

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

**HOUSE.**

Wednesday, March 20, 1907.

Prayer by Rev. Mr. Dunnack of Augusta.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

An Act to amend Section 116, Chapter 84, Revised Statutes, relating to witnesses.

An Act to amend Section 12, Chapter 135, of the Revised Statutes, relating to the challenge of jurors in certain criminal cases.

An Act to amend Chapter 139 of the Public Laws of 1905, relating to register of deeds.

An Act to amend an act approved Feb. 22, 1907, entitled "An Act to amend Chapter 107 of the Private and Special Laws of 1905" entitled "An Act to incorporate the Stockton Springs Water Co."

An Act to provide for the remuneration of deputy sheriffs.

An Act to incorporate the trustees of Machiasport bridge.

An Act relating to the attendance of witnesses at court.

An Act additional to an act providing an additional term of the supreme judicial court for the county of Oxford, approved by the Governor March 9, A. D., 1907.

An Act relating to the assessment of taxes.

Resolve in favor of the Maine Insane hospital.

An Act to amend Chapter 6 of the Revised Statutes relating to elections.

An Act to amend Section 11 of Chapter 23 of the Revised Statutes as amended by Chapter 79 of the laws of 1905, relating to boundaries of ways.

An Act to authorize the Sebasticook and Moosehead Railroad Company to extend its line to Eliotsville Plantation and to Albion, came from the Senate with Senate amendment A.

The House reconsidered the vote whereby the bill was passed to be engrossed, Senate amendment A was adopted in concurrence and the bill was then passed to be engrossed as amended.

An Act to incorporate the Central

Maine Insurance 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 in concurrence and the bill was then passed to be engrossed as amended.

The Speaker appointed to the vacancy on the committee on county estimates caused by the death of Mr. Randall of Montville, Mr. Colcord of Searsport.

From the Senate—Majority and minority reports, A and B, of committee on insane hospitals. (Tabled pending the acceptance of either on motion of Mr. Hall of Dover.)

From the Senate—Reports A and B of the committee on public buildings and grounds on State capital removal.

Mr. Spear of South Portland moved the adoption of report A in concurrence with the Senate.

On motion of Mr. Johnson of Waterville the reports were tabled and assigned for tomorrow morning.

The following resolves were presented and referred to the committee on appropriations and financial affairs:

Resolve in favor of M. H. Hodgdon, clerk and stenographer to the committee on inland fisheries and game.

Resolve in favor of the messenger to the committee on railroads and expresses.

Resolve in favor of J. W. Gordon.

Resolve in favor of L. S. Lippincott.

**Reports of Committees.**

Mr. Weeks from the committee on the judiciary reported "ought not to pass" on Bill entitled "An Enabling Act for sheriffs and their deputies."

Mr. Davies from same committee reported same on Bill, "An Act to establish the Lincoln county municipal court."

Mr. Montgomery from same committee reported same on Bill, "An Act to amend Section 2, Chapter 62 of the Revised Statutes relating to divorces."

Mr. Johnson from same committee re-

ported same on Bill, "An Act to provide for a superior court system."

Mr. Waldron from same committee reported same on Bill "An Act to amend Section 1, Chapter 85 of the Public Laws of 1905, relating to corporations."

Mr. Goodwin from same committee reported same on Bill, "An Act requiring employers of alien labor to assist in the assessment and collection of poll taxes from their alien laborers."

Same gentleman from same committee on Resolve proposing an amendment to Article 4 of the Constitution, establishing the people's initiative and referendum at general or special elections, reported "ought not to pass because same subject matter has already been acted upon by this Legislature."

Mr. Perry from the committee on mercantile affairs and insurance reported "ought not to pass" on Bill, "An Act limiting the liability to be incurred by stock, accident and health insurance companies."

Same gentleman from same committee reported same on Bill, "An Act to amend Sections 9, 42 and 44 of Chapter 49 of the Revised Statutes, relating to the incorporation of insurance companies."

Mr. Barrows from the committee on claims reported "ought not to pass" on Resolve in favor of A. L. Dow & Company of Portland.

Mr. Folsom from the committee on pensions reported "ought not to pass" on Resolve in favor of Mary A. Goodwin.

Mr. True from the committee on taxation on Bill, "An Act to provide for the equalization of taxes in towns," reported that the same be referred to the next Legislature.

Mr. Milliken from the joint special committee on salaries and fees, on Bill, "An Act to provide for the transportation of members of the Legislature and other officers, agents or employes of the State of Maine," reported that the same ought not to pass as the subject matter is incorporated in a bill already reported to the Legislature.

Mr. Scates from the Cumberland county delegation on Bill, "An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relating to salary

and clerk hire of register of deeds of Cumberland county," reported that the same be referred to the next Legislature.

Mr. Strickland from the Penobscot county delegation reported "ought not to pass" on Bill, "An Act to fix the salary of the sheriff of Penobscot county."

Same gentleman from same delegation reported same on Bill, "An Act to fix the salary of the county treasurer of Penobscot county."

Mr. Kendall from the Sagadahoc county delegation reported same on Bill, "An Act for the better protection of ducks, waterfowl and other wild birds in Kennebec and Eastern rivers and Merrymeeting bay."

The reports were accepted and sent to the Senate.

Mr. Weeks from the committee on the judiciary reported "ought to pass" on Bill, "An Act to establish a municipal court at Madison."

Mr. Goodwin from same committee reported "ought to pass in new draft" on Bill, "An Act to amend Section 11, Chapter 80 of the Revised Statutes of 1903, providing for renewing, re-arranging, indexing and docketing the records of probate and other county courts," under title of "An Act to amend Section 11 of Chapter 80 of the Revised Statutes, in relation to the powers and duties of county commissioners."

Mr. Johnson from same committee reported "ought to pass in new draft" on Bill, "An Act to authorize the foreclosure of mortgages by sale of the mortgaged property and to shorten the time of foreclosure by other methods," under title of "An Act to amend Sections 4 and 7 of Chapter 92 of the Revised Statutes relating to the foreclosure of mortgages."

Mr. Waldron from same committee reported "ought to pass in new draft under same title" on Bill, "An Act to incorporate the Wilton Water District."

Mr. Mullen from the committee on railroads and expresses reported "ought to pass" on Bill, "An Act to amend Section 8 of Chapter 51 of the Revised Statutes, relating to railroad maps."

Mr. Perry from the committee on mercantile affairs and insurance re-

ported "ought to pass in new draft" on Bill, "An Act amendatory to an act passed in 1907, entitled 'An Act additional to Chapter 49 of the Revised Statutes, relating to insurance and insurance companies,'" under title of "An Act to amend an act entitled 'An Act additional to Chapter 49 of the Revised Statutes, relating to insurance and insurance companies,'" approved March 6, 1907.

Mr. Thomas from the committee on shore fisheries reported "ought to pass" on Bill, "An Act to amend Section 50 of Chapter 41 of the Revised Statutes, relating to the taking of eels in Pemaquid river."

Mr. Barrows from the committee on claims, on resolve in favor of the town of Gray for reimbursement for having paid an account of Old Town, incurred by a member of the Penobscot tribe of Indians, also resolve in favor of the town of Gray for reimbursement for having paid an account of Grover C. Broderick, also resolve in favor of the town of Gray for reimbursement for having paid an account of Riley Plantation, reported resolve, in new draft entitled resolve in favor of the town of Gray, and that it ought to pass.

Mr. Folsom from the committee on pensions reported "ought to pass in new draft under same title" on resolve in favor of Rose Kelley.

Mr. Colcord from the committee on taxation reported "ought to pass" on Bill, "An Act to amend Section 73 of Chapter 10 of the Revised Statutes, relating to the collection of taxes."

Mr. Hill from same committee reported same on Bill, "An Act for the better collection of taxes."

Mr. Irving from same committee reported "ought to pass in new draft under same title" on Bill, "An Act to amend Section 18 of Chapter 8 of the Revised Statutes, relating to the taxation of corporate franchises."

Same gentleman from same committee reported same on Bill, "An Act to amend Section 25 of Chapter 8 of the Revised Statutes, relating to the taxation of railroad companies."

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

amend Section 42 of Chapter 8 of the Revised Statutes relating to the taxation of express companies."

Mr. Havey from the committee on forestry preservation and water supply reported "ought to pass" on Bill, "An Act to amend Section 44 of Chapter 10 of the Revised Statutes, relating to assessment of taxes on lands in places not incorporated."

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

### First Reading of Printed Bills and Resolves.

An Act for the preservation and better protection of ballots.

An Act to amend Sections 47 and 48 of Chapter 106 of the Revised Statutes, relating to proceedings to quiet title to real estate.

An Act to incorporate the Livermore Falls Water District.

An Act concerning the appointment of married women as guardians.

An Act to create the office of State Auditor and to define his duties.

An Act to extend the close season on landlocked salmon and trout in Sebago lake, in the county of Cumberland.

An Act to regulate fishing in Belgrade stream, so called, in the county of Kennebec.

### Passed to Be Engrossed.

Bill, to prohibit free transportation of State officials.

Bill, relating to divorce proceedings.

Bill, to incorporate the Hancock and Sullivan Bridge Company.

Bill, relating to Rumford Falls Village Corporation.

Bill, to amend Act incorporating city of Waterville.

Bill, to incorporate Portland Water District.

Resolve, for sale of gun house in Kittery.

Bill, relating to compensation of members of the government, as amended.

Bill, for encouraging shell fish industry.

Bill, to amend Chapter 49 of Revised Statutes, relating to life insurance.

Bill, to amend law relating to political caucuses in Bangor.

Bill, to amend charter of Twin Village Water Company.

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

Bill, to amend Section 44 of Chapter 41, of Revised Statutes, relating to taking smelts in Narraguagus bay.

Bill, to extend time in which Van Buren Sewerage Company may commence business.

Bill, to amend Section 44 of Chapter 41, of Revised Statutes, relating to taking smelts.

Bill, to regulate sale and analysis of foods and drugs.

Bill, to incorporate Goodwin Trust Company.

Bill, to authorize appointment of chaplain of Cumberland county jail.

Bill, to amend Section 34, Chapter 41 of Revised Statutes, relating to bait barrels.

Resolve, for fish culture station at Raymond, Maine.

Resolve, providing amendment to Revised Statutes, about use of score card by agricultural societies.

Resolve, for Bridgton Academy.

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

An Act to amend Section 30 of Chapter 22 of the Revised Statutes as amended by Section 7 of Chapter 132 of the Public Laws of 1905.

#### Passed to Be Enacted.

An Act to authorize clergymen to solemnize marriages.

An Act to incorporate the People's Trust Company of Houlton.

An Act to extend the charter of the Old Town Water District.

An Act to prohibit the taking of lobsters in Hancock county.

An Act to extend the charter of the Union Light and Power Company.

An Act to create a board of harbor commissioners for the city of South Portland.

An Act relating to the time of service of members of the fire department of the city of Portland.

An Act to amend and extend the Mill-bridge and Cherryfield Street Railway charter.

An Act to extend the charter of the Island Falls Water Company.

An Act to confirm the incorporation of the Maine Children's Home Society.

An Act to amend Section 40 of Chapter 41 of the Revised Statutes relating to seines.

An Act relating to compensation for clerk hire in the office of the clerk of courts for Androscoggin county.

An Act to regulate fishing in the tributaries of Mt. Blue pond in Avou, county of Franklin.

An Act to regulate fishing in Fenderson brook and all its tributaries in the town of Parsonsfield.

An Act to establish a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro.

An Act to regulate ice fishing in Cochnewagon, Dexter, Berry and Wilson ponds in the county of Kennebec.

An Act to regulate fishing for white perch in lake Sebasticook in the town of Newport, county of Penobscot, and its tributaries.

An Act to enable the town of Presque Isle to purchase the stock or franchises of the Presque Isle Water Company or any part thereof.

An Act to provide for amendments to articles of association filed under Chapter 53 of the Revised Statutes, relating to street railroads.

An Act additional to and amendatory of Chapter 3 of the Private and Special Laws of 1887, entitled, "An Act to supply the people of the town of Presque Isle with pure water."

An Act to amend Section 2 of Chapter 46 of the Revised Statutes as amended by Chapter 90 of the Public Laws of 1905, relating to interest on loans of personal property.

An Act amendatory of Chapter 164 of the Private and Special Laws of 1903 entitled, "An Act to enable the Presque Isle Water Company to issue bonds to pay, retire and cancel its outstanding bonds.

An Act to amend Section 108 of Chapter 6 of the Revised Statutes relating to political caucuses.

An Act to regulate fishing in Pocas-set lake and Pickerel pond in the town of Wayne in Kennebec county.

An Act to prohibit the throwing of

sawdust and other refuse into Olamon stream, so called, in the county of Penobscot.

An Act additional to and amendatory of Chapter 48 of the Revised Statutes as amended, relating to the organization and management of trust companies.

#### Finally Passed.

Resolve in favor of Harry A. Furbish.

#### Orders of the Day.

On motion of Mr. Gleason of Mexico the House reconsidered the vote whereby it passed to be engrossed. Bill to amend Section 3 of Chapter 143 of the Revised Statutes, relating to the State School for Boys.

Mr. Gleason offered Amendment A, which was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Dunton of Belfast the House voted to recall from the Senate the resolution requesting delegation in Congress to use its influence for the passage of a law establishing postal savings banks.

On motion of Mr. Waldron of Dexter, Bill relating to Normal schools at Dexter was taken from the table and assigned for tomorrow morning.

Special assignment: Report of committee on railroad and expresses, reporting on Bill to regulate mileage rates on railroads "ought not to pass."

The pending question was the substitution of the bill for the report.

Mr. Waldron of Dexter offered Amendment A, which was adopted.

Mr. WALDRON: This bill was drawn by me at the instance of a great many people who are unable to purchase and carry at their expense a \$20 mileage book. The great mass of the people of this State are in that situation today, but they can purchase a \$5 mileage book, and many can purchase a \$10 mileage book; and that is what they ask. They don't ask the railroads to give them any less rate than they give the man who is able to carry a large book in his pocket, but they do ask that they be permitted to buy tickets at the same rate that other people do who are better able financially to buy them. This bill as now amended is simply and

only to permit a man who is unable to buy a \$20 book to buy a \$5 or a \$10 book. As such, and with the obnoxious features eliminated—as I have been compelled to do, with some humiliation, by the contemptible railroad lobby which has infested this House—it has been reduced to the simple proposition of whether the poor man shall be treated as fairly as the wealthy man. That being the proposition I believe this House is ready to adopt the bill as amended.

Mr. HALL of Dover: I was on the committee which reported against this bill. I realized that it is futile for me to discuss the bill. It applies to all the railroads in the State. We have some poor railroads in sparsely settled communities, some in the hands of receivers. That was our reason for reporting that this bill ought not to pass. Now it is in the hands of the House. We discharged our duty when we signed the report.

Mr. WALDRON: As the bill is now amended it applies only to roads that do sell mileage books; it does not compel roads to issue mileage books that are not now issuing them; neither does it compel them to issue a 2-cent mileage book unless they are now issuing a 2-cent mileage book. The bill simply compels them to issue a book as they are now issuing them, and not unless they are now issuing them, down to the denomination of 500 miles and 250 miles.

I move that the vote be taken by the yeas and nays.

The motion was lost.

The question being on the motion to substitute the bill for the report, a division was had and the motion was agreed to by a vote of 60 to 18.

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

Special assignment: Majority and minority reports of committee on forestry preservation and water supply reporting a bill for forestry preservation and water supply, "ought to pass" and "ought not to pass."

Mr. PERKINS of Alfred: Mr. Speaker. I move that the majority report be accepted.

I have no apologies to make in bringing this bill for the protection of our forests before you. This is no new thing in the world's history. So far as the southern and shore counties are concerned it is much like "locking the door after the horse is stolen." It should have been done years ago. Our waste lands suitable only for this growth of trees and a water shed have been too largely stripped of all kinds of trees till many farms have not the wood for the family fires and an open wood fire is a luxury beyond the reach of many. The hills and large tracks are open to the sun, the snows go off quickly in the spring, much by evaporation, the storage lakes either natural or artificial have not filled, and if filled quickly, have quickly gone down as there is not the water held back to keep up the supply there would be if the country was covered with trees. You may say we have no right to say to a man he shall not do with his own as he pleases. Let me ask you why you say to a fisherman, "You shall not take a fish unless so large." Why not allow the free use of every stream and pond for sport or food. Why are we fenced round with laws that restrict our unbridled use of what in every sense belongs to us and in the earlier years under the circumstances then existing was free and unrestricted; and in the condition of the country could be allowed to go to waste, nor needed the care we now are obliged to give to keep the scant remnants from destruction?

Entirely outside of the beauties imparted to the landscape of the forest covered hills and plains, we need the products of these forests to contribute to our life. Think of the vast amounts of coal now used in every country town for no other reason than that wood is not to be had to warm our houses—of the demands of wood for paper—of the amounts needed in keeping repairs, to say nothing of constructing new buildings, for the boxing of our manufactured products, and you will be somewhat prepared to look for the source of supply. The clean cutting of our soft wood growth, particularly the pine and hemlock and in many parts of the State, spruce, leave the

ground so bare that with the usual course of nature's restocking no one now living sees the land occupied, but always a barren waste, unless the adjoining land has been better handled to allow it to seed over onto the stripped lots. The leaving of the small pine and hemlock trees under 10 inches at the stump, worth but little for present sale, in a short time of themselves and by their seeding restock the ground and in comparatively few years you can go over the lot again. We have not in this bill taken into consideration hardwoods or poplars, spruce or cedars. As the cutting out of the hardwoods will benefit the growth of the pines and hemlocks and in our section much poplar has to be cut young as it dies before attaining any large size, but still affords a profitable crop when sold to paper mills, and coming in gives a dividend between the Maine crops of real timber. The exemption from tax of wood lots of land set apart for forest growth has not been operative. I do not know of a single case of our present law having been taken advantage of.

Many land-owners both large and small, have advised and heartily approved of this measure, though coming late, as being needed to stop the present most wasteful and destructive (to use no stronger term) methods of handling our timber lands.

For my part I feel that this bill does not go far enough, but in consideration of the interest of the stove industry of the eastern portion of the State bordering on the coast and the fact that the large timber owners of the northern portions do not now cut as small as this bill calls for we feel that this is most useful from an educational point of view, as well as to lead up to what we most certainly are coming to in a fuller and more complete forestry system in the near future.

The question being on the motion to adopt the majority report,

The motion was agreed to.

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



The Speaker announced that the resolve relating to postal savings banks had been returned by the Senate.

On motion of Mr. Dunton of Belfast the vote was reconsidered whereby the resolve was given a passage, and on further motion by the same gentleman it was laid on the table.

On motion of Mr. Lovejoy of Milo the majority and minority reports of the committee on State lands and State roads on bill to provide State aid for highways, was taken from the table.

On further motion by Mr. Lovejoy the majority report was adopted.

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

On motion of Mr. Brown of Auburn, resolve in favor of Verona, was taken from the table.

The resolve then received its second reading and was passed to be engrossed.

On motion of Mr. Brown, resolve in favor of Verona bridge in Bucksport, was taken from the table.

The resolve then received its second reading and was passed to be engrossed.

On motion of Mr. Mullen of Bangor, resolve in favor of bridge between Machiasport and East Machias, was taken from the table.

The resolve then received its second reading and was passed to be engrossed.

On motion of Mr. Murphy of Portland, report of committee on judiciary reporting on resolve in favor of DeForest Keyes, "referred to the next Legislature," was taken from the table.

Mr. DYER of Buckfield: This is a question involving the honor of the State of Maine to a large extent. I shall move to substitute the resolve for the report. This is a case where lands forfeited to the State were advertised to be sold by the State treasurer. Mr. Keyes, a resident of New York state, received information that the State of Maine was selling tax titles to very valuable lands. He corresponded with the treasurer of the State of Maine, Mr. Smith, and Mr. Smith sent him an ad-

vertisement, from the State treasurer's office, being an official document and signed by him as treasurer of the State. Mr. Keyes received this notice and relied upon the statement that the lands advertised in that circular had been forfeited to the State of Maine and that the State could give him a good title to those lands. After some correspondence with the State treasurer he decided to purchase, and did purchase, and received from the State of Maine deeds for the same, and he paid to the State \$18,648.58. This included the sum of \$313 which Mr. Keyes was obliged to pay for the deeds which the State executed and gave him. The statute makes it the duty of the treasurer to deliver to whoever purchases these lands a deed, but contrary to the statute Mr. Keyes paid one dollar for each deed. Mr. Keyes was given a deed for every tract of land sold for every year which it had been sold by the State. For instance, one was a tract in Aroostook county which had been sold by the State and forfeited to the State for ten different years, and they gave to Mr. Keyes ten different deeds for that one tract and forced him to pay \$10 for those ten deeds. They gave him 21 deeds for another tract and obliged him to pay \$21.

Mr. Keyes was a young man, some 22 or 23 years old. He is in every respect a high-class man. He came to this State upon the invitation of the State treasurer who urged him to come here and buy those deeds, in good faith, expecting that he was getting something for his money. After paying this sum to the treasurer, later on he sent an agent to this State to find out where his lands were, and found that there were no such lands in the State. Then he introduced the resolve to reimburse him for the money he paid to the State; and he says, inasmuch as he paid this money to the State of Maine and never received one cent value for it, that it is only fair that he should be reimbursed to the extent of his loss. Up to two years ago there wasn't a valid tax assessed upon any wild lands in this State, such a tax that could be levied upon. The State treasurer knew it and everybody

knew it. Nobody in this State would buy those tax titles and pay anything for them. It was a matter of common knowledge that the State could not give any title. In spite of that they allowed this man to buy a gold brick. I submit that it would have been only fair and reasonable and just that the State treasurer should have notified this man that there was no land that went with these deeds. He was given no notice whatever. He was rather led to believe that he was really buying something. Therefore I say the State is not justified in keeping this man's money. The State has no right to allow this man innocently to purchase something which he supposed to be of value but which the State could not convey. This man happens to be a non-resident, but this morning this House passed to be enacted a resolve in favor of one Harry A. Furbish of Rangeley who came into possession of certain rights from the State land agent under nearly the same circumstances. Mr. Furbish has been reimbursed by us. I say that it is only honest and just that we use non-residents the same as we use our own citizens who have better knowledge of the facts and better means of understanding them. The motion which I shall make is in no way a reflection on the committee which heard the case. The only criticism I would make on the committee is that they are too conservative. This young man put in practically all he had in the world into this transaction; I am informed that if this resolve is not passed it means bankruptcy for him. Gentlemen, let the State of Maine be honest.

Now, Mr. Speaker, I move that the resolve be substituted for the report. The original resolve carried an appropriation of some \$26,000 which included the sum paid by him to the State, interest upon that sum and the expenses incurred by him in prosecuting his claim. I intend if this motion is carried to offer an amendment which shall carry with it the sum of \$17,451.44 with interest thereon from the dates of payment made by him to the State treasury. He received the sum of \$500 or thereabouts from some of those titles. That is deducted from the

amount he paid to the State. There is also deducted from the amount the sum which he paid for making these deeds which never went into the State treasury but into the pockets of some other person to myself unknown.

Mr. KENDALL of Bowdoinham: In regard to the resolve in favor of Harry A. Furbish I understand the two cases are very much different. In the case of Mr. Furbish he was deeded a certain wood-lot near Phillips by the State of Maine, and the deed was afterwards found to be defective, that the State had no right to deed that wood-lot, and he was reimbursed for his expenditure. In this case, as I understand it, the gentleman who came here to buy these lands intended to buy them as a speculation and make some money out of the transaction. He knew the conditions, and if he did not make proper investigation to know what he was buying, why should the Maine Legislature back up his want of knowledge?

Mr. LOVEJOY of Milo: I don't believe in taking advantage of a man's ignorance. Although the man might have bought those lands for the purpose of speculation he thought the State was honest and supposed it was all right. As to Mr. Furbish it is a similar case. Now in the case of Mr. Keyes not a single tax was legally assessed; the deeds were absolutely void for lack of sufficient description as provided by the statute. I want to ask if this transaction had occurred between that man and an individual and the matter had been brought before the law courts of the State of Maine, what would have been the result? But you cannot sue the State of Maine. Do you want the State of Maine to act as a bucket shop? It is a disgrace to the State of Maine that it did not furnish those deeds without fee. Did the State act legally and honestly with that man? I say it is not right for the great State of Maine to take advantage of a man's ignorance. It is said he came here to speculate in land. It matters not what his intentions were. It is a fact that he did buy the lands, and he bought them with honest intentions supposing that the action was legal by the State of Maine. I hope this resolve will be sub-

stituted for the report of the committee.

Mr. MURPHY of Portland: I know absolutely nothing about the case but I should say if I should pay \$18,000 and the State took my money I would feel like turning up here and wanting it back again. I believe we members of the Legislature here ought to act honestly in the matter and do the man justice.

Mr. MONTGOMERY of Camden: This matter was heard before the judiciary committee as fully as the parties desired and the committee referred it to the next Legislature. This transaction between Mr. Keyes and the State took place in 1902, and was ended the year following in the purchase, not of lands but in payment of taxes on lands that were advertised as being forfeited and sold for taxes; and Mr. Keyes said before the committee that when he invested his money, as it carried 20 per cent. on his money until the parties owning the land paid the taxes to him, he considered it a great investment, and also he thought that in case anybody did not repay him or refund him his money and his 20 per cent. interest on the money he invested he would get the land. I think there were 160,000 acres of that land which would have cost but \$18,000, and if he had got it—and I don't know why he shouldn't have got it—he would have made millions on his investment. That is the way it stood before us as a committee.

Now before the last Legislature the matter was thoroughly tried out, the State represented by competent counsel and Mr. Keyes by his able attorney, and at that time the judiciary committee decided against his claim. At this hearing, the hearing was less in extent. The State called in its attorney general so late that he did not have time to prepare, as he claimed before the committee, and consequently we did not think that we had got all that should have been presented to the committee and it was therefore thought best to refer it to the next Legislature that he might have another chance if he desired. Those are the facts. Mr. Keyes stated that his attention was called to this matter by an

attorney in New York; and at the time Mr. Keyes himself was investing similar moneys in similar ways in the state of New York and receiving large results. He came down here for the purpose of communicating with the State treasurer in relation to the sales. Mr. Smith, the treasurer, said in his testimony that he told him that the State could not stand back of it, that those sales had not always been satisfactory to people, and perhaps stronger language that that; and he knowing that applied to no counsel, took no pains to investigate the matter, but invested his money in this way in order that he might secure 20 per cent. on his investment.

Mr. REYNOLDS of Winslow: It looks to me as though if the State had title to land for sale they ought to have some land. I understand this man did not get any land. Most everybody who sells land has got to show some part of it somewhere, and if they sell water they get into trouble right off. Everybody knows, who has had anything to do with these wild lands, that it is quite a job to get a good title to them; but if the State of Maine has got so they will advertise \$40,000 or \$50,000 worth of land for sale and not give anything for the money, I think it is a singular case to say the least. It seems to me that we ought to elect some man in the State of Maine who would know whether we had any land to tax. If we haven't got anything to tax I think we ought to stop having any taxes assessed.

Mr. McKINNEY of Bridgton: It seems to me that there is something wrong in this transaction. I regret that the question of the honesty of our State and our State authorities are called in question at all. It has been stated here, and not denied, that the State charged this man one dollar for each deed they delivered, and we are told that the law says that the State shall give deeds without cost in a case of that kind. If that is true, then the State of Maine did do an injustice to that young man. It seems strange to me that the State of Maine should advertise a thing for sale and sell it, and the purchaser cannot find the pro-

erty within the State. Why should the State give a deed to property and attempt to describe it that does not exist? If these statements are true the whole thing was a gamble on the part of the State of Maine rather than on the part of the young man who came here and purchased land with the idea that he could make a profit on it. It has been said that the young man invested as a specultaion. Is it a crime for a man to buy a piece of property where he expects to make a profit? I want to see this thing settled honestly and right. If this man was misled by the State authorities, if he was illegally charged for deeds, then I say he was not the gambler, but the State was worse than a gambler because they were taking outright what did not belong to them. If this cannot be disputed I say we should not refuse to do justice to a man who has been defrauded by the State that we desire to honor.

Mr. JOHNSON of Waterville: I was a member of the judiciary committee two years ago when we had a long hearing on this matter. The matter was decided adversely to the claim upon the law as we understood it. Upon the broad question of whether the State ought to give anything to Mr. Keyes I have nothing to say. Upon the legal question of whether he is legally entitled to a return of his money I joined twice with the judiciary committee in an adverse report.

The State was to sell certain wild lands for taxes. The State was not advertising lands for sale, as this man knew when he came here. He came to buy tax titles, not to buy lands—tax titles with the chance of having those mature into good titles possibly if the land owner did not get around within the time in which he was allowed for redemption. Mr. Smith had some correspondence with him. He told him, when he came here that the State did not stand behind these tax titles. The State gave him a quitclaim deed simply of all its right, title and interest which it might acquire by the levying of a tax upon that land. He paid the sum due for taxes.

He understood that he was not buying those wild lands, 160,000 acres of some of the choicest wild lands in the State of Maine, for this small sum of money. He was buying a chance to get those lands through a tax title. That he well understood. And the deeds were left with the treasurer of the State for a year for redemption. He went back to New York, and in a year he thought he would go into the business of lumbering in Maine on his land. He came down and then employed an attorney to look up his titles and found, what you all know, that it is a difficult matter to assess a tax so that the tax title will hold. His titles were not good because of faulty description. It seemed to us that as the State did not sell him lands but simply tax titles and gave him a quitclaim deed that he fully understood, that he took his chances and we could not see how we could report that his claim should be paid. At this time we felt that the matter might go over to another Legislature because the assistant attorney general said he had not had time to fully prepare the case and investigate it. Those are the facts as I understand them.

Mr. McKINNEY: I want to ask if these lands existed that they gave him deeds of?

Mr. JOHNSON: Certainly, only they were not correctly described so that the tax was illegally assessed.

Mr. McKINNEY: It has been stated that when the State sells such property they shall give a deed free of charge. Did the State charge this man one dollar a deed?

Mr. JOHNSON: I don't understand that the State did charge him anything, but I understand that the officer who made the deed or caused them to be made did charge a dollar to pay for the deed, and that never was paid into the State treasury.

Mr. McKINNEY: Was he an officer of the State?

Mr. JOHNSON: Yes, he was an officer of the State.

Mr. McKINNEY: Therefore he defrauded the man out of \$316.

Mr. JOHNSON: The State never re-

ceived any of the money that was paid for the deeds.

Mr. HILL of Machias: People in my section read the papers and they have opinions on the merits of this case. I happened to be present at the hearing before the committee. I heard nothing there to change the opinion I had formed of the case. We consider this simply an attempt to steal money from the State. The State delivered to the man everything it agreed to deliver. It stood behind its acts. He bought quit claim deeds, tax titles. The man bought these on speculation, taking his chances, and because he lost he tries to stampede the Legislature and get his money refunded. I feel that we would be doing an injustice in this case if we try to decide the question at present. The State has not put in its case. They wish it referred to the next Legislature when it can be taken up and both sides of the case gone into thoroughly. If this man has any claim he will receive justice. I hope the motion to substitute the resolve for the report will not prevail.

Mr. GOODWIN of Sanford: This man simply went into the market seeing this property advertised at a tax sale, and bought it. He was an assistant cashier of a national bank. He had taken counsel upon the legality of this matter. The State treasurer declares that he cautioned this man in regard to the purchase of this land, but regardless of the cautions he bought these tax titles. It seemed to me that with the hearing we did have the only fair thing to Mr. Keyes and to the State was that this matter should go over when it could be thoroughly thrashed out and no one injured as a result.

Mr. DYER of Buckfield: The plea that the State has not had time to prepare its case seems to me to be wholly baseless. This claim originated five years ago. It was tried out by a committee two years ago. The people of the State than had notice that the claim would again be presented to this Legislature, and I submit to you that if the State of Maine is ever going to be willing to do justice to this man the time is right now. I submit that all the evidence was submitted to the com-

mittee and that nothing will be gained by postponing it.

Here is the advertisement issued by the State in regard to these lands. It says that the State will sell and convey by deed—it don't say quit claim deed—will sell and convey by deed. To every man that means a good and sufficient deed and nothing else. It says that said tracts have been forfeited to the State for State taxes and county taxes. I submit to you, gentlemen, that any man seeing that notice stating plainly that the lands were forfeited to the State would think that he had a right to believe, as Mr. Keyes did believe, that they were forfeited to the State. If this man was a gambler the State was equally a gambler, and more, because the State was playing with marked cards because it knew what it was doing and that man did not. The gentleman from Waterville said this man came here to buy taxes, that he thought he could make a lot of money, that he did not expect to buy land and didn't think he was getting land, that he was simply getting a chance to get land; but further on the gentleman from Waterville says that Mr. Keyes came up here to go into the lumber business on his lands. If that man did not think he was buying lands why did he come here to engage in the lumbering business on those lands?

I submit that this is a plain question of honesty. We concur with the committee on the legal status of the question. Their action was justified on that ground; but the question resolves itself down to this—whether or not the State of Maine shall advertise publicly that they own lands in this State which have been forfeited and will sell them to the highest bidder, and then sell them absolutely for nothing. I submit that there are other things in this State which are a reproach and a shame to the State. Our corporation laws are a by-word all over this land. On top of that will you make our wild lands a scandal, will you make them a bribe to defraud innocent purchasers, and at the same time will you reimburse our own citizens for doing the very thing which that man did? I submit to you that it is not a legal

question, it is a moral question; and I believe the moral sense of this House will decide it upon those grounds. (Applause.)

Mr. JOHNSON: The gentleman from Buckfield says that I stated that he come here to go into the lumber business. I stated that for a year the owner of the lands had a right to redeem them and the deeds were left in the State treasurer's office. At the end of the year the purchaser of those tax titles came down, after waiting a year, when the time ran out. The resolve in favor of Mr. Furbish is entirely different. Mr. Furbish actually bought the standing timber upon a lot of land. That was what he was buying. And he paid a fair price for it. That is an entirely different thing from this purchase of tax titles.

Mr. DYER: I wish to add that if the House votes to substitute the resolve for the report I shall offer an amendment which cuts out the expense part and makes the resolve simply \$17,451.44.

The question being on the motion to substitute the resolve for the report, Mr. Dyer called for the yeas and nays.

The motion was lost.

A division was then had on the motion to substitute the resolve for the report, and the motion was lost by a vote of 35 to 61.

On motion of Mr. Johnson of Waterville the report of the committee was then accepted.

On motion of Mr. Weld of Old Town, bill relating to sale of electric power, was taken from the table.

Mr. Weld offered amendment A, and on his motion the bill and amendment were tabled and the amendment ordered printed.

Mr. Moore of Saco moved that the vote be reconsidered whereby the House adopted amendment A to bill to enable cities and towns to assess taxes for street sprinkling.

Mr. Tolman of Portland objected to a reconsideration.

On motion of Mr. Flaherty of Portland,

Adjourned till two o'clock in the afternoon.

### Afternoon Session.

Met according to adjournment.

The House was called to order by the Speaker.

Agreeably to a vote of the two branches of the Legislature, the Senate came in and a convention was formed for the purpose of considering the adoption of an address to the Governor for the removal of Harry J. Chapman, judge of the municipal court of the city of Bangor, Maine, Honorable Fred J. Allen, President of the Senate, presiding.

### In Convention.

Mr. Newell of Lewiston requested the entrance on the records of the convention of the names of Hon. L. C. Stearns of Bangor and William H. Newell of Lewiston as counsel for Judge Chapman.

By direction of President Allen of the Senate the names of Benjamin F. Cleaves of Biddeford and George A. Emery of Saco were entered on the records of the convention as counsel for the petitioners.

Mr. Farrington, secretary of the Senate, then read the resolutions adopted by both branches in relation to the adoption of an address to the Governor for the removal of Judge Chapman.

Mr. Newell of counsel requested a general denial of each and every allegation on the record.

After hearing witnesses for the prosecution, the convention at 5.45 P. M. adjourned to meet Thursday, March 21, at 2 o'clock P. M.

The Senate retired and the House was called to order by the Speaker.

On motion of Mr. Noyes of Augusta, Adjourned.