines; and on further motion by the same Senator the same was referred to the committee on temperance.

Mr. Sturgis of Cumberland presented petition of Elmer H. Libby and four others of Gorham, asking for the proper labelling of proprietary medicines containing narcotic drugs or alcohol; and on further motion by the same Senator the same was referred to the committee on temperance.

Mr. Shackford of Washington presented petition of Winnifred E. Fletcher and 19 others for same.

Also petition of A. G. Godfrey and 39 others of Addison for same; and upon his further motion the same were referred to the committee on temperance.

Mr. Fierce of Aroostook presented petition of C. F. Marston for same.

Also petition of J. M. Jamison and one other for same; and on his motion the same were referred to the committee on temperance.

Mr. Fetter of Cumberland presented petition of Windham Congregational church for same, and on his motion the same was referred to the committee on temperance.

Mr. Plummer of Androscoggin presented petition of citizens of Mechanic Falls in favor of the same; and on his motion the same was referred to the committee on temperance.

Mr. Irving of Aroostook presented petition of Joe Brassett and 48 others, relative to the same, and on his motion the same was referred to the committee on temperance.

Mr. Bailey of Somerset, presented petition of G. A. Savage and 60 others of Fairfield, for the same, and on his motion the same was referred to the committee on temperance.

Mr. Simpson of York, presented petition of P. E. Dupont, rector of St. Joseph's church of Biddeford, in favor of same; and on his motion the same was referred to the committee on temperance.

Mr. Plummer of Androscoggin, presented bill, "An Act to authorize the town of Mechanic Falls to acquire certain property and rights of the Mechanic Falls Manufacturing Co.," which was received under suspension of the rules, and on his further motion referred to the committee on judiciary.

Mr. Bailey of Somerset, presented petition of William R. Elliott and 16 others of Skowhegan for initiative and referendum; and on motion by the same senator the same was referred to the committee on judiciary.

Mr. Bailey of Somerset, presented petition of Robert G. Henderson and 16 others of Madison for same; and on his motion the same was referred to the same committee.

Mr. Morse of Waldo, under suspension of the rules, presented bill, "An Act for the protection of fishing in Dead, Bailey, Levenseller brooks in the towns of Brooks and Waldo in the county of Waldo;" and on further motion by the same senator the same was referred to the committee on inland fisheries and game.

Reports of Committees.

Mr. Simpson for the committee on appropriations and financial affairs, on "Resolve in favor of Fred J. Allen" reported same "ought to pass." Report accepted.

The same senator for the same committee on "Resolve in favor of I. K. Stetson" reported same "ought to pass." Report accepted.

Mr. Knowlton for the committee on banks and banking on bill "An Act to in-

corporate the Mt. Desert Trust Co., to be located at Bar Harbor, with branch at Southwest Harbor, Maine," reported same "ought to pass." Report accepted.

Mr. Sturgis for the committee on interior waters on "Resolve in aid of navigation of Moosehead Lake," reported same "ought to pass." Report accepted.

Mr. Shaw for the committee on interior waters on "Resolve in aid of navigation on Schoodic Grand lake," reported same "ought to pass." Report accepted.

Passed to be Engrossed.

An Act to regulate the sale of milk and cream.

An Act to authorize Joseph Long to build and maintain a tollbridge for foot passengers across the St. John river at or near Ft. Kent, and to build and maintain piers and abutments for supporting said bridge.

An Act to amend Section 1 of Chapter 274 of the Private and Special Laws of 1901, relating to the maintenance of piers and booms on the St. John river in the town of Grand Isle.

An Act granting Belonie Hebert and sons the right to erect and maintain piers and booms on the St. John river in the town of Madawaska.

An Act to regulate the sale of imitation dairy products.

An Act regulating the duties of the commissioner of agriculture, relating to the manufacture and sale of dairy products and their imitations.

An Act to authorize the Sebec Lake Lumber Co., its successors or assigns, to maintain a wharf and boom at Sebec lake.

An Act to amend Section 25 of Chapter 114 of the Revised Statutes relating to the relief of poor debtors.

An Act to incorporate the Farmington Society for the Prevention of Cruelty to Animals.

An Act to incorporate the president and trustees of the Farmington Home for Aged People.

An Act to amend Chapter 242 of the Private and Special Laws of 1895, entitled "An Act to incorporate the city of South Portland."

An Act relating to the prevention, control and extinguishment of forest fires in plantations and unorganized townships.

Mr. SHACKFORD of Washington:
Mr. President: I desire to offer an

amendment to the foregoing bill and would like to make an explanation of the same. You will notice in Section 4, lines 18 and 19, that the warden "may summon to their assistance citizens of any county in which said fire may be." It ought to be so that assistance may be summoned from anywhere, or from the nearest points, whether in the same county or not.

There are numerous townships of wild land where people are living very near the line, yet in another county. If you will look at the map you will see that townships numbers 10, 16, 22, 28 34 and 35 border the east line of Hancock county, while the inhabitants of quite a part of Cherryfield and all of Deblois and Beddington are within from one to two or three miles of the line, and yet are in another county; while the nearest inhabitants of these lands living in the same county are from six to 20 or more miles away, with very little communication, while Beddington and Deblois are connected with Cherryfield by telephone. All of the above named townships will be practically without protection if they are confined to the county where the fire may be, for help when the warden is obliged to send a summons. I therefore desire to amend by striking out in the 19 line of Section 4 the words: "in which said fire may be," so that it will read: "May summon to their assistance the citizens of any county"; and I move the adoption of such amendment.

The motion prevailed, the amendment was adopted, and the bill as amended was passed to be engrossed.

An Act to enlarge the corporate rights of the Piscataquis Woolen Co. to do electric lighting.

Finally Passed.

Resolve authorizing the land agent to sell certain public lots in Wallagrass plantation and Eagle Lake plantation Aroostook county.

Orders of the Day.

On motion by Mr. Allen of York, table document No. 17, "Report, committee on judiciary, ought not to pass, on bill to repeal Sections 14-26, Chapter 29, Revised Statutes, relating to appointment of State liquor commissioner," was taken from the table.

Mr. ALLEN: Mr. President, I move that the report of the committee be accepted.

The PRESIDENT: I will state to the senator from York that this bill was tabled by the senator from Knox, Senator Staples, and is it with his consent that the bill is taken from the table?

Mr. STAPLES of Knox: Mr. President, it is not with my consent.

Mr. ALLEN. Mr. President, I will say that I have not consulted the senator from Knox. He agreed to have this bill assigned, last Friday, for some day this week. I spoke with him, on Monday, and he agreed to have it assigned the next morning for some day certain. I desire to have the matter disposed of, as this is a unanimous report of the committee.

Mr. STAPLES: Mr. President, I do not know why the senator should be so anxious to have this matter disposed of. I resent somewhat the discourtesy of having this bill taken from the table and if I may I will give my reasons: Why the gentleman is so anxious to have it taken from the table at this time—I said to him that I would dispose of that matter, this week; I will keep my word. I will have it assigned for next Friday. I hope that I never shall treat any senator in this body with a discourtesy such as this, coming as it does from the senator from York, with his high standard, aspiring as he does to the great office of President of this Senate, in taking a bill from the table, out of the hands of a member of the Senate who honestly put it upon the table and who stated that he would take it from the table, this week.

The PRESIDENT: The bill has been taken from the table by the action of the Senate.

Mr. ALLEN: Mr. President, I desire to say that I do not know why any political aspirations I may have should have anything to do with this matter; and so far as senatorial courtesy is concerned, I wish to say that I think we have extended senatorial courtesy in abundance to the Senator from Knox.

I want to state to the Senate that this bill was introduced by the Sena-

tor from Knox early in this session. It was referred to the Committee on Judiciary. At his request the assignment has been changed twice, and extended to accommodate him, and then he came before the committee and asked for a further extension of time of one week. The committee felt that, in view of the large amount of business before the committee, that the matter should be taken up at that time, and Brother Staples proceeded to discuss the matter before the committee, winding up with the charge that there was more graft connected with the office of State Liquor Commissioner than any other State official; and he made the statement that if he could have a continuance for one week he would prove it. No sooner had the words fallen from his lips than that request was granted, and the matter was continued until Tuesday of last week. The State Liquor Commissioner was present at the hearing, at the request of the committee, not at the request of the Senator from Knox; but at the request of the committee he brought before that committee the books, bank accounts, checks, and everything pertaining to the office since he had been its incumbent.

The appointed time for the hearing arrived. A messenger was sent to Brother Staples to come before the committee to take up the subject matter of the bill. He failed to appear, whereupon the committee voted unanimously to request the chairman to send a written notice to him, asking him to come before the committee; which was done but he failed to come. While the committee was in session for some time afterwards we failed to hear from Senator Staples in any way, shape or manner; and the following morning the committee reported "ought not to pass" upon this bill. That was last Wednesday morning. It was then tabled by the Senator from Knox, and the Senate very well remembers that I asked him at that time to assign some definite date for the discussion of that matter, and he then told this Senate that he would take the matter up on Friday and assign it for some time this week. He failed to do it. I spoke to him

on Monday afternoon, thinking he might possibly have forgotten it, and he said: "I will take it up tomorrow morning," (yesterday). I went to him yesterday morning, and he said, "I am in no hurry about this matter, and want it to lay on the table awhile."

There are the facts, Mr. President and gentlemen. We have a large amount of business in this Senate. I have no disposition to white-wash anything. The Senator has had all the courtesies due any senator; and I believe if you are ever going to adjourn this session we should attend to the business as it comes along. This report of the committee is unanimous. He has had full opportunity to be heard, and I insist upon my motion that the report of the committee be accepted.

Mr. STAPLES: Mr. President; I did come before that committee and argued the question of the abolishment of the office of State Liquor Commissioner. During that time there was an appointment of a special committee to investigate the office. I then went before the committee and said that I would not present any witnesses before the Committee on Judiciary, because of the fact that there was a special committee appointed to investigate this matter. They did not see fit to give me the courtesy of a continuance. I gave to the chairman of the Judiciary Committee a list of ten men that I wanted him to summon before that committee. I had no power to summon them; they had—if not, they could get it. He had the names of ten men that I wanted to appear before that committee, and when I found that they would not present them before that committee I did not appear before that committee, because I did not think it was any use. I believed that the matter should subside until the investigating committee, which controlled, should have a hearing upon this matter. I told the Senator that I would take this matter up. I will do it next Friday; and I ask the Senate to let it remain upon the table until that time.

Mr. ALLEN. Mr. President, I desire to state further that brother Staples, and I think he will admit it, is mistaken when he says he handed me a

list of ten witnesses, and desired the chairman of the committee to summons them before that committee. He did not do anything of the kind. This matter was assigned for Tuesday afternoon of last week. Tuesday morning while this Senate was in session, with the paper which I hold in my hand, containing a list of ten witnesses, he went to the chairman of the special committee, Senator Curtis of Cumberland,—and he is here to back me up,—and told him that he had decided that he would not appear before the Judiciary committee for certain reasons which he stated; and if I am wrong I want Senator Curtis to correct me. Senator Staples gave him this list, and asked him to summon these witnesses before the special committee. Senator Curtis handed me the list which he received from Senator Staples last Tuesday forenoon. In the interim between that time and two o'clock on Tuesday afternoon, having possession of that list, and seeing the first man on the list, W. R. Hunnewell of Pittsfield, here in the State House, I went to him in regard to the matter; Why! he says "Yes, I have been sent for by Senator Staples, and have come down here in regard to this matter, to appear here, today, before the Committee." "I have explained to Senator Staples that I knew of nothing connected with this office that was crooked, or by which the Commissioner was guilty of any graft, or anything of the kind, explaining the situation to him. He said Senator Staples told him he could go home; that he would not need him.

Looking down the list, A. M. Goddard of Augusta, was another witness. I saw him sitting in the window of this chamber during the session, a few minutes after this list was handed to me, and I consulted Mr. Goddard in regard to the matter; and he said that he had been consulted by Senator Staples, and that the only grievance that he had was something that had happened ten years ago in this city, when a city liquor agent had been doing some things which he ought not to do, which was something entirely beyond the control of the Commissioner; and I asked him if he knew anything

since that time in connection with the office of State Liquor Commissioner, that was suspicious or entitled to criticism, and he said he did not; and he stated that he had so notified the Senator from Knox.

I also saw in the State House C. S. Whitney, and he corroborated substantially what Mr. Hunnewell said, although he said he had not been sent for, but learning there was a hearing he came here.

Now I submit that the Senator has had full opportunity to be heard. He has sent for some witnesses to come here, and if they told me the truth he has learned from those witnesses that there was nothing connected with this office that was out of the way; and he dismissed Mr. Hunnewell, as he told me; and I submit that he has had all the opportunity that he needs for an investigation.

Mr. STAPLES of Knox: Mr. President, I dislike to differ from the senator from York. I gave the senator from Cumberland a list, and I gave the senator from York at the same time a list. It is the first time in my life, and I have practiced law for quite a number of years, that I ever knew a juror, who was to sit upon a case, to go round to find out what witnesses are going to testify to. It seems that the senator from York has acted as attorney for the State liquor commissioner. Now I don't want to discuss this matter of the State liquor commissioner. I only want fairness in the matter. I do not think I shall at this stage of the proceedings, or at any other stage, discuss the question after what I have seen of the manipulations of this matter of the liquor commissioner. I do not think I shall care to discuss it.

Mr. THOMPSON of the House: Mr. President: I have been instructed by the House to ask the Senate to return to the House Senate document 99.

The PRESIDENT: The Senate received this message.

Mr. STAPLES (continuing): Therefore, Mr. President, I ask that this be assigned for final disposition on next Friday.

The PRESIDENT: Do I understand that the senator from Knox makes a motion to lay this bill upon the table, and that

a special day be assigned for it?

Mr. STAPLES: I do, Mr. President.

The PRESIDENT: The motion of the senator from Knox takes precedence of the motion of the senator from York.

The question being put, upon the motion of the senator from Knox that the bill be tabled, and that Friday of this week be assigned for its consideration, the motion was lost.

The motion of the senator from York, Mr. Allen, that the report from the committee on judiciary, "ought not to pass," be accepted, the report of the committee was accepted.

Mr. ALLEN of York: Now, Mr. President, there is another matter which I wish to call to the attention of the Senate, namely, table document No. 12, the same being unanimous report of the special committee appointed by this Legislature to investigate the office of State liquor commissioner. The report, I believe, states fully the reasons of the committee for reporting as they did.

The PRESIDENT: The report, "Committee of investigation of office of State liquor commission," table document No. 12, tabled Feb. 26 by the senator from Knox, Senator Staples, pending acceptance of the report. Does the senator from Knox agree to take the same from the table?

Mr. STAPLES of Knox: Yes, Mr. President.

Thereupon, on motion by Mr. Staples of Knox, table document No. 12 was taken from the table.

The question being upon the adoption of the report of the committee, that it is inexpedient to proceed further, the same was adopted.

On motion by Mr. Clark of Hancock, Senate document No. 99, "An Act to amend Sections 100 and 102 of Chapter 23 of the Revised Statutes, relating to State roads," was taken from the table.

On further motion by the same senator the Senate complied with the request of the House, and returned the bill to that body.

The PRESIDENT: There was assigned for consideration, today, majority report "ought to pass" and minority report "ought not to pass," on bill providing penalties for nonfeasance of duty by sheriffs and county attorneys, the same being House document No. 151, tabled Feb. 21 by the senator from Knox, Mr. Staples.

On motion by Mr. Staples of Knox, the foregoing were taken from the table.

The PRESIDENT: What motion does the senator from Knox make?

Mr. STAPLES of Knox: Mr. President, I do not know, after this vote by the Senate a few moments ago, whether I am in order at any time to address this Senate upon any question.

The PRESIDENT: The senator is not in order, unless upon a pending motion.

Mr. STAPLES: I am going to move, Mr. President, that the minority report that is filed be substituted for the majority report.

The PRESIDENT: Then you should make a motion to that effect.

Mr. STAPLES: I will do so now.

The motion was thereupon put.

Mr. STAPLES of Knox: Mr. President, we have heard a good deal about "frenzied finance" within the last few months, but it don't begin with what we are hearing today about frenzied prohibition. In all my experience, covering a number of years, it seems to me that everybody who has any political aspirations in the State of Maine is trying to outdo others to see how strong and how strenuous he can originate measures for the enforcement of the prohibitory liquor law.

I speak upon this matter, Mr. President, as a temperance man. I speak upon it in the interests of temperance, and in order that the bill may be strictly understood I desire to read from it. "Any sheriff, deputy sheriff or county attorney, who shall wilfully or corruptly refuse or neglect to perform any of the duties required by this section shall be punished by a fine not exceeding \$1000. or by imprisonment not exceeding one year." That is a pretty strenuous section—to imprison a sheriff or a county attorney for non-enforcement, or for the willful and corrupt dereliction of duty in regard to the enforcement of that law. I believe that every sheriff in the whole State is will to do his duty. I believe it is an insult to every county attorney and to every sheriff to place them at the mercy of some temperance crank, or some political enemy—because, it can be done in this way.

Take Sagadahoc county: somebody down there may believe that that grand old man who has been sheriff of

Sagadahoc for 27 years, is not doing his duty; has not found some place upon some street where they are selling liquor. Some irresponsible person, who does not, perhaps, pay more than a poll-tax, may go before a municipal judge or a trial justice and take out a warrant. He will be bound to if they find probable cause that he has not done his duty.

Do you suppose, if you pass this bill, that you can get any respectable man to take the office of sheriff in the State of Maine. I do not believe it; because you will find that there is no sheriff or county attorney—there never was and never will be—who can suppress the liquor traffic in the State of Maine.

Take Kennebec county: I heard a man upon the floor of this Senate complain that there was a place in Hallowell where liquor was sold, and that the officers did not do their duty; when, at the same time, they knew that the sheriff and county attorney of Kennebec county had enforced the laws as well as they could be enforced, and that no respectable person would find fault with him; yet that county attorney might be subject to a fine of a \$1000, or for imprisonment for not less than one year if he had not seen fit to find out that that man down there might be selling liquor.

All law is inherent in the people. If Cumberland county—and I understand that this bill is framed for the purpose of striking at that accomplished sheriff, Sheriff Pennell of Cumberland county, and for no other man—the judges of the municipal courts of your various cities, the city marshals, the deputy marshals, the policemen, should have been included in this bill as much as the sheriffs, the deputy sheriffs, and the county attorneys, who are you going to find to enforce this bill? Supposing, down in my county, somebody complains that the county attorney has not done his duty, and who, if this bill passes, will be indicted by the grand jury of Knox county—the bill would be imperative, because there is no provision in that bill as to who could proceed before a grand jury to indict a county attorney. Too much law is as bad as too little law. You have got the law upon your statute books today in

regard to this matter, and I have noticed that when these men came before the committees, and undertook to put in these laws, that not one of these men ever made a complaint in regard to the statutes we have now against the sale of intoxicating liquors. You have upon that very statute law enough to enforce the prohibitory liquor law as far as you can enforce it by law. You cannot enforce the prohibitory liquor law anywhere unless public sentiment stands behind it. In Cumberland county, if that county votes to enforce the prohibitory law, you can have it enforced if you have public sentiment behind it.

Are you going to take the sheriff of Sagadahoc county—a man who has always done his duty—one of the grand men of the State of Maine—a man who has had the confidence of the people of that county for 37 years, on the word of some poll-tax payer, some temperance crank, who shall say there are places on this street where liquor is sold, and the sheriff knows it, and who goes before a grand jury, or who goes before the trial justice of the municipal court, and takes out a warrant, and binds that man over to the grand jury?

Is that a law inherent in the people?—do you want such a law as that upon the statute book?—that in any city in the State of Maine if they want to have a law enforced, that all they have got to do is to go before the mayor and alderman and make a complaint, and then, if the city marshal does not enforce it—or his deputy sheriff does not enforce it—that he is liable to a fine? What more law do you want than that?

I notice one thing in all these discussions before the committees, that men came in before the committees and say we are in favor of a strenuous enforcement of the prohibitory law—men who have lived 40 years in the city of Portland, and who have never once made a complaint against anybody for the sale of intoxicating liquors?

No!—they want to make themselves popular!—by getting laws upon the statute books. If you want the law enforced in your cities, why, then, make a complaint, as you say to me, there is

no sheriff in the State of Maine but what will do his duty.

They are all honorable men; so are the county attorneys, and it is an insult to them to say that the sheriffs of the several counties will not perform their duty. A sheriff gives bonds for \$40,000.

I believe in the inherent right of the people, and the time may come when if you put more laws on the statute book in regard to the sale of intoxicating liquors they cannot enforce it at all, because you are making it today so ridiculous that it disgusts the people and they will not enforce it.

Why, there was a law upon the statute book last year that whenever in any county the law was not enforced, then the people elected a man they believed would enforce it in some counties and vice versa in others. If the county of Cumberland wants to put all the stress and power of the law upon the enforcement of the prohibitory liquor law, then in heaven's name why don't you, according to the platform of the Republican party, elect a man upon that platform that is a crank—and Pearson was a crank upon the matter in Cumberland county, but he did not prohibit it in Cumberland county, as everyone knows.

Consistency in this matter! Why, we had a Democratic sheriff, Mr. President, elected in your county; and nobody will say but what he enforced the law as well as it was ever enforced by any sheriff in the State of Maine; but what did they do when it came around to the election to show their hypocrisy? He was buried, and somebody else was elected.

Now, if the county of Cumberland, or the county of Knox, or the county of Lincoln, or the county of Sagadahoc, were concerned, if the man did not do his duty as a public servant, where is your remedy as given by the constitution and the law of the land? It is, turn them out of office and put in somebody else that will.

But are you going to subject that man? Why, no respectable man could hold office under the law by this bill, because he would be subjected to fines and imprisonment. That is not the worst part of it, but he would be subject to every crank, and I think there are some pretty strong temperance cranks in the prohibition party—so much so that no man would be safe to leave it to the people, and if the people of my county want to elect a prohibition sheriff, why, let them do it, if public sentiment justifies it. But shall we put upon the statute book another law like this which would be inoperative? It could not be enforced because it would be so ridiculous that nobody would enforce it. Who is going down to the county where Senator Shaw lives and undertake to say that John Ballou, the sheriff who stands second to none—it is an insult to him to say that he has in the 27 years that he has been sheriff of Sagadahoc county ever corruptly and dishonorably refused to perform his duty. He will upon every precept he has put in his

hand, perform it to the satisfaction of everybody who gives him that precept. I do not believe it is any of the duty of the sheriff of any county to spend all of his time—what would you say, Mr. President, if you were to make this law applicable to larceny, or anything of that kind—all other matters, I know, at this session of the Legislature sink into insignificance as compared with the prohibitory liquor law; that is the main thing upon which we are working at this session. Nothing else of any importance is to be done at all—and we must do something in regard to this prohibitory liquor law, which seems to be the platform of success; that no man can be successful in the Republican party, at least, as long as he is proclaimed from the housetops that he is in favor of strenuous enforcement of the prohibitory liquor law, and at the same time does not enforce it.

If you are honestly in favor of it, then make a complaint before the proper authorities, and you know—and I know—that if you mean business in the matter you can shut up some places wherever they may be found.

Now, Mr. President, if you and the Senate will examine this bill you will find that the county attorney of the county, if summoned, says—I do not think the county attorney of my county, for instance, is doing his duty—somebody goes to a trial justice of a municipal court and makes complaint against him, and he is bound over to the grand jury, do you think that that grand jury, as to every county attorney in the State, as far as I know, if they have done their duty, would listen to such a complaint as that? Who is going to prosecute a case before a grand jury? There is no provision in this bill at all. Are you going to send for the attorney general of the State to come down into your county to usurp the rights of the county attorney? Is that a republican form of government? Is that the right inherent in the people? Whither are we drifting! Whither are we drifting today in this matter? And when you take from the people the rights to govern their own matters in their own way, then you will no longer have a republican form of government.

I am somewhat surprised, in view of the statutes, and I take it for granted that every senator within the sound of my voice knows what the prohibitory law is, and what its different enactments are upon the statute books—will you tell me, either one of you, that there is not all the law that you want today? Can you have it more strenuous than the law upon the statute books which you have? It is possible you want to make it more ridiculous by attacking the sheriffs of the counties, who from the first year the State was formed were all honorable men—Are you going to say to them that they shall be at the mercy of some man—some temperance crank, or some political enemy? I do not believe, Mr. President, that you intend to do any such thing, and for that reason I ask that the motion prevail, and I further ask that when the vote be taken it be by a yea and nay vote.

Mr. PIERCE of Aroostook: Mr. President, I did not intend to say anything upon this matter at this time. I do not feel that it is necessary to answer the rambling remarks of the senator from Knox; but fearing lest the members of the Senate may have a misconception of the intention of the bill, from the explanations which the senator from Knox has tried to give you, I will briefly show to the Senate how the committee on legal affairs looked into this matter and the conclusions they came to.

In the first place, let me say that hearing was had on the matter, and that no county attorney or sheriff appeared before the committee to oppose the bill; and after a full and fair consideration by the committee our friend from Knox was the only man who saw fit to file or sign a minority report.

Now I believe in the inherent rights of the people, and I am willing to trust our people. I am afraid that I might be led into answering some of the remarks made by our friend the senator from Knox, so that I will withdraw any intention that I might have and merely confine myself to the bill in question. There has been passed a law requiring that our officers shall diligently and faithfully perform their duties and prosecute the laws which are upon the statute books for all crimes committed. Now this bill merely fixes the penalty upon officers elected by the people, who intrust in those officers the enforcement of all laws—not only the prohibitory law, but all laws upon the statute books.

My brother Staples has picked out the prohibitory law alone. This law applies to all laws in the same manner that it does to the prohibitory law; and if he will carefully read that section he will see that the others are all there.

The law says: "Any sheriff, deputy sheriff or county attorney who wilfully or corruptly refuses to execute or to perform any of the duties required by this section shall be punished by a fine not exceeding \$1000, or by imprisonment not exceeding one year."

Is there anything unreasonable in the protection of our people—in the protection of the citizens of the State of Maine—in imposing this penalty upon an officer who wilfully and corruptly refuses to do his duty? If there be any such officers elected in the several counties of the State of Maine I tremble for the safety of the people, and I trust, gentlemen, that you will look upon this matter with fair consideration; and as the time is short I will not take up any more of your time, because I know that you are all intelligent enough, and fair enough to look upon this matter not in a political sense, but in the general light of the best enforcement of all laws as they be upon our statute books.

The question being upon the motion of the senator from Knox, Mr. Staples, to substitute the minority report for the majority report, the yeas and nays were called for and ordered.

The vote being had was declared as follows: Those voting Yea were Messrs. Curtis, Philoon, Staples and Tupper (4). Those voting Nay were Messrs. Allen,

Ayer, Bailey, Brown, Clark, Furbish, Irving, Morse, Owen, Pierce, Pike, Plummer, Potter, Putnam, Shackford, Shaw, Simpson, Stetson, Sturgis, Tartre (20).

So the motion to substitute the minority for the majority report was lost.

On motion by Mr. Pierce of Aroostook, the majority report was accepted.

The PRESIDENT: There was assigned for consideration the report of the committee on salaries "ought to pass" on bill to increase the salary of the Governor, table document No. 14, tabled Feb. 22 by Senator Staples of Knox. The question is upon the acceptance of the report.

On motion by Senator Staples of Knox, the bill was taken from the table, and the same senator moved that the report of the committee be not accepted.

Mr. STAPLES: Mr. President: I regret very much that I feel it my duty to oppose the increase of salary of the Governor of the State of Maine, or of any other officer. I never have, and I never will as long as I am a member of this body, vote to increase the salary of any officer, unless we can have in the State of Maine equal taxation of all the property.

During this session of the Legislature whenever any movement has been made for equalization of taxation that movement has been voted down by the Legislature of the State of Maine. The taxpayers of this State are not in favor of increasing any man's salary today. I have nothing but the kindest words to say of the present Governor of the State of Maine. He comes from my same county. He is an accomplished gentleman, and while I oppose his salary, I must say that he is a man for whom I have the most profound respect; but now, when the burden of taxation is resting upon a few people, and when the large taxpayers are exempt, it is not a time when we should increase the salary of any officer, whoever he may be, and whatever standing he may have or office he may hold.

I am told that the sum of \$2000 which he now receives is inadequate. Why, there is not much required of the Governor of the State of Maine by the people today. No burden is put upon the Governor to increase the revenue of the State. He need not pay any attention to the charitable institutions of the State, such as that of the feeble-minded, whereby the people may be benefited. That is no burden put upon the Governor of the State in your platform today. All that is required of a Republican Governor today, all that is required of him today is that he shall be an adept in the making of speeches in favor of the prohibition party. That is all that is required of the Governor today in the State of Maine. If he will do that he will meet the requirements of the platform that was made in Bangor last year.

I was amused by a statement of a senator the other day that our platform demands it. Why, my friends, the Republican party have resolved in favor of an enforcement of the prohibitory liquor law, in just the same words that they did last year, and you know that; and after 40 years of proclaiming it in their platform, they have put in the most strenuous laws

this year that were ever known since God made the world, which is a confession that for 49 years you have carried out your platform. That is a fact, and you cannot get over it. And it will be 49 years more before you can do it.

Mr. STETSON of Penobscot: Mr. President, I would like to understand on what question the senator from Knox is speaking.

Mr. STAPLES of Knox: You will understand pretty quick.

Mr. STETSON: I would like to have the senator from Knox come down to argument germane to the question.

Mr. STAPLES: I will do it.

Mr. STETSON: I know you will do it. I know you do not like what I said.

The PRESIDENT: The senator from Knox will confine himself to the question—

Mr. STAPLES: Mr. President, I—

The PRESIDENT: Will the senator from Knox allow the Chair to state what he has to say?

Mr. STAPLES: Certainly. Mr. President, that is just what I am doing. I am showing why the salary of the office of Governor should not be raised. When the resolve was put in here before the committee I was—

The PRESIDENT: The Senate will be in order while the Senator from Knox is addressing the Senate.

Mr. STAPLES: I was amused somewhat the other day when this gentleman introduced this matter before the committee on salaries, and the reason that he gave why salaries should be raised. "Why," he said, "it will bring to the gubernatorial chair our best men." Do you undertake to tell me that you have any more capable men today than the line of Governors has been in the past—Kent, Morrill, Dingley, and that class of men, who were content to serve the State of Maine, and who have served it as well and with as much ability as has any man who ever sat in the gubernatorial chair. They were content upon a small salary to perform the duties of Governor, and they had more to do than it called for today.

Now, my friends, do you suppose that the question of salary entered into the question of who was to be a candidate for governor last year? I understand that two years from now, and four years from now, men are picked out for Governors of Maine, and do not you suppose they will be willing to take the position for \$2000 a year? Yes; they would give \$2000 for the position, I have not any doubt.

Now this is not selfish on my part. I believe that \$2000 is enough. I believe it is all we should pay. I believe it is not fair to the taxpayers when we have unequal taxation, as we have in the State of Maine, to increase any man's salary. I expect in the near future that we shall have Democratic Governors in the State of Maine. I know that they will be willing to take it for \$2000 a year. I have not much more to say in regard to this matter. I do not oppose it because the present Governor is a Republican Governor. I would oppose it just the same if he were a Democratic Governor. I do not

believe, and never have since I have been a member of this body, in, nor have I ever favored an increase of salary, because of the unequal taxation in the State of Maine.

The taxpayers do not believe in it, and if you vote to increase the salary of any officer in the State of Maine we must appeal from you to the people.

Mr. STETSON of Penobscot: Mr. President, as chairman of the committee on salaries I desire to say a few words directly in application to the pending bill.

As preliminary I will say the Governor, nor anyone connected with the Governor, had no conception that the committee on salaries intended to put in such a bill at this session. This committee are at the present time, as you know, revising a bill with relation to the salaries of State and county officials, and we realize that there might in some cases necessarily be a small increase. The Governor's salary came under discussion at the same time and we all realized, as I believe that every senator here does, that the office of Governor is the highest in the State of Maine. It is an office of responsibility; an office of dignity; an office that every taxpayer in the State wants to see filled by the best man we can get, irrespective of salary. I agree with my brother, the senator from Knox, whether \$2000 or \$3000 will not affect the man who is a candidate to the office.

But as a citizen of the State of Maine—as a taxpayer of the State of Maine, I feel that we should recognize that in the office of the chief executive of the State we do an honor to ourselves when we place the salary at the low figure of \$3000, being only \$1000 in excess of his present salary. In Rhode Island today they are paying to the governor a salary of \$3000, with a population of 423 odd thousand. In Maine the population is 694,000 odd, their population being two-thirds of ours, and their valuation slightly in excess of ours. New Hampshire pays \$2000, with two-thirds of our population. Connecticut \$4000 with about one-third additional population.

Should we not honor and respect our chief executive as much as the other New England states? I feel it my duty to stand here and protest against the remarks of the senator from Knox with regard to the salary paid to our chief executive, and I hope his motion will not prevail.

At the request of Senator Staples of Knox, the ayes and nays were called for and ordered; the question being upon the acceptance of the unanimous report that the salary of Governor should be raised from \$2000 to \$3000. The President stated that the motion of the senator from Knox, that "the report be not accepted," was not in order, such a motion being merely a negative of the original question, and the pending question being upon the acceptance of the report.

The question being put upon a Yea and Nay vote resulted as follows—the pending question being upon the acceptance of the report: Those voting Yea were Messrs. Ayer, Bailey, Brown, Clark, Curtis, Furbish, Irving, Owen, Pierce, Pike, Plummer, Potter, Shackford, Shaw, Simpson,

Stetson, Sturgis, Tartre (18). Those voting Nay were Messrs. Putnam, Staples, Tupper (3).

So the motion prevailed, and the report was accepted.

The PRESIDENT: The secretary has called the attention of the Chair to the fact that the foregoing bill is without a title, and the senator from Penobscot moves the following amendment, viz: that the Act be amended by prefixing the following title—"An Act to fix the salary of the Governor of the State," to the bill. Amendment adopted.

On motion by Mr. Bailey of Somerset, the Senate adjourned to meet on Thursday, March 2, 1905, at 10 o'clock in the forenoon.

HOUSE.

Wednesday, March 1st, 1905.

Prayer by Rev. Mr. Plummer of Hallowell.

Journal of yesterday read.

Mr. SWETT of Portland: Mr. Speaker, by some mistake yesterday my vote on resubmission was recorded on the side which I never voted and with which I cannot see my way clear to vote, holding in mind the interests of my own immediate constituency in the city of Portland. I desire therefore that the record should be corrected before it stands approved, although I am informed by the Speaker that it is not possible under parliamentary law. But whatever course can be taken to set me right before the public, I ask the privilege of having it done.

The SPEAKER: The Chair will inform the gentleman from Portland that the Chair understands that the record is correct as to how he voted. A member cannot change his vote after the vote has been announced. The gentleman's explanation will go into the record of today. If there is no objection the journal of yesterday stands approved. It is a vote.

(Mr. Sewall of Bath in the chair.)

Papers from the Senate disposed of in concurrence.

On motion of Mr. Morey of Lewiston, Senate order in relation to completion of inland fish and game laws, was tabled for printing pending its passage in concurrence.

Senate Bills on First Reading.

An act to change the name of Upper Stone pond to Virginia lake.

An act to change the name of Lower Stone pond to Lake Keewaydin.

An act to extend the charter of the Lilly Water Company.

An act to amend section 60 of chapter 93 of the Revised Statutes, relating to liens on monumental work.

An act to incorporate the Fort Kent Light & Power Company.

An act to incorporate the Milo Water Co.

An act to incorporate the Fort Kent Water Co.

Resolve in favor of Aroostook Normal school of Presque Isle.