

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Friday March 3, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Joscelyn, of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

"Resolve in favor of Ida Yeaton, widow of John Yeaton, late of the Third Maine Cavalry," came from the House, that branch having refused to receive the same under suspension of the rules, in concurrence with the action of the House.

Mr. MORSE of Waldo: Mr. President and Gentlemen: This is a resolve for a State pension, in favor of Ida Yeaton. I received a letter from one of the prominent men of Brooks, I do not know but that he is one of the assessors, I think he is, notifying me of the fact that this woman was there and in a destitute condition, and wanting to know about her United States pension, which brought the matter to my mind, that I had had her claim for a United States Pension and had made a claim not knowing what the cause of the soldier's death was, but on ascertaining the cause of the soldier's death, I found that she had no claim under the general pension law of the United States, the soldier having died from some cause other than that for which he was pensioned, a disease of the eyes, blindness. He died from some other cause, so that she has no claim under the general law, the act of July 14, 1862. She married this man about 1892; consequently the act of June 27, 1890 gives her no title under that law, having married since the passage of the act. Now she comes here, asking for a pension. As soon as I received this letter from the man in Brooks, I at once telephoned him for particulars, and while I was not certain of the organization in which he served, he mailed me the papers. I ascertained from him the facts before that necessary to making out the resolve. She has, by this man, three children. I am informed by him that the oldest is under ten years of age. So she is a widow thrust on the

charities of the world with those three little children, without any property. It suggests itself to me that this is a very reasonable claim; and I do not feel like concurring with the vote of the House in this matter. I move, Sir, that we non-concur. and that a committee of conference be appointed in relation to this matter.

Mr. Allen of York thereupon moved that the Senate recede and concur.

Mr. STETSON of Penobscot. Mr. President, I would like to ask the Senator from Waldo if there are not in our laws provisions whereby the Pension Department can investigate this matter, and if they have not authority to reimburse, or to make payment for her needs.

Mr. MORSE of Waldo. Yes, there are such provisions, but the average pension received for a family is about \$3 per month, which would be very small.

The PRESIDENT. The Senator from Waldo will permit the Chair to say that it seems to the Chair that this is no time to discuss the merits. The question is whether this resolve which the Senate received under a suspension of the rules by a two-thirds vote, and sent to the House, shall be returned from that body without action.

Mr. STAPLES of Knox. Mr. President, it seems a little arbitrary on the part of the House at this stage of the session to refuse to receive this resolve, but I hope that the motion of the Senator from York will not prevail.

The PRESIDENT. The motion of the Senator from York, that the Senate recede and concur takes precedence of the motion of the Senator from Waldo.

The question being put upon the motion of the Senator from York, that the Senate recede and concur, the motion was lost.

The Senator from Waldo thereupon moved to insist, and asked for a committee of conference. The motion prevailed.

There also came from the House, bill, "An act to authorize the town of Mechanic Falls to acquire certain property and rights of the Mechanic Falls Manufacturing Co.," the House having refused to receive the same in con-

currence with the action of the Senate.

On motion by Mr. Stetson of Penobscot the Senate thereupon voted to insist, and that a committee of conference be appointed.

There also came from the House, bill, "An act for the protection of fish in Dead, Bailey and Levenseller brooks in the towns of Brooks and Waldo in the county of Waldo," that branch having refused to concur with the Senate in receiving the same.

On motion by Mr. Morse of Waldo the Senate voted to insist, and that a committee of conference be appointed.

There also came from the House, "Resolve in favor of the town of China," the House having refused to concur with the Senate in receiving the same. On motion by Mr. Brown of Kennebec the Senate voted to insist, and that a committee of conference be appointed.

There also came from the House, bill, "An act to change the name of the Dover Gas Light Co.," and on motion by Mr. Staples of Knox the Senate voted to insist, and that a committee of conference be appointed.

There also came from the House the following Resolves, namely:

Resolve in favor of the town of Chelsea,

Resolve in favor of the town of Farmingdale,

Resolve in favor of the town of Litchfield,

Resolve in favor of the town of Vassalboro,

Resolve in favor of the town of Vienna,

Resolve in favor of the town of Wayne,

Resolve in favor of the town of West Gardiner.

Upon each of these resolves severally the House non-concurred with the action of the Senate in receiving the same.

On motion by Mr. Brown of Kennebec the Senate voted to insist, and that a committee of conference be appointed.

The President subsequently named as a committee of conference on the part of the Senate with reference to the

foregoing bills and resolves, Messrs. Morse, Brown and Philoon.

The following order came from the House: "Order,—that when the House and Senate adjourn it be to meet on Tuesday, March 7, at 4.30 P. M., 1905."

Mr. Pierce of Aroostook thereupon moved to amend the order so that it would read, "At 10.30 Tuesday morning," instead of 4.30 P. M.

Mr. STAPLES of Knox: Mr. President, I am informed, and I think it is correct that the town meetings in the several towns of the State will be held on Monday, and a great many of the Senators and Representatives will desire to attend such meetings, and it will take about all their time on Monday, and it would be difficult for the Senators and Representatives to get here any sooner than four o'clock on Tuesday. I hope that the motion of the Senator from Aroostook will not prevail.

Mr. PIERCE of Aroostook: Mr. President, my only reason for offering the amendment is that nearly all of the committees are pressed with work for next week, and there are many hearings for Tuesday afternoon. If we have a meeting of both branches in the afternoon it will interfere with the work of the committees. I think that nearly all the members can be here on the early train Tuesday morning and be able to take part in the session at 10.30. It seems to me that the business of both branches would be forwarded by convening at 10.30 instead of 4.30.

Mr. MORSE of Waldo: Mr. President, the town meetings are quite generally held on Monday. In my individual case I have to travel fifteen or sixteen miles to get a train, and if I have to be here at 10.30 it means quite an early start. Why could the session not be postponed until evening? I hope the gentleman will not insist upon his motion to amend.

Mr. GARDNER of Penobscot: Mr. President, a large number of the towns in the northern part of the State do not hold their town meetings on Monday, and I think that the committee meetings of the present Legislature will take more members out of joint session that will be absent to attend town

meetings. I trust the motion of the Senator from Aroostook will prevail, in order that the business of the session may be hurried up. We have just stopped private legislation because we are in a hurry to get through; now let us hurry up.

The question being put the motion of the Senator from Aroostook to amend by inserting "10.30 A. M.," in place of "4.30 P. M.," prevailed.

The order as amended received a passage, and was sent down for concurrence.

The following order was received from the House, "Ordered, the Senate concurring, that no bill shall be contracted to be paid for by the State by any committee, or member thereof, unless the same has been ordered by both branches of the Legislature. This shall not apply to the actual, necessary expenses of the committee itself in visiting State institutions coming under its charge."

On motion by Mr. Morse of Waldo, the order, together with House amendment thereon, was tabled.

On motion by Mr. Brown of Kennebec, the Senate non-concurred with the House in its reference to the committee on agriculture "petition of O. A. Emery and 46 others of Carmel for bounty on crows," and on further motion by the same senator the same was placed on file, the committee having already reported.

On motion of Mr. Morse of Waldo "resolve that the State accept the property known as "Widows island" which came from the House, received in that branch under suspension of the rules, and referred to the committee on Insane hospitals, was tabled.

The order relating to adjournment was returned from the House, the Senate amendment being non-concurred in by that branch, and a committee of conference being requested by the House.

On motion by Mr. Stetson of Penobscot, the Senate voted to insist and the following committee of conference was appointed on the part of the Senate, namely, Messrs. Stetson, Pierce and Pike.

House Bills Read and Assigned.

An Act to authorize the Farmington Village Corporation to take water for municipal and domestic purposes.

Resolve for an appropriation for the use of the commissioner of sea and shore fisheries.

An Act to amend Chapter 15 of the Revised Statutes of Maine relating to education.

Resolve in favor of the Lee Normal school.

Resolve in favor of the Western State Normal school at Gorham.

Resolve in favor of repairing Mattawamkeag bridge.

Resolve providing for repair of a roadway in Townships five and six in Piscataquis county.

An Act relating to fishing in the tributaries to Anonymous pond.

Resolve providing for the screening of Sabattus pond in Androscoggin county.

An Act relating to the taking of scallops in the Bagaduce river, so-called, between the towns of Castine and Brooksville, in the county of Hancock, from March 1 to Nov. 1 in each year.

An Act to prohibit scallop fishing in Bluehill bay from the 1st day of April to the 1st day of November in each year.

An Act relating to the bills of expenses of State and county officers.

An Act relating to compensation of trustees, visiting commissioners, or county commissioners. This bill came from the House reported by the committee on salaries "ought to pass." The report was accepted, and on motion of Mr. Allen of York, the same was tabled pending the first reading.

An Act relating to compensation of examining boards. This bill also came from the House reported by the committee on salaries that the same "ought to pass"; report accepted. On motion by the same senator the same was tabled pending its first reading.

An Act to amend Section 11 of Chapter 106 of the Revised Statutes relating to compensation of executive council. This came from the House, reported by the committee on salaries "ought to pass"; report accepted. On motion by

the same senator the same was tabled pending its first reading.

Mr. POTTER of Cumberland: Mr. President, I ask to be allowed to make a report for the judiciary committee on a bill referred to it, and I desire to move immediate action upon it. On the 9th of February last, a bill was approved by the Governor in relation to the assessment of taxes on the estates of deceased persons, before the appointment of executors or administrators of such estates. Prior to the passage of that act the law did not permit an assessment of taxes upon the estate of a deceased person, if there was no executor or administrator in existence to be assessed.

In court the case of the great Chandler estate in New Gloucester on the 1st of April, 1904, there was no executor or administrator to be assessed and the result was that the town of New Gloucester was not able to make a valid assessment against that estate.

The tax amounted to \$7000 or \$8000, that being about half the total tax of the town.

The judiciary committee reported favorably on a general law designed to cure that defect, and the bill became the law of the State by the approval of the Governor on the 9th of February last. But that Act did not go back so as to apply to the New Gloucester case. It did not permit a reassessment by the assessors of New Gloucester, so they could validly assess the Chandler estate for 1904. This bill which I hold in my hand was referred to the judiciary committee; and while it is general in its terms it was intended to cover the New Gloucester case, and cases like that, so as to permit such a reassessment by the assessor to cover the tax for 1904. The proposed amendment is as follows: "This Act shall apply not only in the future, but also to the personal estate of all persons who have died since the first day of October, 1903, upon whose estate no appointment of executor or administrator has been made prior to the 1st day of April, upon whose estate no tax had been paid since the death of such person."

If this amendment becomes a law it allows the assessors of New Gloucester to collect a tax of about \$8000,

amounting as I have said to about half their total tax. The passage of the bill is not objected to by representatives of the Chandler estate, but they do not wish to pay the tax until they are legally liable for it.

One thing further,—as I am informed, in order for this Act to avail anything for the town of New Gloucester, and other towns similarly situated, the Act must be passed immediately, in order that the assessors whose term of office expires next Monday, can make this reassessment. It is therefore, necessary, provided this thing is proper at all—as I assume it is—that it should be done at once.

I move that the report of the committee be accepted and that the bill take its two several readings at the present time under suspension of the rules, and that it be passed to be engrossed.

The motion prevailed, and the bill, "An Act to amend an Act approved, February 9, 1905, in relation to assessment of taxes on the estates of deceased persons, before the appointment of executors or administrators of such estates," took its two readings, and was passed to be engrossed.

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

Mr. MILLS of Hancock. Mr. President, I have here a resolve which has been only recently put into my hands, suggested by the trustees of the normal schools. It relates to an appropriation for the Gorham Normal school. Out of respect to them I should be glad to have it introduced. It is accompanied by a statement of facts. In the month of June, 1904, Ex-Governor Robie gave the sum of \$3000 for the purpose of building a house for the principal of the institution.

Mr. Mills thereupon presented "Resolve to provide for the completion of the residence of the principal of the Eastern State Normal School at Gorham," which was referred to the Committee on Education.

Mr. Sturgis of Cumberland presented petition of Frank W. Stanford of Portland, and 35 others, asking for the passage of the Sturgis bill. The same was placed on file.

Also petition of F. H. Johnson and ten others of Portland;

Also petition of Freeman Gowan and 41 others for same;

Which were also placed on file.

Mr. Allen of York presented petition of Geo. W. Newell and 56 others, and the same was placed on file.

Mr. Staples of Knox presented petition of Leonard B. Winsbury and 23 others for a law properly labelling proprietary medicines containing alcohol or narcotic drugs, and the same was referred to the Committee on Temperance.

The same Senator presented the petition of William Gowe and 150 others against any change in the law relating to clams, and the same was referred to the Committee on Sea and Shore Fisheries.

Orders.

On motion by Mr. Morse of Waldo that Senator was given permission to withdraw the order passed yesterday by the Senate, namely, "Ordered, the House concurring, that the Act for the protection of deer in the counties of Knox, Kennebec, Lincoln and Waldo, be taken from the files, and referred to the Committee on Inland Fisheries and Game."

On motion by Mr. Morse of Waldo it was "Ordered, the House concurring, that the Commissioners of Inland Fisheries and Game be requested to return bill entitled 'An Act to amend Section 1 of Chapter 301 of the private and special laws of 1903, relating to the protection of deer in the counties of Kennebec, Knox, Waldo and Lincoln, referred to them Feb. 23, 1905, and that the same be referred to the Committee on Inland Fisheries and Game.'"

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

Read and Assigned.

An Act to fix the salary of the Governor.

Resolve in favor of F. J. Allen of Sanford.

An Act to incorporate the Mt. Desert Trust Co. On motion of Mr. Clark of Hancock the rules were suspended and this bill took its second reading, and was passed to be engrossed.

Resolve in favor of I. K. Stetson of Bangor, Maine.

An Act to extend the power of the Trustees of the Bangor Theological Seminary.

An Act to extend the charter of the Patten Telegraph and Telephone Co.

An Act to prevent sales of merchandise in bulk in fraud of creditors.

An Act to incorporate the Eagle Lake Plantation Co.

An Act to incorporate the Harmony and Wellington Telephone Co.

An Act to incorporate the St. Francis Telephone Co.

An Act to enable William G. Barter to construct and maintain whiers near Whitmore's Cove in the waters of Pebscot Bay.

Reports of Committees.

Mr. Staples for the Committee on Legal Affairs on bill "An Act to amend Section 57 of Chapter 29 of the Revised Statutes, relating to intoxicated persons brought before a court" reported same "ought not to pass." Report accepted.

Mr. Irving for the Committee on Education on "Resolve in favor of the Central Maine Normal School," reported that same be referred to the next Legislature. Report accepted.

Mr. Shaw for the Committee on Interior Waters on bill "An Act authorizing the use of boats on Sebec river between Milo Village and the rips or falls in said river, and for the purpose of transporting passengers," reported the same "ought not to pass." Report accepted.

Mr. Owen for the Committee on Inland Fisheries and Game in bill, "An Act to prohibit the taking of fish in all ponds in the town of York," reported that the same be referred to the Commissioners on Inland Fisheries and Game as the subject matter of the Act comes under their jurisdiction. Report accepted.

The same Senator for the same committee on bill, "An Act to re-enact Section two of Chapter 407 of the private and special laws of 1903, in relation to fishing in the tributaries of Bonnybee Pond," reported the same ought not to pass. Report accepted.

The same Senator for the same Committee on bill, "An Act to incorporate

the Long Pond Fish and Game Association, and resolve in favor of same association," reported that same "ought not to pass." Report accepted.

The Committee of conference on the disagreeing action of the two branches of the Legislature on the order relating to time of adjournment, reported that they failed to agree.

Mr. GARDNER. I move that the Senate adhere, and request a further Committee of Conference.

The motion prevailed.

The PRESIDENT. The Chair wishes to state to the Senator from Penobscot upon the report of the Committee on Conference the following endorsement on the part of the House, "Voted to adhere, Thompson, clerk." The Chair thinks that means on the part of the House that they do not ask for any Committee of Conference. If the purpose of the Senator from Penobscot is to ask for another such committee, the Chair thinks that the motion should be "to insist," instead of to adhere on the part of the Senate. The Chair put the words into the Senator's mouth, and it is the Chair's mistake.

Mr. GARDNER. That was my purpose, Mr. President.

The PRESIDENT. The Chair begs the Senator's pardon for putting the words into the Senator's mouth.

On motion by Mr. Gardner of Penobscot the vote of the Senate to adhere was reconsidered, and on further motion by the same Senator the Senate voted to insist, and to ask for a further Committee of Conference.

The Chair appointed as a further Committee of Conference on the part of the Senate Messrs. Putnam, Clark and Sturgis.

The PRESIDENT. The Chair has his attention called to the fact that Senator Gardner was not on the Committee before, and by all rules of parliamentary procedure he should be upon this committee.

Mr. GARDNER. Mr. President, I have no desire whatever for the position, besides I have to leave shortly upon the train.

The PRESIDENT. The Chair understands that the Senator has no desire for the position, but it was an inadvertence on the part of the Chair in not

appointing the Senator. Will the Senator serve on that Committee?

Mr. GARDNER. I will if there is a chance of my getting an early train.

The PRESIDENT. I think, as the matter stands, the Chair would better allow the Committee to remain as it is.

Mr. Mills for the Committee on Legal Affairs on "Petition of F. I. Brown for administration of the estate of John I. Brown, more than 20 years having elapsed since his death, and there being no administration made on his estate" reported bill "An Act to grant administration on the estate of John A. Holmes late of Readfield. Report accepted.

The same Senator for the same Committee on bill "An Act to incorporate the Union Light and Power Co. of Searsport, Maine," reported same "ought to pass." Report accepted.

Mr. Pierce for the Committee on Legal Affairs on bill, "An Act to authorize the inhabitants of York to give the York Hospital a certain tract of land," reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An Act to incorporate the Jackman Water Co.," reported "ought to pass." Report accepted.

Mr. Staples for the same committee on bill, "An Act to extend the charter of the Blue Hill Water Co. reported same "ought to pass." Report accepted.

Mr. Mills for the same committee on bill, "An Act for the better protection of sheep on uninhabited island," reported same in new draft under title of "An Act to amend section 51 of chapter 125 of the Revised Statutes relating to cruelty to animals," and that it "ought to pass." Report accepted.

Mr. Irving for the Committee on Railroads and Expresses on bill, "An Act to extend the charter of the Ellsworth Street Railway Co." reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An Act to extend the charter of the Houlton and Danforth Electric Railroad Co." reported same "ought to pass." Report accepted.

The same Senator for the same

committee on bill, "An Act to extend the charter of the Hancock County Railroad Co." reported same "ought to pass." Report accepted.

Mr. Owen for the Committee on Inland Fisheries and Game on bill, "An Act providing for open season for white perch in Lake St. George in Waldo County," reported same "ought to pass." Report accepted.

Mr. Sturgis for the Committee on Interior Waters on bill, "An Act to authorize the Mainstream Lumber Co. to erect a dam across Mainstream in the town of Harmony," reported same in new draft under same title, and that it "ought to pass." Report accepted.

The same Senator for the Committee on Ways and Bridges on bill, "An Act granting permission to John L. Goss to construct and maintain a bridge across Moose Island bar in the town of Stonington," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Morse for the Committee on Pensions on "Resolve providing means for examination of claims for State Pensions," reported "ought to pass." Report accepted.

The Committee on Taxation on bill, "An Act relating to the taxation of mortgages on real estate," reported that the same "ought to pass" in new draft under same title; the report being signed by Messrs. Gardner, Belleau, Lanigan, Josselyn and Mullen. Accompanying the report is a minority report, containing an expression of the views of the minority that the bill "ought not to pass," signed Hastings, Irving and Leonard.

M. GARDNER of Penobscot: Mr. President, I move that pending the acceptance of either report both be tabled for printing, and that Thursday of next week be specially assigned for their consideration. I suppose it is the new draft only that would be printed.

The motion prevailed.

Mr. Philoon for the Committee on Counties on bill, "An Act to set off the Isle au Haut, and all islands within the limits of said town in the county of Hancock, and annex the same to

the town of Knox," reported that same "ought not to pass." Report accepted.

Mr. Morse for the Committee on Labor on bill, "An Act to create a State Board of Arbitration," reported that same "ought not to pass." Report accepted.

Passed to be Engrossed.

An Act to amend section 26 of chapter 3 of the Revised Statutes in relation to the printing of the different Departments.

Resolve in aid of navigation on Moosehead Lake.

Resolve in aid of navigation on Schoodic Grand Lake.

An Act to amend section 97 of chapter 15 of the Revised Statutes in relation to schooling of children in unorganized townships.

An Act to set off a part of Plantation No. 7 and annex it to the town of Gouldsboro.

On motion by Mr. Putnam of Aroostock, certain bills which came up on their passage to be enacted were tabled.

Passed to be Enacted.

An Act to amend An Act approved February 9, 1905, in relation to assessment of taxes on estates of deceased persons before the appointment of executors or administrators on such estates.

Orders of the Day.

Mr. Plummer of Androscoggin moved to reconsider the vote whereby the bill relating to the codification of the Sea and Shore Fisheries Laws was recommitted.

The PRESIDENT: The Chair will inquire if the Senator voted with the majority in its recommitment?

Mr. PLUMMER: I did.

Mr. CUPPER of Lincoln: Mr. President: This matter was discussed yesterday and a vote taken. I suppose if the vote is to be reconsidered, it is open for discussion again. This is a matter that came before the Fisheries committee, and instead of notice being given for a hearing it was acted upon the same day that it reached the committee. The Chairman of the Fisheries Committee, Mr. Shackford, stated to this Senate yesterday that, when that

committee acted upon this bill, he supposed that notice had been given. The Chairman of the committee knew nothing about this being opposed; so, without notice, so far as I am able to learn, there was but one member of the Fisheries committee but did know that that notice had been given. Now this act is to revise, correct, codify and compile the Shore Fisheries Laws of the State. It is for the Commissioner to do this who shall recommend necessary and proper changes, repeals and amendments. Now, it seems to me that if the Commissioner were to be appointed to do this work, that it should have been done earlier in the session. The people who introduced this bill must have known before the eighth week in the session, if they wanted these laws revised—if it was necessary to have a general revision. The laws were revised in 1901 by a commissioner appointed by the Legislature, and \$500 was appropriated by the State for the purpose of that revision. Two years ago the whole statutes of the State were revised, including these fisheries laws. There are but 61 sections in this chapter, I think. It seems to me if any changes were necessary, the Commissioner could easily have pointed out those changes, and could have recommended those changes to the committee on fisheries, and the committee could have attended to all the changes that were necessary in those 61 sections of the statute. I hope that the motion to reconsider will not prevail.

Mr. PUMMER: Mr. President, I want to say that I did this at the request of a Senator who could not be here yesterday; and we hardly had a quorum yesterday when the matter was taken up; and I think the matter should be laid upon the table until next Tuesday.

The question being put upon the motion to reconsider, the motion prevailed, 12 senators voting in the affirmative and five in the negative.

On motion by Mr. Plummer of Androscoggin, the report and bill were tabled and Tuesday next assigned for consideration.

Mr. PUTNAM of Aroostook: Mr. President, by agreement with the Senator from Hancock, I move to take

from the table Senate Doc. No. 93 "Resolve authorizing the compilation and publication of the Insurance laws of the State of Maine."

The motion prevailed. On further motion by the same Senator, the same was referred to the committee on appropriations and financial affairs.

On motion by the same Senator, House Doc. 113, Report of Committee on Claims "ought to pass" on "Resolve in favor of Jackman Plantation," was taken from the table. On further motion by the same senator, the same was tabled, and Tuesday next was assigned for its consideration.

On motion by the same Senator, House Doc. 116 "Report of committee on Claims 'ought to pass' on 'Resolve in favor of Moose River Plantation,'" was taken from the table; and on further motion the same was tabled and assigned for Tuesday next for consideration.

Mr. STETSON of Penobscot: Mr. President, I desire to present an Order out of order; and I desire to say that the order, introduced by me as Chairman of the committee on salaries, is at the request of the Committee on Salaries; and I wish to move that it be referred to the committee on appropriations and financial affairs. The Order is as follows: Ordered, the House concurring, that the sum of \$600 be paid to George G. Weeks of Fairfield, for services on the committee on salaries, attending hearings, examination of officers, and the expense of the report of the special committee on salaries and fees of which he was Chairman.

The order was passed, and referred in accordance with the motion.

Mr. Clark of Hancock presented bill, "An Act additional to Chapter 27 of the Revised Statutes relating to alien paupers."

Also: bill "An Act relating to corporations, in reference to the payment of the franchise tax." On motion by the same senator, both these bills were referred to the committee on Judiciary.

On motion by Mr. Sturgis of Cumberland, bill "An Act to incorporate the Peaks Island Railroad Co." was taken from the table. On further motion by the same senator, the same was referred to the committee on railroads and

expresses.

The PRESIDENT: The conference report on the disagreeing action of the two houses in regard to the time of adjournment has come back from the House with the endorsement that the House adheres; which means, simply that the House will not grant any further committee of conference and insists upon an adjournment to 4.30 o'clock on Tuesday afternoon. Without any further action, both the House and the Senate will have to return tomorrow morning at 10 o'clock.

Re-submission.

Majority and minority reports on "Resolve for an amendment to the constitution by abrogating and annulling amendment five adopted on the 8th day of September, in the year of our Lord 1884, relating to the sale and manufacture of intoxicating liquors," came up by assignment. Majority report "ought not to pass." Minority report "ought to pass." The pending question being the acceptance of the majority report, "ought not to pass."

Mr. STAPLES of Knox: Mr. President, I move you that the minority report be substituted for the majority report, and upon that question I desire to say a word to this honorable body in regard to this matter.

I have spoken upon this matter before, and do not anticipate that I can say anything that will be new or interesting to this Senate, Mr. President; but it is a matter that concerns me as a temperance man more than anything else that has ever come before this body.

Four years ago I asked that the same thing be done—that a minority report be substituted for a majority on this question, and I was turned down. I may be turned down today. But I want to say that I am perfectly sincere in what I have to say upon this question of temperance. I am going to speak not from any partisan standpoint; it is too important a matter, it seems to me, to be discussed in any such narrow way as that; it is one that concerns us both in the economical and the moral view more than any other measure that has ever come before the people. In fact, it is a question that interests more people in this country, to-

day, than any other question that is being agitated.

I was glad to see yesterday, the action of the Senate in another matter, because through the thick gloom of the present I think I discern the brightness of the future. I say that four years ago it was my pleasure to introduce into this honorable body an oration to strike out the arbitration clause, the greatest thrust that was ever made against the common people of this State, and I was turned down by the committee and the Senate. I introduced it two years ago, and we were turned down again, but yesterday it was demonstrated that we have returned to that grand fundamental principal of the trial by jury that our forefathers fought for for so many years; and when I saw the light of day shining once again on this question I said—"I won't despair as to the question of the resubmission of the prohibitory liquor law."

There has been much said which has been misunderstood by the people. I speak as a temperance man. I yield to no man in favor of temperance. I would yield to no man in doing all I can for the upbuilding of this cause of temperance in the State of Maine. I have seen the prohibitory law for 50 long years, resolving time and time again, doing this and doing that in favor of temperance, and still it does not prohibit. We are going from bad to worse all the time in the State of Maine, and I deny that the prohibitory liquor law has the desired effect. If anyone will convince me that it does prohibit I will vote with him, and do not care which party he represents.

But when they say the only men in favor of prohibition are the "rum guzzlers" I take issue with the statement. I am a total abstainer, and I wish every man was an abstainer from that evil which is the greatest curse that ever afflicted the American people. Therefore I beg of you that you will cast aside all partisanship, and no longer play with this prohibitory liquor law that is making drunkards every day in the State of Maine, filling our jails, and showing that after 50 years of test that you cannot prohibit under it. You can pass the Sturgis and Oakes bills,

but the more law you have on the statute books makes the people all the more disgusted with the prohibitory law.

You have had it enforced in the county of Kennebec as well as in any other county in the State of Maine; your officers are faithful, but today, it is sold in Augusta, and you cannot prohibit it. You have simply turned it out of the more respectable places into the kitchen bar-rooms and dives of Augusta—and so it is in every other county in this State wherever you have undertaken to enforce the prohibitory law.

They tell us—I believe my friends do, today—that the majority of the people, if they would throw away all prejudice, are in favor of resubmitting this matter to the people. We can trust the people in this matter. The referendum is one of the grand principles upon which our government was founded, and yet you have for 10 long years been trying to enforce the prohibitory liquor law, and all we ask is that you will submit it to the people; and if the people then say they want it on the statute books I will go with them and do all I can to enforce it. But I do object to the way this matter has been managed; it has been a hobby horse for politicians to ride on into office.

I believe if you will follow your own consciences you will submit this to the people, and let them vote upon it. Why, it was said in the House the other day that there was nobody in this State in favor of resubmission but the lowest classes of men.

I repel that attack. I belong to the party of 50,000 men in this State, and I am glad that party is willing to come out and say it is in favor of resubmission to the people, because we claim it is the right of any people to vote upon this matter whenever it is necessary.

Are you not willing to trust the people? Why are all these petitions coming in here? And yet you tell us, on the other hand, that if resubmitted it will be buried by 30,000 or 40,000 votes in September. Then why are you afraid to submit it to the people of the State of Maine?

Now I tell you that somebody is responsible for the young men of this

State who are being ruined by this prohibitory liquor law, because it does not prohibit. And what do you do? You drive the sale of liquor out of the fairly respectable places, and force those young men to go into those dens of infamy.

Can you reform the appetite of anybody by law?—not by any means. If we must have the curse among us let us have it regulated in the best possible manner; that is all I ask for. It means local option. If the city of Augusta wants to license the means for selling rum, why, then, the people should be permitted to vote for it if public sentiment here is that way. If they don't want it, why, then, they vote against it—and that will apply to every city and town in the good old State of Maine.

Now what can be the objection. Oh, I know that this prohibitory liquor law has been a football for the politicians. That is the situation; you proclaim in your platform that you are in favor of the prohibitory law. Oh the hypocrisy of it—and how it demoralizes the youth of this State; for as the young man grows up he sees the hypocrisy of the people on this law, and he learns to be hypocritical and dishonest because it has been exhibited before him, and has for the past 50 years—because the majority of the people of the State of Maine are not, if they approach the question like true men, in favor of prohibition.

I am called a rum guzzler if I favor resubmission. Well, call me anything but that, for I am a total abstainer, and would like to see the stuff annihilated from God's green earth. You tried it as we see the situation today for 50 years; I have seen the young men go down to ruin, and I have seen so much of it that I say to you some one is responsible for the wrong. For that reason I say let us object.

Why, they say, a thousand women have petitioned to this Legislature for the purpose of not resubmitting this matter to the people. I do not deny that; I believe that those women are honest in it, but they are mistaken—they know nothing about the effects and the working of the prohibitory liquor law, and I would not say one word against them, because I believe

they are entirely sincere when they sign these petitions. But let me tell you there are 15,000 or 20,000 more women who have not expressed an opinion about this. You know how those things come by petition. There is the Commonwealth of Massachusetts with her Harvard college, and Connecticut with her Yale, and don't you suppose the women of Massachusetts are just as moral, have just as good ideas, have just as much feeling for the upbuilding and the benefit of the young men of that commonwealth as the women of Maine have?

She has local option in the commonwealth of Massachusetts, and take New Hampshire and Vermont, why, there are 40 states in this Union that have local option in one way or another. Has Maine got all the virtue? don't you suppose there are just as good women in Massachusetts as in the State of Maine? I admit there are no better women in this world than we have in the State of Maine, I admit it, but at the same time I believe there are just as honorable people in other states. Ar we to attribute all the virtue to the State of Maine? Forty states of the Union are having local option today. New Hampshire, only just over the border, tried prohibition for quite a long period, but when she found it did not prohibit she went over to local option and high license; and it was my good fortune to be in New Hampshire last December, and I went into a saloon to inquire how this matter worked, and I found in Laconia, with a population of 38,000, they had only 11 saloons in that city under the most stringent license they could have; and they told me,—the clergymen, the lawyers, and the doctors, that the matter worked admirably, and that they had much less drunkenness under local option than under prohibition.

Go into Tennessee, and you will find the same state of affairs. I happened to be in Vermont a year ago last June, and I found there that while that staid old State for a large number of years had prohibition on the statute books, just the same as we have here, all at once they changed over to local option and high license; and the best men I could consult there, because I was honestly endeavoring to get at the facts,

testified that the liquor traffic was being regulated much better under the new order of things.

But I tell you it strikes hard for us to see the scalding tears shed on account of this law, and to know of the aching hearts of mothers and daughters, the women of Maine; and we have something to be responsible for if we vote for the prohibitory liquor law simply for political effect.

If we have saloons under high license or local option you ask "Won't we have just the same results?" No; because you will have such stringent restrictions placed upon it that if a man wants to get a glass of beer he can go and get it, without going into one of those dives where infamy abounds; though when he puts the stuff into his stomach it will prove a curse to him, and he will go home to his family and likely as not commit some outrage upon them.

Now, Mr. President, we are asking this in behalf of the true principal of temperance. We are today the laughing-stock of every state in this Union, upon this question of prohibition. It seems that the people have run wild over it, and every Legislature, and everybody that comes here tries to do the other fellow one better to see what kind of a law can be put upon the statute books, until you have so much law nobody respects it, and consequently you cannot enforce it any better than you do.

Mr. President, you cannot enforce a law until public opinion is willing to have it enforced. Does anybody undertake to tell me that we have lessened the sale of intoxicating liquors in the State of Maine today under the prohibitory liquor law? I know better. It is sold everywhere. I will tell you what is done. In many towns it is not sold openly, but what do they do? You find the young men clubbing together to send away for it, and they thereby become debauched through the prohibitory law. Well, if you must have it, regulate it in the best possible way, and that is by local option.

Why, the gentleman who stands upon my left said the other day in the House that there was nobody but "rum-guzzlers" in favor of high license and local option. That man will know more

than he does now in 20 years, and sooner than that if he goes from this State and talks with people in other places.

All the ministers of Maine are not in favor of this ridiculous law which you have been trying so long to enforce, and wish you are further from enforcing than you when Neal Dow first tried to enforce it.

Now, gentlemen, I do not expect in this time of frenzied prohibition that the people of Maine will dare to act upon their convictions, but I stand here today in behalf of our temperance people. I do not stand here in behalf of the rum-sellers or the rum-guzzlers, for the rum-sellers do not belong to the same political organization that I do. How is it, my dear sir, that two-thirds of the rum-sellers in the State of Maine vote the Republican ticket? There is nobody that can deny it. But the party to which I belong believes in temperance; we believe in regulating this matter in the best possible way.

Mr. President, go to any state in this union—I spoke of Tennessee because I was in that state three weeks last year, but I found no drunkenness. There is less in Tennessee, where they have high license, according to its population, than there is in the State of Maine today by the last census statistics.

Do you think you know more about it, and that there is more virtue down here than there is in Tennessee? Let me give you an object lesson.

I came home from that state and I struck a city in Maine,—the Prohibition State of Maine!—with her drastic laws upon the statute books! I stopped at a hotel in that city, and it was Sunday night. What did I find there? I found there at ten or eleven o'clock at night twenty-five young, men residents of that city, intoxicated round about that hotel—on a Sunday night—and I said to myself, is it possible that I have come from a local option state down here into Maine?

But the time is coming when the light will shine upon our beloved state, and we shall protect the young man, the flower of our citizenship. Let us, Mr. President, try something else than the

prohibitory liquor law, and if that don't do any better, why! then we will repeal it. Let us try local option, for I believe that to be the best doctrine that we can espouse. If we must have the curse amongst us, let us regulate it in the best possible manner for the interests especially of the young men of our State.

Why, you tell us we must not legalize a crime. The same party that put the prohibitory law on the statute book put that law for licensing towns through a state liquor commissioner. I have right here an affidavit of a statement from a deputy sheriff of Lincoln county, and he says that they had the worst liquor shop run by a liquor agent that they had in the town of Waldoboro. A year ago last April that state liquor agent was indicted before the grand jury for selling liquor illegally, and still you say you must not license it.

I would do away with the State liquor commissioner; I would not have any law on the books unless that law were surrounded with such safeguards as to prevent minors from buying intoxicating liquors; that we should regulate it with such restrictions as they have in New Hampshire and Vermont, and many other states of the Union. Then you take it out of politics and get public sentiment in favor of enforcement! then you will see the darkness pass from the State of Maine, and the sunlight of decency takes its place. I feel today that the dark clouds are lifting and I expect soon to see in the grand old State of Maine a great reform in this matter.

The prohibitory liquor law has been a laughing stock, but I care not for that if it would do good. In the absence of good—in the absence of enforcement, I would have it abolished. And, fellow senators, I am willing for one to stand up and be counted. You may call it what you please, but there is one thing certain—nobody will accuse me of unfairness in the matter; I do not believe there is anybody in this Senate who will believe but that I am honest in what I say. There is no public matter I am more interested in than I am in this matter; there is no person who be-

lieves in the prohibitory law—there is no person who espouses it that is more anxious than I am to have it regulated in the best way. That is my sole object in this matter. I cannot be a party to the prohibitory liquor law when I see the injury that is being done by it.

All I disagree with you is in this—the method you will take to do away with it. If you will introduce a bill into this Senate that will prove to me that you can do away with the dire curse of intemperance I will stand here and fight it together with you, but I am thoroughly convinced that you cannot prohibit by the present law.

I believe that the people of the State of Maine are ready for this question, and I believe it is our duty to give them the referendum and let them vote upon this matter. If we do that we shall have done our duty.

One thing more. You cannot prohibit by law. You cannot regulate a man's appetite by law, and you cannot reform a man by law.

I recollect way back the old Washingtonian Society, which did more good, Mr. President, to reform the people of this State in the direction of temperance than all the prohibitory law that has been promulgated for 50 years. If the same amount of money had been expended to reform the people by going to a man when he was down, and taking him by the hand to lift him up—teach him higher ideas, a higher manhood, which was the method of that society the history of our reforms would occupy a place alongside of the Washingtonian movement. Don't you suppose these thousands of women that came here with their petitions, if they had employed their moral influence among the people in this way you would find it would do a good deal more good than to sign petitions against the resubmission of this amendment.

Then fellow senators, send it to the people; let them vote on it; and I believe the time has come when they are demanding it.

Mr. President, I move that the minority report be substituted for the majority report, and ask that a yeas and nays vote be taken.

Mr. MILLS of Hancock: Mr. Presi-

dent and Senators, the large number of empty seats in the chamber at this time are a clear indication to me of lack of interest in a matter which they know is already practically settled. I have listened with a great deal of expectancy to the honored senator from Knox, hoping to hear some new truth on this great question of resubmission. I have before me a volume of the Legislative Record of 1903; and, while he has been speaking, I have scanned with my eyes, the report of his speech made two years ago on this same question; and I find, Mr. President, that he has followed the same line of argument. He has employed the same beautiful figures of speech, I assume that he has used the same gestures, and I should not wonder, Mr. President if his tears have been drawn from the same exhaustless fountain.

I have no intention of taking very much time of the Senate. I do not propose to unload a lot of statistics on this question. I was in the House, last Friday, and listened to the speech of the honorable gentleman from Lewiston, (Mr. O'Brien). I heard him give a biographical sketch of statesmen, soldiers, writers, philanthropists and philosophers who have made this nation famous. He commented on the Pilgrims. He spoke of the courage of the O'Brien family. He pictured in glowing language the work of Jefferson, the bravery of Warren, the eloquence of Webster and the muse of Longfellow. He then mentioned Houston at Santa Anna, and wound up by telling us that Jackson once upon a time, captured New Orleans. He then intimated that there were a lot more of these fellows in his Encyclopedia Britanica, but he hadn't had time to dig 'em out. What these men could possibly have to do with the resubmission of the fifth amendment, is beyond my comprehension. I think the gentleman was trying to show in some far-fetched, round-about way that we ought to have confidence in the American people. In fact, he stated that was his purpose; and I trust, gentlemen, we do. I trust we have such confidence in their sincerity and good judgment that, when more than 50,000 voters in the State of Maine remonstrate against the resubmission

of the fifth amendment, or against any other legislation, we shall listen to their protests and harken to their petitions. Why not discuss this question itself? Why is it necessary to rake the coals of ancient, mediaval and modern history, credit the law with a few things and charge a lot of things against it? The question is not on the merits or demerits of the prohibitory law, as the last speaker has gone into so eloquently and to such great length. The question is simply whether or not we shall compel the people of Maine to vote on the retention of the fifth amendment in the constitution. It is not, as it is so often put, whether we shall allow the people to express their opinion on this matter. You cannot, properly speaking, allow people to do a thing which they do not want to do. The question is whether we shall compel the people from Aroostook to Oxford, and from Casco bay to Quoddy Head to come to the polls and vote on a matter which they have no desire to vote on, and which it is generally admitted, would remain unchanged by their vote.

Mr. President, the title of this resolve is wrong, I believe. It ought to be entitled a resolve of proscription compelling the lumbermen of Washington county, the farming people of Aroostook and the fishermen of Knox and Lincoln and Hancock to get into the ranks and fight for a cause which they have already won, and for a victory which is already theirs. They might win. I believe they would. But I believe it is needless and wrong to submit them to such a trial. This question means more than mere voting. It means that from the time this resolve passes these two branches of the Legislature, a continual campaign will be carried on by the temperance people of the State, until the votes are counted in the September election of 1906. It means that at the request of a handful of petitioners of this State, and in face of more than 5000 remonstrances coming from legal voters we shall compel the temperance people to carry on a fight against all the liquor interests of this country for those people are concerned in this matter and judging from the interest they have already

shown, they will exert every influence, and will furnish unlimited funds to wipe from the constitution that outer line of defence which was put there by the temperance people in 1884. For that reason I believe it is wrong to compel these people to engage in such a conflict.

Senators, there have been some very peculiar bills introduced into the Legislatures of the several states of the Union during the past winter. Out in Kansas a bill has been introduced making marriage a limited contract. It is proposed to put a five, ten, 15 or 20 years term into the marriage certificate, with an option of renewal at the expiration of that time. In Connecticut, the prosecuting officer of Hartford has introduced a bill providing that wife-beaters be stripped in the jail and flogged in the presence of the clerk and a physician. In Missouri, not long ago a bill was introduced prohibiting the production of Uncle Tom's Cabin on any stage in the State, claiming that it causes class hatred and sectional feeling. But this Resolve compelling the temperance people of Maine to fight against the allied liquor interests of the world is the most monstrous and unreasonable proposition of them all; and, Mr. President, the most surprising thing to me is the attitude taken by the Senator from Knox, he who, as was said in this chamber yesterday, who often poses as the friend of the common people; who so often stands here and advocates legislation for the welfare of the widow and the orphan, he ought to be called the great Commoner of America. I am surprised, Mr. President, that he should take this inconsistent stand on this question of resubmission.

I have, in this volume Mr. President, a report of the speech made two years ago on the woman suffrage question by the Senator from Knox. In that speech over and over again he made the statement that women are better able than men to solve the great moral and political questions of life. He says that, Mr. President, 'n his speech in this report. He then goes on and magnanimously admits that women know just as much as men. Now that sounds very good when it comes from the elo-

quent lips of the Senator from Knox; and it sounds especially good when the galleries are filled with ladies; but, to-day, when these same ladies come here from all parts of the State of Maine and protest against the resubmission of the Fifth Amendment, the Senator from Knox has no ear for their protest, and no eye for their petitions. He then goes on in this speech today and speaks of Maine as being the laughing stock of the Union. I cannot see what ground he has for such a statement. It touches any man who has any patriotism in his heart to hear such a speech from a man in the position of the Senator from Knox—Maine, which furnishes Massachusetts more than 40 per cent. of the teachers of that State! Maine, from which young men, when they go to Massachusetts are sought by the employers, merchants and business men of that great commonwealth! Maine the laughing stock of the Union! I cannot see his ground for such a statement and I do not admire his patriotism in making it. Moreover, Mr. President, the ground for two-thirds of the statements he has made here, are lacking. I have before me statistics which are exactly contrary to the things he has stated on this floor in regard to other states of the Union. If the whole of his speech is no more accurate or correct than those statistics shew that those particular parts of his speech are, you will attribute no great worth to it. I will not take the time of the Senate to any greater extent. I only hope, in voting on this question, we shall vote as the people expect us to vote, as we have promised the people to vote, and as we ought to vote.

The question being upon the substitution of the minority for the majority report, the Yeas and Nays were called for and ordered, and the vote being taken, resulted as follows:

Those voting Yea were Messrs. Philoon, Shaw, Staples (3) Those voting Nay were Messrs. Allen, Bailey, Brown, Clark, Irving, Knowlton, Mills, Morse, Pierce, Pike, Plummer, Potter, Stetson, Sturgis, Tupper (15).

Mr. STETSON: As a matter of record, I desire to say that my colleague, Mr. Gardner, if present, would vote Nay. I desire it to appear as a part of the record.

The President stated that if Senator Bartlett were present, he would vote Nay.

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

The majority report was thereupon adopted.

Mr. POTTER of Cumberland: Mr. President, My attention has been called to the fact that the man-slaughter bill never has been printed in any way. I would move that it be taken from the table merely for the purpose of having it printed.

The bill was taken from the table, and on further motion by the same senator the bill was tabled for printing. The consideration of the same is assigned for Wednesday.

On motion by Mr. Stetson of Penobscot, the Senate went into Committee of the whole for the purpose of considering the order relating to adjournment. The Committee having arisen, Mr. Stetson of Penobscot moved that the Senate adhere to its action adopting the amendment.

The motion prevailed.

On motion by Mr. Irving of Aroostook the Senate adjourned to meet on Saturday, the fourth day of March, 1905 at 10 o'clock in the forenoon.