

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

**1907.**

**HOUSE.**

Tuesday, March 19, 1907.

Prayer by Rev. Fr. Hamel of Augusta.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

An Act for the encouragement of shellfish industry.

An Act to amend Chapter 49 of the Revised Statutes of Maine relating to life insurance.

An Act to amend the law relating to political caucuses in the city of Bangor.

An Act to amend the charter of the Twin Village Water Company.

An Act to amend Section 30 of Chapter 32 of the Revised Statutes as amended by Section 7, Chapter 132 of the Public Laws of 1905.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts.

An Act to extend the time in which the Van Buren Sewerage Company is authorized to commence business.

Resolve in favor of the enlargement and completion of the fish culture station at Raymond, Me.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts.

An Act to regulate the sale and analyses of food and drugs.

An Act to incorporate the Goodwin Trust Company.

An Act to authorize the appointment of chaplain for the Cumberland county jail.

Resolve providing for the amendment of Section 17, Chapter 60 of the Revised Statutes relating to the use of the score card by Agricultural Societies.

Resolve in favor of Bridgton Academy.

An Act to amend Section 34 of Chapter 41 of the Revised Statutes relating to bait barrels.

An Act to amend the charter of the Mount Desert Trust Company, came from the Senate with Senate amendment A.

The House reconsidered the vote whereby this bill was passed to be engrossed, Senate amendment A was

adopted, and the bill was then passed to be engrossed as amended.

An Act to prohibit the throwing of sawdust and other mill waste into Bear river or any of its tributaries lying within the towns of Newry and Grafton, came from the Senate with Senate amendment C.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment C was adopted, and the bill was then passed to be engrossed as amended.

An Act to amend Chapter 144 of the Revised Statutes relating to the commitment and support of the insane, came from the Senate with Senate amendment B.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment B was adopted and the bill was then passed to be engrossed as amended.

The following petitions were presented and referred:

By Mr. Cobb of Gardiner—Petition of John R. Clifford and 26 others of Gardiner in favor of a law prohibiting prize-fighting. (Placed on file.)

By Mr. Danforth of Skowhegan—Petition of George Merriman and 4 others of Skowhegan for same. (Placed on file.)

By Mr. Martin of Bangor—Petition of Carl Beers and 34 others of Bangor in favor of passage of the bill that a dog is a domestic animal; of E. L. LeBritt and 28 others of Portland for same. (Placed on file.)

By Mr. Clark of Hollis—Resolution of York county Pomona Grange in favor of the removal of the State capital. (Placed on file.)

**Orders.**

On motion of Mr. Newbert of Augusta,

Ordered, The Senate concurring, that 500 copies of the Legislative Record for the year 1907 be printed and bound, one copy each for the members of the Senate and House of Representatives, and the remainder to be deposited in the State library for exchange and library use; and further ordered that a suitable index for such Legislative Record be

printed and bound with each volume to be prepared under the direction of the State librarian.

#### Reports of Committees.

Mr. Smith from the committee on the judiciary reported "ought not to pass" on Bill "An Act establishing a new method of voting at State and municipal elections."

Mr. Goodwin from same committee reported same on Bill "An Act to amend Section 3 of Chapter 143 of the Revised Statutes, relating to the commitment of boys to the State School for boys."

Mr. Johnson from same committee reported same on Bill "An Act to extend the charter of the Naples Water Company."

Same gentleman from same committee reported same on Bill "An Act to amend Section 4 of Chapter 174, Public Laws of the State of Maine of 1905, relating to the compensation of sheriffs."

Mr. Smith from same committee reported same on Bill "An Act additional to and amendatory of Chapter 9 of the Revised Statutes, relating to the better assessing and collection of poll taxes."

Same gentleman from same committee reported same on Bill "An Act relating to the liability of employers to make compensation for personal injuries suffered by employees."

Same gentleman from same committee reported same on Bill "An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs."

Mr. Theriault from the committee on legal affairs on Bill "An Act entitled 'An Act to abolish the office of State Binder and to authorize contracts for State binding on the basis of competitive bids,'" reported that the same be referred to the next Legislature.

Mr. Stearns from same committee on order of the Legislature that the committee on legal affairs investigate the matter of municipal court jurisdiction with a view to make the same uniform throughout the State, and report by bill or otherwise, reported "legislation thereon inexpedient."

Mr. Merrill from the committee on inland fish and game on petition of S. L. Houston and 74 others for the repeal of

the law governing ice fishing on the small ponds lying south of Trout Brook farm, reported that the petitioners have leave to withdraw.

Same gentleman from the same committee on petition of Eugene Allen and 19 others praying that a law be enacted allowing ice fishing in Little Sebago lake and a close time from April 1 to June 15 inclusive, reported that the same be referred to the commissioners of inland fisheries and game, as the subject matter of the petition properly comes under their jurisdiction by the general law.

Same gentleman from same committee on remonstrance of D. C. Glidden and others against the proposed law prohibiting the carrying of firearms on the wild lands of the State in close time, reported that the same be placed on file.

Same gentleman from same committee on Bill, 'An Act to prohibit the throwing of sawdust or other mill waste, potato pulp or any other poisonous substances in the waters of Otter brook in the town of Caribou or any of its tributaries,'" reported "ought not to pass."

Mr. Giddings from the joint special committee on salaries and fees reported "ought not to pass" on Bill, An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relating to compensation of registry of deeds for the county of York."

Mr. Milliken from same committee reported "ought not to pass" on Bill, "An Act to amend Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs."

Mr. Skidmore from same committee reported same on Bill, "An Act to amend Chapter 151 of the Public Laws of 1905, relating to the compensation of registers of probate."

The reports were accepted and sent to the Senate.

Mr. Waldron from the committee on the judiciary reported "ought to pass" on Bill, "An Act to amend Section 15 of Chapter 80 of the Revised Statutes, relating to the employment of prisoners committed for crime."

Mr. Johnson from same committee reported "ought to pass in new draft"

on Bill, "An Act to create the office of State comptroller and to define his duties," under title of "An Act to create the office of State auditor, and to define his duties."

Mr. Montgomery from same committee reported "ought to pass in new draft" on Bill, "An Act to amend Section 19 of Chapter 55 of the Revised Statutes, relating to the cutting and removal of wires and poles."

Mr. Theriault from the committee on legal affairs reported "ought to pass" on Bill, "An Act to amend Section 2 of the Private and Special Laws of the year 1907," entitled "An Act to amend the third paragraph of Section 51 of Chapter 79 of the Revised Statutes, relating to supreme judicial courts."

Mr. Martin from same committee reported same on Bill, "An Act concerning the appointment of married women as guardians."

Mr. Merrill from the committee on inland fish and game on petition of L. M. Sanborn and others, citizens of Cumberland county, praying that the law be amended so that the close time on trout and salmon in Sebago lake shall be from September 1 to April 1, reported Bill, entitled "An Act to extend the close season on landlocked salmon and trout in Sebago lake in the county of Cumberland."

Same gentleman from same committee on petition of S. B. Adams and others praying that the open time on duck be extended one month, also that wood duck and buffle head duck, commonly called "Dipper," be protected for five years, reported Bill entitled "An Act to extend the open season on wild ducks."

Same gentleman from same committee on petition of E. H. Mosher and 47 others of Belgrade for an act authorizing an open season on fishing in Belgrade stream from the bridge below Belgrade Depot to Snow pond, reported Bill entitled "An Act to regulate fishing in Belgrade stream, so-called, in the county of Kennebec."

Same gentlemen from same committee reported "ought to pass" on Bill "An Act in the interest of humanity to animals."

Same gentleman from same committee reported same on Bill "An Act to

provide for the State of Maine to take land for the purpose of building and operating fish hatcheries."

Same gentleman from same committee reported "ought to pass in new draft" on Bill "An Act to amend certain sections of Chapter 32 of the Revised Statutes, relating to inland fisheries and game," under title of "An Act to correct clerical errors in Chapter 32 of the Revised Statutes, and acts amendatory thereto, to regulate the length of trout, landlocked salmon, white perch and black bass and to regulate the transportation of deer out of the State."

Same gentleman from same committee reported "ought to pass" on Resolve relating to the disposal of the insurance due on the Moosehead Lake Hatchery, recently burned.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of the Moosehead Fish Hatchery, under title of Resolve in favor of Moosehead Fish Hatchery with statement of facts.

Same gentleman from same committee reported "ought to pass" on Bill "An Act to prohibit fishing in the brooks and streams flowing into George's River between the outlet of Quantebacook Pond, in Searsmont, and the dam across said George's River at North Appleton, and in the tributaries to said Brook, prior to April 1, 1909."

Mr. Havey from the committee on forest preservation and Water Supply reported "ought to pass" on Bill "An Act to amend Specification 10, Section 6, Chapter 9 of the Revised Statutes, relating to exemption from taxation of lands set apart for forest cultivation."

Mr. Allen from the Washington county delegation reported "ought to pass" on Bill "An Act to authorize the county commissioners of Washington county to create a sinking fund for the purpose of paying the bonded debt of said county."

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

Majority report of the committee on education reporting "ought to pass in new draft under same title" on Bill "An Act to establish an additional nor-

mal school to be located at Dexter, in the county of Penobscot."

(Signed) GEORGE W. STEARNS,  
C. E. MILLIKEN,  
E. H. GLEASON,  
W. S. KNOWLTON,  
E. W. MURPHY,  
FRED S. HAWKES,  
J. M. LORD,  
W. B. KENDALL.

Minority report of same committee reporting draft "ought not to pass" on same Bill.

(Signed) Messrs. RICE,  
PHILOON.

Pending acceptance of either report, both were tabled, on motion of Mr. Stubbs of Strong and the bill in new draft ordered printed.

#### First Reading of Printed Bills and Resolves.

An Act to amend Section 2 of Chapter 62 of the Revised Statutes relating to divorce proceedings.

An Act to incorporate the Hancock and Sullivan Bridge Company. (Amendment A offered by Mr. Lane of Brewer, and adopted.)

An Act additional to Chapter 54 of the Special Laws for the State of Maine for 1895 creating the Rumford Falls Village Corporation.

An Act to amend an act incorporating the city of Waterville and relating to the tenure of office of the members of the fire department of said city.

An Act to incorporate the Portland Water District.

Resolve relating to title and sale of gun house in Kittery, York county, formerly used by Company "B" Artillery, First Regiment Maine Volunteer Militia.

#### Passed to Be Engrossed.

An Act to amend Chapter 73 of the Public Laws of 1905, entitled "An Act regulating the sale of bonds and other obligations on the installment plan by foreign corporations."

An Act additional to Chapter 48 of the Revised Statutes relating to Savings Banks.

An Act to protect milk dealers and consumers against the unlawful use and destruction of milk cans and other receptacles.

An Act to provide a way to free toll bridges.

An Act to regulate fishing in Swift river and its tributaries in the counties of Oxford and Franklin, and to prohibit the throwing of sawdust and other mill refuse into said waters.

An Act to extend the close season on muskrats.

An Act to amend Chapter 130 of the Special Laws of 1822 as amended by Chapter 550 of the Special Laws of 1828, relating to taking fish in Dyer's river.

An Act for the protection of female deer in Cumberland county.

An Act to incorporate the Municipal Light and Power Company.

An Act to amend Chapter 333 of the Private and Special Laws of Maine for the year 1891, concerning the reversion of the Old Town bridge to the State of Maine.

An Act to provide for the pay and care of the members of the National Guard for disability while in the service.

An Act relating to locations of street railroads.

An Act to establish a Board of Education in the city of Augusta and to provide for a uniform system of schools therein.

An Act relating to proceedings to determine the title to goods in the possession of common carriers.

An Act to amend Chapter 52, Section 7 of the Revised Statutes relating to fraudulent evasions of payment of fares on steam railroads, street railroads, steamboats and ferries.

An Act to prevent the hauling of heavy teams on the highways of Brooklin from the 15th of March to the 10th of May.

An Act in addition to Chapter 97 of the Revised Statutes, relating to waste and trespass on real estate.

Resolve in favor of Mrs. Hannah McCabe, mother of the late Martin T. McCabe of Co. E, Portland.

Resolve in favor of Wilbur Grant of Kingman, Maine.

An Act making valid the organization and records and confirming the title of the trustees of the Methodist Episcopal church in Old Town, and au-

thorizing their sale of certain real estate.

Resolve in favor of the town of Bucksport to aid in the repair and rebuilding of Verona bridge. (Tabled on motion of Mr. Brown of Auburn.)

Resolve providing for the repair of bridges in Macwahoc plantation.

Resolve in favor of aiding the building of a bridge between Machiasport and East Machias. (Tabled on motion of Mr. Mullen of Bangor.)

Resolve in relative to Fort William Henry in the town of Bristol.

Resolve in favor of the town of Union.

Resolve in favor of Edward Fay of Lewiston.

Resolve in favor of the town of Verona. (Tabled on motion of Mr. Brown of Auburn.)

An Act to incorporate the Castine and Brooksville Ferry Company.

An Act for the better protection of plans of cities, towns and plantations. (Tabled pending third reading on motion of Mr. Murphy of Portland.)

An Act to amend Chapter 49 of the Revised Statutes relating to life insurance.

#### Passed to Be Enacted.

An Act to extend the charter of the Old Town Trust Company.

An Act to incorporate the Maine Live Stock Insurance Company.

An Act to incorporate the Cornish Water, Light and Power Company.

An Act to incorporate the Thomas Brackett Reed Memorial Association.

An Act to ratify and confirm the organization of the Westbrook Gas Company and to give said company additional power.

An Act to amend Sections 3, 4, 5 and 9 of Chapter 17 of the Public Laws of 1905, relating to veterinary surgeons.

An Act to amend Section 30 of Chapter 51 of the Revised Statutes as amended by Chapter 127 of the Public Laws of 1905 relating to railroad branch tracks.

#### Orders of the Day.

On motion of Mr. Baldwin of Boothbay Harbor the vote was reconsidered where the House passed to be enacted An Act to amend Section 1 of Chapter 381 of the Revised Statutes relating to

the taking of eels in the Damariscotta river, and on further motion by the same gentleman the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Baldwin offered amendment A to the title, which was adopted, and the bill was then passed to be engrossed as amended.

#### Orders of the Day.

On motion of Mr. Gleason of Mexico, bill to establish the salary of the State superintendent of schools and further define his duties, was taken from the table, and on further motion by the same gentleman the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Waldron of Dexter the report of the committee on railroads and expresses, reporting "ought not to pass" on bill to regulate mileage rates on railroads, was taken from the table and ordered to be printed.

On motion of Mr. Waldron the majority and minority reports of the committee on temperance on bill for repeal of State liquor agency, was taken from the table and re-assigned for Thursday morning.

On motion of Mr. Danforth of Skowhegan the majority and minority reports of the committee on salaries and fees on bill relating to compensation of members of the government, was taken from the table.

The pending question being on the acceptance of the majority report, The report was accepted.

On motion of Mr. Perkins of Alfred the majority and minority reports of committee on forestry preservation and water supply on bill for forestry preservation and water supply, "ought to pass" and "ought not to pass," was taken from the table and assigned for tomorrow morning.

On motion of Mr. Perkins of Alfred, bill relating to domestic animals, was taken from the table.

Mr. Perkins moved that the bill be indefinitely postponed.

Mr. MARTIN of Bangor: Mr. Speaker, This bill simply makes the dog a domestic animal. The question may arise in the minds of some, what is the necessity for this bill. Sometime ago a

man in Bangor, without any apparent reason, started out on a crusade against dogs and procured a quantity of poison and distributed it along the highway upon pieces of meat. A large number of dogs ate of the meat and died from the effects. Quite a number of the owners of those dogs came to me and wanted the man punished. He was a man of no property. I had to tell them that under the law in this State he could not be punished at all. Last Monday a respectable citizen of the town of Mariaville in Hancock county came to me and said he had a dog worth \$50. He was driving along the highway and his dog ran into a man's dooryard. The occupant of the house came out with a rifle. The owner of the dog put his hand up and said, "Don't shoot him. If he has done any damage I will pay three times the amount of the damage." But in spite of his protests the man shot the dog dead in the face of the owner. I told him that under the laws of the State the man who shot the dog was not responsible criminally, that his only remedy was to bring a civil action for the value of the dog. He said that was no remedy at all for the man was utterly worthless. The men who commit those acts are generally men of no financial or moral responsibility; and I say there is a necessity for this bill, to take care of and punish that class of men, and that is the only object and effect of the bill.

It may be argued that the supreme court nearly a quarter of a century ago held that a dog was not a domestic animal but a wild animal; but in the case deciding that the distinguished chief justice of the court wrote a dissenting opinion, broad and big enough to break away from the precedent when it was no longer applicable to modern existing conditions, and he demonstrated in the dissenting opinion, it seems to me, that the dog not only is but always has been a domestic animal. The very next year the supreme court of New York sustained and followed the opinion of Chief Justice Appleton in our State, following the dissenting opinion in that case and declaring it to be the law. I have examined the decisions of every state in the Union and there are but five that have

passed upon it, and out of that five Maine is the only state that has held that the dog is not a domestic animal. In Massachusetts the question has never directly come before them, but in a dictum they recognize the fact that a dog is a domestic animal. So I say that the weight of judicial opinion is with me in this bill.

Is a dog a tame or a wild animal? That is the question. Has he been domesticated, or is he still in his wild state? I want the State to declare that he is tame and not wild. I want him put in the category with the ox and the buffalo and the hog; and I believe you will do it for I know you are sensible, intelligent people. (Applause.)

Mr. DOW of Brooks: It seems to me that the gentleman's argument is an argument for sympathy. I appreciate the dog as a companion. I appreciate his faithfulness and those qualities almost human which he possesses. I once owned a dog which I loved. One day word came to me that a slaughter of sheep had taken place. They told me that my dog was one of those engaged in it. I saw those sheep mangled and torn in as cruel and blood-thirsty a manner as any tiger or lion or any wild beast could have done it. That dog went back to the wild in that encounter, he became as dangerous to the prosperity of the community as the wolf from which he sprang.

This is a business proposition as well as one calling for sympathy. Last summer as one of the municipal officers in my town I was called to where sheep had been killed. Suppose the owner of the sheep had killed one of those dogs there and this protection had been placed around that dog. The most of these dogs are worthless curs, and if they are declared to be domestic animals any man is liable for killing or injuring one that may be running over his place anywhere or anyhow. I submit it becomes a question of hard practical dollars and cents. I say, let the dog stay just where he is. We may love our individual dog but he is a descendant from the wolf, a wild beast with blood-thirsty instincts. Let the dog stay where he is. (Applause.)

Mr. TITCOMB of Farmington: I presume I like dogs as well as the gen-



tleman from Bangor. Peary said he could get along on dogs all right if he had enough of them; but if you prefer mutton, don't vote to make the dog a domestic animal. (Applause.)

Mr. MOORE of Saco: I wish to say just a word for the dog. It may be true that the gentleman from Brooks had a murderous dog in his family. We have had murderous members of the community throughout this State; but the members of this Legislature or the citizens of this State are not classified as wild Indians because murder has been committed by some of our citizens. (Applause.) Why, then, should the dog be so classified? It was an incident of my youth to see a man gored to death by a bull, but the statutes of this State protect those animals as domestic animals. And why not dogs? This bill is simply declaratory of a fact that has existed down through the aeons of history, beyond the founders of this State, beyond the landing of the Pilgrims at Plymouth Rock, yes, Mr. Speaker, down to the time when old Noah nursed on his hearthstone in the ark the dog that was his friend and wiped from his shaggy coat the waters of the flood. Mr. Speaker, I shall vote for the dog. (Applause.)

Mr. McKINNEY of Bridgton: I appreciate the admirable traits of the dog and all that is good in him, yet I am pronounced in this House as the enemy to the dog and as one who desired to annihilate him from the face of the earth. But I want to ask a question. If the dog is a domestic animal he then becomes a recognized piece of property, does he not?

Mr. MARTIN: He is property now by the statutes of the State.

Mr. McKINNEY: We have a law that requires all property to be taxed equally. We have a law which says the dog shall be taxed a certain amount. That law must be unconstitutional, must it not? I am not the enemy of the dog, but in my opinion the best thing you can do with the dog is just what you do with every other domestic animal in this State, and that is, make the owner take care of him and see that he does not run at large. I am afraid if you pass this law you will go very far

with doing away with that protection that the farmers of this State have asked this Legislature to give them with regard to their property.

Mr. PERKINS of Alfred: When I saw this innocent looking bill I noticed that the gentleman from Bangor had introduced Bill 122 just afterwards. He introduced 153 just after that. But this bill was the corner stone of those other two. Now I haven't anything against the dog. Keeping the dog as he is has been the corner stone of protection that the farmer has had. It seems to me that the matter of taxation should be considered. This proposed law upsets every bit of legislation we have had so far as the dog is concerned, and think we should be careful how we upset the long years of legislation we have had. If we make the dog a domestic animal we open the whole door. He is all right where he is, and we should not take away all the protection the farmer has by saying that the dog is a domestic animal.

Mr. LIBBY of Amity: Two years ago I started in to increase my flock of sheep, paying high prices, until I had 20, and two dogs got into my pasture in broad daylight and tore one of those sheep to pieces and entirely spoiled the whole flock, so today I am without a sheep. Now draw your own conclusions. (Applause.)

Mr. HILL of Machias: It seems to me that the dog is all right under the present arrangement. They are sufficiently numerous. If we leave the law as it stands today I don't think it is hurting the dog any. I think it is well to go slow in this matter. I don't see that there is any necessity for passing this act, and I hope we won't do anything rash or foolish in the matter.

Mr. DOW of Brooks: In regard to the case where the poison was left on the highway, I would ask the gentleman if those dogs are not protected by the criminal law today if it can be proved who did that thing?

Mr. MARTIN: Suppose he had shot the dogs instead of poisoning them, where is your criminal remedy?

Mr. DOW: I don't know as I can answer that. The gentleman from Saco refers to the bull being a domestic ani-

mal, I would ask if the owner of that animal allowed him one rod from his own premises, and if he was found on another man's land if his owner wouldn't be liable for any damages committed? I submit if the dog is to be hedged around with the protection of being declared a domestic animal he should have the same restrictions as others; he should not be allowed away from his master's premises except under the control of his owner. If he is to be a domestic animal to be protected wherever he goes, just so he should be subject to any penalties he may incur.

Mr. BLANCHARD of Auburn: I have as much respect for the dog as any one but I respect the horny-handed sons of toil who are today laboring on the hills of our State, and I believe that every friend of agriculture in the House will vote in favor of maintaining the law as it now is.

Mr. MARTIN: I want this House when they vote upon this question to have clearly in mind just what the issue is. The issue here is whether the dog is a domestic animal, which means merely tame—whether he is a tame animal or a wild one; and all this talk about dogs killing sheep and the protection of sheep and the sheep industry has no bearing upon this case. The gentleman from Bridgton says if we make the dog a domestic animal we must tax him like other animals. That very question arose in the supreme court of Massachusetts that it would be unconstitutional to impose a license on dogs, they being domestic animals, that they must be taxed like other animals, and the supreme court of that State held that the State in the exercise of its police powers could impose such regulations upon dogs or any other domestic animal as they deemed wise; and that takes care of that argument. And this talk about upsetting the legislation of the State for half a century—this bill has no bearing on that. The only effect of it will be to enable a man who owns a dog that some miserable sneak may shoot may have a right to go into court and have him punished for it. There is no statute in the State that will punish a man for shooting your dog. If you have a dog that is an inmate of your household and some man shoots him

unjustifiably I want to know if you want a statute the same as they have in every other state in the Union that he may be punished for his dastardly act; and that is all there is to the question.

The question being on the motion to indefinitely postpone the bill, a division was had and the motion was lost by a vote of 48 to 69.

The bill then received its second reading, and on motion by Mr. Martin the rules were suspended, the bill received its third reading and was passed to be engrossed.

Special assignment: Majority and minority reports of committee on salaries and fees, reporting on Bill relating to compensation of members of government, "ought to pass," and "legislation inexpedient."

Mr. Newbert of Augusta offered amendment A, which was adopted and the bill then received its two readings and was assigned for tomorrow morning.

Special assignment: Majority and minority reports of the committee on salaries and fees, reporting on Bill relating to free transportation of State officials "ought to pass in new draft" and "ought not to pass."

Mr. MILLIKEN of Island Falls: I move that the majority report be accepted. The bill provides that free passes or tickets of any kind sold at a less rate than to the public in general may not be issued by railroads to State officials nor received by State officials except in the case of those who are agents, officials or employees of railroad companies. This bill is practically the same as the one reported by the committee appointed by the last Legislature. I think this bill is a response to a very general feeling throughout the State, that this whole free pass business should be done away with.

Mr. HALL of Dover: As a member of the House two years ago I supported the order for the appointment of a committee to investigate and report by bill or otherwise in regard to this matter to this Legislature. Early in the session, feeling that there might be some doubt as to getting a report I introduced a

Bill myself relating to the transportation of State officials. That bill does not suit me so well as this bill. I believe this is the proper measure; so I have sacrificed my own bill to the support of this bill. I believe this Legislature is in duty bound and in all honor, to itself and to its successors, to pass this bill without a dissenting vote. The system of free passes as used by members of the Legislature I believe reflects upon us, upon our honor and upon our independence. Whether it does or not we have the credit of it. I hope the bill will receive a passage.

The question being on the motion to accept the majority report, the motion was agreed to.

The bill then received its two readings and was assigned for tomorrow morning.

Special assignment: Report of committee on railroads and expresses, reporting on Bill for two-cent mileage on Bangor and Aroostook Railroad "ought not to pass."

Mr. MILLIKEN of Island Falls: **The** report of the committee is unanimous against the bill. This bill does not seek to establish a new rate on the Bangor and Aroostook Railroad. We have a two-cent mileage rate there now. We do not ask for the rate to be changed. The books now are now confined to the use of the purchaser and his wife only. We ask that the restriction be removed, that the same book be issued at the same price, but that it be open to the use of anybody who cares to ride upon it. We ask to have done lawfully what is now done illegally by a great many people who ride on the railroad and who now use those books in violation of law when their names are not written in them. That seems to be a fair proposition.

What are the objections to it? It is said that the proposed law is unconstitutional. I do not think that objection is well taken. I do not understand that it is seriously proposed by the counsel on the other side. The only way in which that legislation could be unconstitutional would be if the railroads could show that the Legislature deprived them of a proper re-

turn on their investment and therefore that it was in fact a confiscation of property. If it would be unconstitutional an efficient way of disposing of it would be to allow such a law to be passed and declared unconstitutional. A second objection is that the Legislature has no moral right to interfere with anybody's business. It is said that if you or I run a store or any enterprise, we would not like to have the State say we must sell sugar for so much a pound, or any other article. But you and I are not given by the State the exclusive right to run our store or our sawmill; we are not given the right to take our neighbor's property without his will. The railroad is a public service corporation. It is given the power of eminent domain. It is given the exclusive right to its own territory. The contract between the railroad and the man who rides over it is a public contract; and the only question for us to consider is whether it is fair for us to make the proposed distinction. There is no question of the moral right to do it if it is fair. The third objection is that the railroad cannot afford it. I want to say for myself and my constituents that nobody would desire to injure the Bangor and Aroostook Railroad. But what is the fact in regard to transportation on the railroad. From the railroad commissioner's report I have the average cost in cents per mile that is said now to the road for transportation. That is 2.48 cents per mile. That is the average cost now. That is made up largely of three elements, transportation on the two-cent mileage books, on the 500-mile books, and on local tickets, which average between four and five cents. I think it is fair to assume that 70 per cent. of the transportation is on the two-cent mileage, 15 per cent. on the two and three-quarters cent mileage, and 15 per cent. on the local tickets. This cannot be far from right.

It is argued by counsel for the road that the proposed change would cost the road \$100,000. That statement has been sent out. To reach those figures they assume that the change would mean that everybody thereafter would

travel at the two-cent rate. They assume that no increase of travel would result from the change. It is evident that neither of those things will happen. So it is not fair to figure that that whole difference will result. Counsel argued that under a transferable two-cent mileage the rate on the Bangor and Aroostook would be the same as on the Maine Central. But the local tickets on the Maine Central are very much less in price than on the Bangor and Aroostook, and wherever the Maine Central finds competition with electric roads it sells transportation for about one cent per mile, and that brings down the rate very largely; and the Maine Central, particularly through the summer season, has an enormous excursion business where tickets are sold from one cent to a cent and a half a mile, and that immense amount of business brings down the average very much.

I think it is fair to assume that if this change should be made 90 per cent. of the people who travel on the Bangor and Aroostook Railroad would travel on a two-cent mileage and 10 per cent. on local tickets. If so, the average rate upon the Bangor and Aroostook would be two and a quarter cents per mile instead of 2.48, and the difference then instead of \$100,000 would be only about \$50,000. And that is on the assumption that travel would not increase at all. But I believe that travel will increase, and if it increases only 10 per cent. the difference will be entirely made up. If travel does not increase, there is another consideration which we think should be taken into account, the fact that when the road was established it was granted by the State a special tax rebate of 95 per cent. of all the taxes due the State. I do not criticise the wisdom of that act. But the fact is that that legislation would not have been needed. The road has paid from the start, and we feel the fact that they do possess that rebate is some reason why they should consider this proposition to return to the people a portion of that rebate in this way. The only serious objection in my opinion to this bill is one in which those interested in other roads

unite, that is the objection that all railroads have to any legislation whatever in regard to rates. They don't want anything done in any way which interferes with the rates on railroads. The only question for us is whether the proposition in itself is fair and just.

Now what are the reasons for asking for this change? First, the people of Aroostook county want it. Second, the present method discriminates against the very class of people who can least afford to be discriminated against. If the road cannot afford to carry passengers for two cents, that is one thing; but I see no reason why they should carry 70 per cent. of their passengers for two cents and cannot afford to carry the rest for two cents. Third, this present method discriminates against the honest man. Not a train moves on that road on which at least one person does not ride who is traveling on a two-cent mileage on which he has no right to travel. I hope this matter may be decided simply and solely on the merits of the case and as a public matter; and if you think this proposition is fair and that the people of Aroostook are entitled to it I ask you to vote for the substitution of the bill for the report.

Mr. HALL of Dover—As a member of the railroad committee I want to say a word in regard to our unanimous report against this bill. This road, originally the Bangor and Piscataquis, labored under great disadvantages in obtaining capital. About 1903 the Bangor & Aroostook Railroad was organized. That company took over the Bangor and Piscataquis road. Prompt orders were given to straighten out the curves on that road and to build steel bridges in place of the old wooden ones, to lay heavy steel rails and to ballast the road. We were given a road laid with heavy rails, new sleepers, with new steel bridges, with vestibule trains over that road which are not excelled by any railroad in New England, we were given a parlor service from Moosehead Lake to New York without change of cars, and about the same time we were given the two-cent mileage which was a thing we had never had. I feel that the county of

Piscataquis is under great obligation to this company in introducing those reforms and giving us the road itself and developing our resources as it has done. I admit that the present two-cent mileage is not what we might desire; I would like to have an interchangeable two-cent mileage, but I have to take their word for it that under the circumstances they cannot afford it. It was in evidence that this company had built car-works at Milo Junction costing over \$300,000 and that it is employing over 200 men in those works, and doing all their repairing there which previous to the building of those works had been done in New Hampshire; that they had built 75 new dwelling houses in that same town of Milo. It was in evidence that the road since 1893 has built in the State of Maine 400 mile of road. It was in evidence that miles and miles of that road, more than half of which is in the county of Aroostook, has been built through timbered towns where there were no passengers to be carried. The claim of the railroad officials and the evidence was to the effect that their passenger trains were run at a loss at the present time, and that if you reduce their income from that tariff they must either raise their freight rates or reduce their passenger service.

This Bangor and Aroostook Railroad came to this Legislature and asked for a charter, which has been granted, to build 14½ miles more of road through the counties of Piscataquis and Aroostook and develop our latent resources. I cannot come here and criticise their management and especially their two-cent mileage rate which is not a very important matter. We have a two-cent mileage already. It is only a question of transferring it from person to person. I feel that we could tolerate this thing until such time as the railroad can afford, as they claim, to give that to us, after they have further developed the resources of our counties. There is no discontent in regard to this matter from my county. The consideration of the matter before the committee was strictly on business principles as to whether it was our duty as a committee of this Legislature to order an em-

bargo put on the management of this railroad at this time which was never put on any other railroad in the State of Maine. I think if you consider this matter seriously you will take the same view that we did. I hope that prejudice against a corporation will not enter into this matter. You will all admit that there is no man in Maine, probably no man in New England or in America who alone would or could build the Bangor and Aroostook Railroad. Railroads built by individuals have never succeeded. They must have behind them a strong combination of capital; and that is all a corporation is. In regard to the management of this road, there was no suggestion in the committee that the management of this road had ever been anything but honest and upright and above-board. There was no suggestion that any stock had ever been watered or that any bonds had ever been watered or that there had ever been any mismanagement or dishonest management in any particular. I submit the case to you.

Mr. MILLIKEN: I agree with the gentleman about the prosperity that has resulted from the coming of the railroad, but I cannot admit that the fact that that section has prospered on account of the railroad is prima facie evidence why the railroad should not grant the transferable two-cent mileage. It is a reason why the citizens of the county should not desire anything that would injure it. I do not believe that the proposed development of the Allagash road will be affected one way or the other by our action on this matter; and if it should be delayed by this action I do not think our rights should be delayed in order that the owners of townships of wild lands on the Allagash should be benefited by the new road. The whole proposition is simply this, if it is true, that the change would result in a difference of about \$50,000, admitting that no increase of travel would result; assuming it is true that 10 per cent. would result, there would be no difference. At any rate, in the near future we may expect the passenger traffic would increase enough to make up the difference. If there should be for the present some difference we feel that it would be only fair, be-

cause the railroad is a private corporation where the stock is held by a few and those few will not sell it, and it is only a question whether this money shall be retained by them or shall be distributed to the people in this way.

The gross earnings of this road are roughly \$2,500,000, the operating expenses are roughly \$1,500,000, the net income from operation is about \$950,000. The gross income of the Maine Central is \$6,790,000, the operating expenses a little over \$6,000,000, the income from operation \$1,700,000. You will notice that the Maine Central does over three times as much business and that the income is less than twice as much. So the Bangor and Aroostook is not in a financial condition so as to suffer from that change that we ask for. It is not a change in the rate, it is merely a proposition that the mileage shall be for anybody who wants to travel on it.

I ask that when the vote is taken it be taken by the yeas and nays.

On motion of Mr. Dunton of Belfast the House took a recess until 4.30 o'clock in the afternoon.

#### Afternoon Session.

The House having under consideration the report of the committee on railroads and expresses, reporting on bill for two-cent mileage on Bangor and Aroostook Railroad "ought not to pass."

Mr. DUNTON of Belfast: Mr. Speaker, I come from a section of the State which at the present time is deeply interested in this Bangor and Aroostook Railroad. Within three years this road has made an extension to Stockton Springs and Searsport, bringing it within six or seven miles of my city. We are interested that this road should be extended to our city; we are interested that it should prosper and extend in the other direction, bringing business to us. But it is not for that reason that I speak on this question; it is because I believe that an attempt is being made by this motion to substitute the bill for the unanimous report of the committee, to do an injustice to this road, that it will tend to discour-

age this road in extending its lines in either direction.

The gentleman from Island Falls states some objections that have been made to his bill, and the first which he states is the constitutional question. There is a constitutional question, and a very serious one, which confronts us. It is a question of the federal constitution which provides that no State shall deprive any person of his property without due process of law nor deny to any person the equal protection of the law; and the Supreme court has decided that a railroad company is a person within the meaning of that act. Three concise rules have been laid down by the Supreme court of the United States. The first is that a railroad corporation is a person; second, that a State enactment establishing rates for the transportation of persons or property by railroad that will not admit of the carrier earning such compensation as under all the circumstances is just, would deprive such carrier of its property without due process of law; and third, that the question whether it does so deprive the carrier of its property without such compensation is a question for the courts. So you see we are met by the question of fact, the question of fact as to whether this bill would deprive this railroad company of its property without due process of law. If this bill would deprive this company of its earning capacity so it would not receive just compensation it would deprive it of its property within the meaning of the constitution. From the railroad commissioners' report for 1906 the passenger earnings per train per mile over that road were \$2.343 cents. The operating expenses per train per mile were \$1.06—24 cents more, the operating expenses of a passenger train than the receipts from the passenger traffic; a loss for every passenger mile of 24 cents. We have a loss on the passenger business of that road of \$166,859.36 for the year 1906.

It may be asked, how can they do business in that way? They make it up on their freight business, the operating expenses per train mile \$1.06, the freight earnings per train mile \$2.28, a

difference of \$1.22 per train mile on the freight. They are carrying passengers at a less rate and it is made up in the charge for freight. They cannot continue to do this unless it is made up from the freight. I am not aware that this company has paid any great dividends to its stockholders during this period. On the contrary it has only paid three dividends since the road was constructed in 1891, the largest being four per cent. Upon the whole they have not been able to pay large dividends upon their investment. Now is it good policy for this State to interfere with their management? I apprehend if I asked what individual has done the most for the development of our industries and our resources that there would be but one answer, and that would be that it was F. W. Cram, president of the Bangor and Aroostook Railroad Company. He started there in 1891 to build this road into Aroostook county. At that time that county had less than 50,000 population. Today it is estimated at over 80,000. The valuation of that county was then about \$15,000,000. It is now \$28,000,000. And this has all been brought about through the energy of this one man who has been at the head of that railroad company; and I don't believe this Legislature is ready to vote a lack of confidence in that man which they would do by passing this bill to interfere with the business of that road. I have been as loud in my denunciations of railroad combines and trusts and combinations which extort money from the people and work injustice as any man living, but I think I am broad-minded enough to be just to those railroads or corporations which are doing a legitimate business for the benefit of the people and of the State even though it be a railroad company.

A large part of the traffic over this road is from parties out of the State, coming in the summer months, and this change would be more for their interest to the detriment of this road than in any other respect; and I don't believe we are ready to do that thing. Two and a half per cent, approximately is the average rate now and has been for the past year. You make

this 1,000 mile ticket transferable and practically everybody will ride upon it, and figured out accurately it would have reduced it in 1906, \$105,998, the difference that that mileage ticket would have made in 1906, which with the \$166,000 would have made a shortage on the passenger traffic of \$272,857. Now as a business proposition are we ready to undertake to transact the business for this company, and when they are doing their passenger business at those rates to say to them that they are not competent to manage their own business, that they are not running it properly and are running it at exorbitant rates? If this bill should pass they would have to reduce their passenger accommodations. They are running more trains now than they can afford to at the rates which they are receiving. You must remember that this is a road which has its terminus in the country into which it extends. There is no through travel over it as is the case with the Maine Central and the Boston and Maine. Are we to put the Bangor and Aroostook, situated as it is in relation to passenger traffic, on the same basis as the Maine Central and the Boston and Maine? It seems to me that it would be a most unjust thing to do. The committee on railroads and expresses have reported unanimously against this bill. We are not able to give it the careful consideration that the committee did. And I believe that the gentleman from Island Falls does not state correctly the attitude of his people towards this bill when he gives as his first reason for the passage of this bill that the people of Aroostook county want it. Even if that were the case I don't think it would be a reason. I suppose a great many people might be found who might like to have the rate put down to one cent, but should we do it because they want it? No. The only question we should consider, is, is it just—just to the railroad and just to the public? A distinguished gentleman from the county of Aroostook was chairman of the committee which reported unanimously against this bill. He did not consider it just. I do not believe the people of the county are

calling loudly for it. I understand that by actual count less than 2,000 people of Aroostook county have signed petitions for this bill, out of the 80,000 inhabitants of that county.

I am credably informed that the Grange of Aroostook has taken the matter up and have decided not to ask for the two-cent mileage. It did not appear to them to be right. I think the people there want the passenger accommodations that they now have.

The gentleman says it is a discrimination. It is. They are not able to sell tickets to everybody at two cents a mile. It is a business proposition which they have studied out. If their books were transferable it would reduce the passenger traffic to practically two cents per mile, a difference of over \$100,000 a year to this company. I say that this road is conducting its business properly and is favoring the passenger traffic at the expense of freight rates. This passenger traffic is made up very largely for five or six months of the year of people coming from out of the State. Only because I believe it is not right I oppose this bill.

Mr. WALDRON of Dexter: I would like to ask the gentleman a question: If it is just or if it is right for the B. and A. Railroad to confiscate the mileage books from those who are using them on that road simply because they don't contain the names of the parties, and refuse to deliver them back to the people whose money and whose mileage books they have?

Mr. DUNTON: If that is the contract which they make with the person to whom they sell that book, and I have no doubt that it is, I will say that it is right that that book should be in the possession of the man who bought it under his contract.

Mr. WALDRON: Then shouldn't they return the money which the book represents that they have taken?

Mr. DUNTON: Where a person has forfeited his book under the contract I should say no. He has violated his contract and forfeited his book. I say that he must stand it.

Mr. SPEAR of South Portland: As a member of the committee which con-

sidered this bill I want to say a word. The plea of the gentleman from Island Falls is that we help the people of Aroostook county to be honest. He stated that not a train ran on that road but what carried one or more citizens of Aroostook who were traveling under perjury, defrauding the railroad by using a mileage book which belonged to another. I have had the benefit of the acquaintance of so many of the people of Aroostook county that I cannot but believe that instead of being all dishonest they are largely all honest. I don't believe the occasion requires legislative action to keep Aroostook county honest; I think she is honest now.

As a member of the committee my own decision, and I believe the decision of all the members of that committee, was reached on the final question as the gentleman himself places it—is it fair? And in view of the evidence before that committee we as a committee decided that it was not fair, that the present conditions did not justify the committee in recommending the passage of this bill, and I don't believe they justify this Legislature in passing it. I hope the motion will not prevail.

Mr. IRVING of Presque Isle: I do not understand that by this bill we are asking the Bangor and Aroostook Railroad Company to establish any new rate. We don't want them to do anything different from what they are now doing. They are now issuing a two-cent mileage book which will allow a man and his wife to travel on the same book, and they say in their rules that no other person is allowed to travel on it. Well, the people in my town do travel on it. They pay no attention whatever to the rules as laid down in the mileage books; they swap and borrow and loan the books, and they are common property. The public make them so. We have ticket scalpers that deal in them. And the books are not taken up by the conductors and the rules are not enforced. And all we call for under this bill is simply that the Bangor and Aroostook Company legalize what is already being done by



the people, that is all. The people have made these transferable.

Mr. DUNTON: I would ask the gentleman how he accounts for the fact that the average rate per mile is two and one-half cents where everybody is riding on a two-cent mileage?

Mr. IRVING: There is another mileage book, at two and three-fourths cents.

Mr. DUNTON: That is transferable.

Mr. IRVING: I only speak from what I know.

The question being on the motion to substitute the bill for the report, Mr. Milliken moved that the yeas and nays be called.

The question being shall the yeas and nays be ordered.

The motion was agreed to.

The SPEAKER: All those in favor of substituting the bill for the report will say yes as their names are called; all those opposed will say no. The clerk will call the roll.

YEA:—Allan of Dennysville, Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin, Barrows, Blanchard, Brawn, Chase, Cobb, Crosby, Cyr, Davidson, Decker, Dondero, Donigan, Dow, Duncan, Dyer, Edwards, Emerscn, Farnham, Farrar, Frost, Gallagher, Gleason, Goodwin, Grinnell, Hadlock, Harriman, Harris, Harthorn of Milford, Haskell, Hathorn of Detroit, Havey, Hawkes, Herrick, Hibbard, Higgins, Hill of Machias, Hill of Monticello, Irving, Jacobs, Joy, Kelley, Lane, Leighton, Libby, Lord, Loring, Lowe, Lynch, Martin of Bangor, Martin of Rumford, McKinney, Merrill, Michaud, Milliken, Montgomery, Murphy, Newton, Noyes, Oram, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Pike, Pooler, Preston, Reynolds, Safford, Scates, Skidmore, Snow, Sprague, Stearns, Stevens of Portage Lake, Strickland, Stuart, Stubbs, Tarbox, Theriault, Thomas of Harpswell, Thomas of Howland, Titcomb, Tolman of Glenburn, Waldron of Dexter, Weld, Whitehouse, Wight.

NAY:—Bracket, Davis, Dunton, Emery, Flaherty, Giddings, Gordon, Hall of Dover, Johnson of Waterville, Kendall, Langley, Lovejoy, McClutchy,

Merriman, Minahane, Moore, Mullen, Skillin, Smith of Lisbon, Spear, Stover, Tolman of Portland, Weeks, Witham.

ABSENT:—Barker, Brown, Charles, Clark, Colcord, Copeland, Danforth, Davies, Folsom, Fulton, Hall of Caribou, Horigan, Johnson of Calais, Jordan, Knowlton, LeBree, Leader, Mayo, Merry, Morneau, Newbert, Newcomb, Perry of Randolph, Pinkham, Putnam, Smith of Patten, Stevens of Jonesport, True, Tucker, Waldron of Portland, Walker, Wardwell.

Yeas, 91; nays, 24; absent, 32. Paired: Wood, yes; Young, no.

So the motion prevailed.

On motion of Mr. Milliken the rules were then suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Murphy of Portland, bill relating to the advertising of patent medicines was taken from the table and passed to be engrossed.

On motion of Mr. Murphy, bill to extend the charter of the Peaks Island Railroad Company was taken from the table and passed to be engrossed.

On motion of Mr. Murphy, bill to enable cities to assess taxes for street sprinkling was taken from the table.

The bill received its first reading.

Mr. Tolman of Portland offered amendment A, which was adopted, and on motion of Mr. Tolman the bill was tabled with the amendment for printing.

On motion of Mr. Perkins of Alfred, the rules were suspended and he introduced a resolve in favor of A. M. Goddard, which was referred to the committee on appropriations and financial affairs.

On motion of Mr. Allen of Mt. Vernon, majority and minority reports of Kennebec county delegation on resolve in favor of improvement of Kennebec county buildings, was taken from the table.

Mr. Allen moved the substitution of the minority for the majority report.

Mr. ALLEN of Mt. Vernon: Mr. Speaker, This is a matter in regard to the county court house and jail. The minority of the committee recommend the appropriation of \$15,000 by the county, while the majority recommend

\$50,000. We both favor a new heating plant for the court house, also a new heating plant for the jail, and a new lighting plant for the jail. But the majority want to go farther and put an extension on the court house which the minority do not feel that at this time the county can afford. The court room itself is one of the best in this State. The library they claim is crowded and that there isn't room enough for the attorneys for consultation with clients; and that may be true. They claim that the register of deeds' room is insufficient. But the present register tells me that it is sufficiently large for several years to come. Cumberland county appropriated in the first place \$400,000 for a court house. They have already used \$600,000, and are asking for about \$250,000 more. If we appropriate \$50,000 we don't know where we will land. If they expend \$100,000 we have got it to pay.

I believe in having a central heating plant. The majority recommend that it be located in the basement of this addition which they propose. For several reasons I believe it is better to have the plant centrally located. Our county for the last year or two has been burdened with high expenses, from criminal trials and so forth, and while we are willing to put the court house in good repair, and the jail, we do not believe it is advisable at this time to go to the great outlay which a proper addition to the court house would mean. We ask you to give us from the rural districts a chance and let us keep our taxes down and not make appropriations any higher than they look to be now in the 73d Legislature; and all we ask is that you do by us as you would have us do by you. (Applause.)

Mr. JOHNSON of Waterville: The two resolves introduced by the Kennebec county delegation ask of this Legislature the power or authority for the treasurer of Kennebec county to pledge the credit of the county and hire a sum of money to make very much needed repairs on our county buildings. We differ about the extent of those repairs. I think we stood nine to seven, nine favoring a larger sum and seven a

smaller sum. We agreed that our jail needed a new heating plant. Our jail is heated by stoves at the present time, and we haven't a lighting plant such as we should have. The jail is now lighted by gas; it should be lighted by electricity. I think the minority agreed with us that we should put a heating apparatus into the jail and do something in the way of lighting it.

Now there has been a pressing need for some time for some repairs upon our court house. This isn't a question between the attorneys and the rural districts of Kennebec county, because my friends from the rural districts have to go there too; that is where I have to work for them. We know the disadvantages under which we work in that court house, and we know them better perhaps than gentlemen who don't have to do their work there. So far as the court room is concerned we have one of the finest in the State. We have very good accommodations for the officers in the court house. Kennebec county has become a law center in this State. Our library is crowded. The increase in the number of justices here made it necessary for them to have room; and if I had a case for any one of you and you came there with your witnesses and it was necessary that I should sit down with you and go over your case with you as I ought to do, and with your witnesses, there isn't a room in that court house that is open to me as an attorney. The lawyers haven't a consultation room in that building. The only room for us is the library room which opens directly off the court room. If I want to go to the books when court is in session there are ten or a dozen attorneys sitting there and it is the common loafing room of the members of the bar. We ought to have a place to consult the books without being disturbed. There isn't such a place in our court house. We think, in addition to this work upon the jail, that a wing should be built on to our court house to make a library room and a consultation room for attorneys. I believe as present that our register of deeds' office is adequate. I believe that vault room could be secured under this wing for the preser-

vation of the clerks records which ought to be carefully preserved. We are told by a contractor of much experience, a member of this House, that a heating and lighting plant for the jail and the addition to the court house could be done for \$50,000, and we ask this Legislature to authorize the treasurer of the county to pledge the credit of the county on a long time loan, not exceeding 30 years, to make these additions and improvements to our court house. We are not asking anything from the State, but it is simply Kennebec county which comes here with a majority of its delegates representing both political parties, and asks that we have this authority granted to us so that it may be done.

Mr. NEWBERT of Augusta: There was no serious division in this delegation. There is only a friendly division. I am sure that at least two or three who signed the minority report did it rather reluctantly, disliking to seem to oppose the majority in that matter. Of course this has nothing to do with the State. I ask you to enable us as a county to borrow this money really a family affair in Kennebec county. Many who are interested in these county buildings feel it would be a mistake to spend \$15,000 at this time, that it is the part of wisdom to do this thing right. The expense would not bear heavily on the county of Kennebec. The work needs to be done. We are fairly divided in this delegation politically. It is a good time now to assume the responsibility of doing this thing so that no man can make political capital out of it.

Mr. REYNOLDS of Winslow: We have a board of county commissioners in Kennebec county and they are supposed to look after our buildings and they do not recommend this outlay of \$50,000 as near as we can learn. I come from a town that represents one-fifth of the wealth of the county and they are opposed to this proposition; and the town that joins with us and the one on the other side makes about one-seventh of it and they oppose it. I think they can get along without the library, and with all the taxes we have we don't need to spend \$50,000. All the

men I have talked with in our county claim that they don't desire any such an appropriation. The register of deeds says his accommodations are good for 25 years; and the judge of probate says his place will hold all his papers. I don't believe we need another court house addition. There may be need of a new heating plant in the jail. But I think \$50,000 is too much money for them to spend.

The question being on the motion to substitute the minority for the majority report, a division was had and the motion was lost by a vote of 17 to 35.

On motion of Mr. Johnson the majority report was accepted.

On further motion by Mr. Johnson the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On further motion by Mr. Johnson the rules were suspended, the resolve received its two readings and was passed to be engrossed.

On motion of Mr. Donigan of Bingham the rules were suspended and he introduced a resolution asking delegation in Congress to inquire into the expediency of establishing postal savings banks.

The resolution was given a passage.

On motion of Mr. McKinney of Bridgton the vote was reconsidered whereby the House adopted the report of the committee reporting "ought not to pass" on bill establishing a new method of voting at State and municipal elections, and on further motion by Mr. McKinney the bill and accompanying report were tabled.

On motion of Mr. Leighton of Westbrook the rules were suspended and he introduced a resolve in favor of James A. Chase, mail carrier. (Referred to the committee on appropriations and financial affairs.)

On motion of Mr. Gleason of Mexico the report was reconsidered whereby the House accepted the report of the committee on legal affairs on bill to abolish the office of State binder, and on further motion by Mr. Gleason the bill and report were tabled.

On motion of Mr. Murphy of Portland.

Ordered. That whereas the com-

mittee on education, to which was referred the bill to create a State board of education, reported that the same be referred to the next Legislature, therefore be it ordered, the Senate concurring, that a joint special committee of five consisting of two on the part of the Senate and three on the part of the House, to serve without pay, be appointed to investigate the advisability of establishing a State board of education, and report by bill or otherwise.

On motion of Mr. Libby of Amity,  
Adjourned.