

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Wednesday, February 22, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Boothby of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

The order relative to the Maine Year Book, which was read and passed by the Senate February 16, came from the House, amended by the adoption of House Amendment A. The order as amended was given a passage.

The Senate order, passed February 17, in relation to the removal of the commissioner of agriculture, came from the House, by that Branch indefinitely postponed.

Mr. SANBORN of Piscataquis: Mr. President: Perhaps I feel a little different in regard to this matter than some members of the Senate. Two years ago, when they were agitating enlarging this State House, it was understood that we needed a better Hall of Representatives and a better Senate Chamber, and better committee rooms. One argument used at that time was that the commissioner of Agriculture's room was crowded because some other department was doing business there in one of his rooms, and by enlarging the State House it would give the commissioner more room. Nothing was said about moving him to any part of the building, or giving anyone power to move him.

If the State House had been all changed over, the partitions torn out and new rooms made throughout the building, I do not think there would have been any objection if he had been put into a good, light room. As I understand it, the room the commissioner now occupies was assigned to him years ago and he has occupied it up to the time, and during the time of the building of the State House, up to the present time. It does not look to me to be fair to remove him from the quarters assigned him years ago, for the sake of giving someone else his room. That room is con-

venient for him, it is near the elevator, and there is a good deal taken in and out of that room. It is occupied every day in the year by the force employed there, and the people going and coming every day.

I move that we recede and concur with the House.

Mr. BOYNTON of Lincoln: Mr. President: In the absence of Senator Mullen, who introduced this order, it seems to me hardly courteous for us to take such action as this. I move that the order be tabled.

The motion was agreed to.

House Bills in the First Reading.

An Act to repeal Chapter 126 of the Public Laws of 1909, relating to the powers of the board of prison and jail inspectors.

An Act to amend Chapter 313 of the Private Laws of the year 1909 entitled "An Act to abolish Rines hill grade crossing at Augusta."

An Act to incorporate the Maine Power Company.

An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1908, being An Act to incorporate the Penobscot Bay Water Company, to March 26, 1913.

An Act to prohibit the use of automobiles and motor vehicles on one of the ways in the town of Waterford for two years.

An Act to extend the charter of the Fairfield and Skowhegan Railway Company.

An Act to improve certain State lands.

An Act to authorize the Virginia Spring Water Company to take land for the purposes of its incorporation.

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

Agriculture.

By Mr. Moulton of Cumberland, Bill, An Act amendatory of and additional to Chapter 242 of the Public Laws of 1909, entitled "An Act to establish a standard unit of measure and a standard size of can for the sale of milk and cream, and to regulate the sanitary conditions under which milk and cream shall be sold."

Reports of Committees.

Mr. Irving for the Aroostook county delegation, on An Act to empower the county commissioners of Aroostook county to build an office for the Register of Deeds in Aroostook county reported that the same ought not to pass.

The same senator for the same delegation, on Bill, An Act to change the Northern District of Aroostook Registry of Deeds from Madawaska to Fort Kent, reported that same ought not to pass.

The reports were accepted and sent down for concurrence.

Read and Assigned.

An Act to amend Section 10 of Chapter 79 of the Revised Statutes, relating to the appointment and fees of masters in chancery.

Passed to be Enacted.

An Act to amend Section 88 of Chapter 206 of the Public Laws of 1909, relating to the appropriation of money for military purposes.

An Act to regulate fishing in Little Pushaw pond, so-called, in the town of Hudson, county of Penobscot.

An Act to authorize the construction of a weir into the tide waters of Passamaquoddy bay in the town of Perry.

An Act to provide for trapping of bob cats, loupcevier and Canada lynx in the townships known as Letter A and Leavitt in the county of Aroostook without a trapping license during open season on mink, sable, muskrats and fisher.

An Act to authorize the improvement of Fall brook in the towns of Bingham and Brighton.

An Act to regulate fishing in Tom pond, so-called, sometimes called Thomas pond or Lake Keoka, in the town of Waterford, county of Oxford. An Act to regulate fishing in Crosbyville stream, so-called, in the towns of Avon, Phillips, Freeman and Strong in the county of Franklin.

An Act to amend Section 12 of Chapter 112 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, relating to the appropriation for State highways.

An Act to regulate the hunting of deer in Waldo county.

An Act to amend and extend the charter of the Baker and Spencer Brook Dam and Improvement Company.

Finally Passed.

Resolve in favor of Edward E. Chase, Jr., of Bluehill.

Orders of the Day.

On motion by Mr. Boynton of Lincoln, the order in relation to the removal of the commissioner of agriculture from the rooms he now occupies, was taken from the table.

Mr. MULLEN of Penobscot: Mr. President, the only object I had in getting this order before the legislative branches was to see if we could not get the auditor into his proper place, and get the room for him that he needs in order to get his work along the way it ought to go along. For that purpose, and for the reason, I will ask for a committee of conference.

Mr. SANBORN of Piscataquis: Mr. President, I would like to see a vote taken in regard to this order, and I move that we recede and concur with the House, and I would like to have the vote taken by the yeas and nays.

A sufficient number having risen, the yeas and nays were ordered.

The question being whether the Senate shall recede and concur with the action of the House, the roll was called.

Those voting yea were: Messrs. Blanchard, Chandler, Dodge, Edwards, Foss of Cumberland, Fulton, Gowell, Hill, Irving, Milliken, Moulton, Mullen, Osborn, Pendleton, Sanborn, Staples, Stearns, Theriault, Winslow—19. Those voting nay were: Messrs. Allan, Boynton, Donigan, Farrington, Foss of Androscoggin, Kellogg, Leach, Mayo, Noyes, Smith—10.

And the motion to recede and concur with the action of the House was adopted, and the order was indefinitely postponed.

On motion by Mr. Donigan of Somerset, Senate Document No. 22, An Act authorizing the merger of the Somerset Railway Company, Washington County Railway Company and Sebasticook & Moosehead Railroad Com-

pany with the Maine Central Railroad Company, was taken from the table.

The same senator then presented Senate Amendment A to Senate Document No. 22.

Mr. DONIGAN: Mr. President, after presenting that amendment I have but a few words to say in regard to it.

I do not wish to cast any reflections whatever upon the members of the committee on railroads and expresses, but I do feel that they simply made a mistake in allowing a merger of this magnitude to pass without giving the people some relief, and knowing that they would get the relief. When you think of the Maine Central merger with the Somerset Railway Company, the Washington County Railway Company and the Sebecook & Moosehead Railroad Company, and then the Boston & Maine and New York, New Haven & Hartford Railroad, and I understand that the Pennsylvania road control all of them, it seems to me there should be something done so that we will know and be sure the people will have some rights, and that the railroads should respect those rights in this merger.

We only ask them to do what they agree to do. They agree to give us a two-cent mileage and that one mileage book will be good on all the roads. I believe, for one, they should have this in the contract, or in the agreement, and then we would know and be sure when they do merge that the people will have this right, that it shall take no more than that amount for the mileage book in this merger.

The Boston & Maine in New Hampshire has gone right against the statutes and raised the rate, and they are having one of the biggest fights they ever had in the Legislature of New Hampshire on account of the Boston & Maine raising the rates, contrary to the agreement made and contrary to the statutes of the State.

I understand that the auditor came before the committee and said that the railroad would gain about \$45,000 a year after the contract with the Somerset had expired, or the rebate that they would get for carrying troops, as it would be after that ex-

pired. They would get about \$45,000 per year after the merger, for the receipts then will not be as great as when the roads are separate. I do not believe that anyone in this Senate believed that this amendment would prevent them from making this merger. I have heard this talk and have heard it said they would not merge if this amendment went in. They want to merge and it is for their interest to merge and this amendment will not prevent them from a merger. With these remarks I will leave it to the Senate to decide, but I think the railroad cannot object to this amendment going in. If anyone wanted to make a contract for fifty or a hundred dollars they would want it put in writing. The railroad agrees to do this but they do not want it in the merger.

Mr. STAPLES of Knox: Mr. President: I apprehend that I would be in favor, perhaps, of this amendment later on, but for certain reasons which I do not care to state at this time. I move that the amendment lie on the table and be printed.

Mr. EDWARDS of Androscoggin: Mr. President: I object to the amendment for several reasons and I hope it will be voted down here at this time. I am a member of the railroad committee, and this same amendment or one similar was advocated before that committee, and the committee unanimously voted to accept the bill and made a favorable report.

We did not do that without trying to safe-guard the State of Maine, and I do not think we can find one on the committee but what is equally glad to do anything in regard to safe-guarding the rights of Maine with my friend Donigan.

We had a letter from Seth M. Carter and signed by the general manager. I would like to read it to you:

"Portland, Maine., February 6, 1911.

Mr. Seth M. Carter,
Attorney, Maine Central Railroad,
Augusta, Maine.

Dear Sir:—

If the proposed merger of the Washington County Railway, Somerset Railway and Sebecook and Moose-

head Railroad with the Maine Central Railroad, under the terms of the bill now pending in the Legislature, is made, it would be our intention to withdraw from sale the mileage books now issued by Washington County Railway and Somerset Railway, and extend the Maine Central mileage books over the entire merged lines.

This would mean that the restriction now applying to territory between Rumford Falls and Oquossee and Bingham and Kineo Station, where an extra rate is charged, would be withdrawn, thereby making the Maine Central mileage book good for travel, without this restriction over the entire mileage of the merged lines.

Yours truly,

(Signed) Morris McDonald,
Vice President and General Manager."

Now they have agreed to everything, as I understand it, that my friend Donigan wants. He wants an amendment put in, and they have given us a two cent fare, one book for all its lines. Not only that, we took the precaution that we should want that letter ratified by the directors of the road, and here is the answer, signed by Henry B. Cleaves:

"Whereas, the vice president of the company did on February 6, 1911, address a letter to Seth M. Carter, its attorney, regarding the use of mileage books upon certain lines proposed to be consolidated with the Maine Central Railroad, and the statements contained in said letter,

Now therefore, be it resolved that said letter is hereby approved, ratified and confirmed as the action of this company.

A true copy from the records of a meeting of the Board of Directors of the Maine Central Railroad Company, held February 8, 1911.

Attest:

(Signed) Henry B. Cleaves, Clerk."

Now I haven't any doubt but this company will do just as they agree. So that there would be no reflection upon the committee, we first took this letter to the attorney general, and he said it would be as good as any amendment. I took it personally to

some other attorneys, including our Speaker of the House, who also said it was equally as good. Quite a number of the members said the same, and we unanimously recommended the merger as presented by the railroad.

There is some objection to the amendment on account of the proposed public utility commission. I haven't any doubt but what the Maine Central Railroad—J have known them long enough to believe they will do what they say they will do.

Mr. OSBORN of Somerset: Mr. President: I would like to inquire as to the standing of this debate at this time. I understood the senator from Knox to move to lay the amendment and the bill on the table. My ideas of parliamentary laws are somewhat vague. It occurred to me that the motion of the senator from Knox should be put and if carried it would cut off debate. If debate is to be continued I would like to make remarks.

The PRESIDENT: The question is on the acceptance of the amendment, and the senator from Knox moved to table it for printing.

Mr. STAPLES: Mr. President, I assure the senator from Somerset I do that for certain reasons, and will take it off the table when it is printed.

Mr. MILLIKEN of Arcostook: Mr. President: Will the senator from Knox agree to have the report of the committee accepted so that when the amendment is printed it will be in amendable form.

Mr. STAPLES: Mr. President, I have no objection to the report being accepted.

The report of the committee was accepted, the bill was read the first time, and upon motion by the senator from Knox the bill was tabled for printing.

On motion by Mr. Stearns of Oxford, House Document No. 52, Bill, An Act to abolish the office of assistant attorney general, was taken from the table.

Mr. STEARNS: Mr. President, I now move that the Senate non-concur with the House in the acceptance of the report of

the committee, and upon that I wish to submit a few remarks.

It seems to me, Mr. President, that we should hesitate long and consider very carefully before we take any action which will tend to cripple or render less efficient one of the most important departments of our State government. This bill is here for the purpose of doing what the title would indicate; namely, to abolish the office of the assistant attorney general.

I fear to analyze this proposition too closely in any attempt to show why this measure happens to be before the Legislature this year or why it received favorable report at the hands of the committee to whom it was reported, or why it passed the House as it did, lest the argument should be turned into political channels and perhaps become almost personal in its nature; but I am persuaded that there is scarcely a senator within this chamber, perhaps not one, who down deep in his heart does not feel that it is a mistake from a business point of view to abolish the office which has been of such immense benefit and profit to the State in facilitating the ever increasing business of a great department, and yet I fear you feel constrained for certain reasons to support this measure and give it a passage.

This is truly unfortunate. It is exceedingly unfortunate that the circumstances are such that you, upon whom the responsibility of legislation rests, desiring to accomplish that which will redound to the greatest good of the State, as I believe you do, should feel constrained to vote against your solemn convictions in order to be consistent, or perhaps more properly in order that your party may appear to be consistent.

In registering a protest against this measure I desire briefly to call attention to a few facts in relation to the manifold duties and responsibilities of this great office. A part of the work of the attorney general's office as required by law is as follows:

To appear for the State in all suits and other civil proceedings in which the State is a party of interest.

To render legal services when required to the secretary of State, State treasurer,

bank examiner, insurance commissioner, State boards and commissioners.

To render legal services when required by such officials, boards and commissions.

To bring all actions to recover money for the State.

To appear before departments and tribunals of the United States and committees of Congress to prosecute all claims of the State against the United States.

To consult and advise with the county attorneys in matters relating to their duties; and if in his judgment the public interest so requires, to attend the grand jury in the examination of a case in which the accused is charged with treason or murder.

To appear for the State in the trial of indictment for treason or murder.

To prosecute persons who intrude upon lands, rights or property of the State, or commit or erect a nuisance thereon.

To enforce due application of funds given or appropriated to public charities within the State, and prevent breaches of trust in the administration thereof.

To give his written opinion upon questions of law submitted to him by the Governor and Council, secretary of State, State treasurer, bank commissioner, insurance commissioner or any of the State boards or commissions or by either branch of the Legislature.

To approve certificates of incorporation.

To collect annual franchise taxes of delinquent corporations when such are reported to him by the State treasurer.

Under this last mentioned duty the treasurer has reported to the attorney general for each of the past five years from 2500 to 3000 corporations against which franchise taxes are due and unpaid. With these delinquent corporations the attorney general immediately institutes correspondence and proceeds to urge payment. Of franchise taxes assessed against corporations for the year 1908 he

collected, after repeated and urgent demands, \$45,132. Of franchise taxes assessed for 1909, \$33,060.

The charters of corporations whose franchise taxes for 1907, or any year prior thereto, have not been paid, have been suspended by acts of the Legislature, and it might be assumed that all such taxes were uncollectable. The attorney general has, however, required the State treasurer to report to him lists of such delinquent corporations. He has sought out the officers of all such corporations as can be found to be still in existence, and has repeatedly and persistently demanded of such officers such taxes; and from this source alone the attorney general's office has collected and paid into the State treasury, franchise taxes assessed for the years 1903-1907, (Franchises against suspended corporations) \$13,585.

The total amount of franchise taxes thus collected by the attorney general's office for the past two years is the sum of \$91,777.

The Legislature of 1909 required the attorney general to collect inheritance taxes, fixing the day when he should begin this duty at the first of June, 1910. Since that day the legal representatives of 700 different estates of residents of Maine and 106 estates of non-resident decedents from which inheritance taxes were due, have been corresponded with, and by 325 different estates the sum of \$92,922.59 has been paid to the State treasurer, after demands by the attorney general and in many cases the appearance of the assistant attorney general in various probate courts of the State.

An examination of the advanced sheets of the report of Attorney General Philbrook for 1909 and 1910 shows that twenty-six homicide cases were disposed of during the past two years. That out of this number thirteen were tried by the attorney general or the assistant attorney general with the aid of the county attorneys, and thirteen were disposed of by the county attorneys under the direction of the attorney general, the latter officer advising but not actually appearing in court.

The report also shows that a large mass of questions were submitted to that office by heads of departments and other State officers which he was required to

answer in writing, among them being the opinion relating to the trustees of the University of Maine and their powers.

Of the amounts appropriated for salaries, clerk hire, expenses including hotel, traveling expenses, printing, postage, express, office supplies, telephone and all other incidentals during the year 1909 there was expended \$8290.23, and turned back into the State treasury for that year as unexpended \$1489.77. The expenditures for 1910 were \$7825.17, and there was turned back into the treasury unexpended for that year \$1954.83.

The report shows that the revenue to the State through the attorney general's office for these two years is made up of the following items:

Attorney general's office for approval of corporations and issuing excuses	\$11,210.00
From Knox county, fines and fees	1,241.34
Franchise taxes	91,777.00
Inheritance	92,922.59
Total	\$197,150.93

And this is what the attorney general says of the present assistant attorney general, which may be worthy of notice, inasmuch as he now holds the office which you propose to abolish.

"I desire to record my appreciation of the efficient diligence, integrity and ability of the several sheriffs and county attorneys with whom I have had dealings during my term of office. My relations with them, collectively and individually, have been exceedingly pleasant and I acknowledge myself under big obligations to them, not only for the assistance which they have rendered me, but for the uniform and abundant courtesy which they have shown toward me in every instance.

"Hon. Charles P. Barnes, who has served me as assistant attorney general for the last two years, is entitled to especial mention and commendation. Largely to him is entitled the credit for the collection of inheritance taxes and franchise taxes. He has devoted himself to the corporation work of the department with great skill and with a discerning knowledge of corporation law. In his relations toward all with whom he comes in contact, he is courteous, patient, ac ommo-

dating and kind. Our personal relations have been so close and intimate that I dare not speak of them in this connection. I shall always cherish his friendship, respect his ability, commend him to the attention of others, and wish him God speed through life."

It is true that back of 1905 the attorney general got along without an assistant, but conditions have changed since then, and the law has been materially changed, adding many new duties and increasing the labors and responsibilities of that office. Prior to 1905 the attorney general had no office at the State House. He approved corporation certificates from his own law office, tried the murder cases and attended to such duties as were then expected of him, receiving certain fees as compensation for his services, which have been estimated as high as \$8000 or \$9000 annually.

Now a Republican Legislature changed all this. We are entitled to a little credit for doing a good thing now and then, for in 1905 the Legislature of Maine made some very important changes in the law, regulating the conduct of that office. It was found not only that the attorney general was getting too much money for his services, but also that the State was paying out several thousand dollars each year in counsel fees for advice and legal services, legitimately and properly rendered to the various State departments, in the administration of the affairs of the State. And what was done? The Legislature provided that all fees should be turned into the State treasury; that the attorney general should be paid an annual salary of \$4000, in place of fees; that there should be an assistant attorney general with a salary of \$1800; that they should have an office at the State House, where they might, at all proper times be accessible, and that they should be the law officers of the State to furnish the State officers, boards and heads of departments with such legal advice, and assistance, as they from time to time required, and that no outside counsel fees should be allowed, whereby making a saving of

thousands of dollars to the State annually.

I expect some senator, perhaps the senator from Knox, to say that the distinguished gentleman, who will occupy this office when he comes into his heritage, does not need any assistant, and that he can do this work alone.

I have a very high opinion of the ability and energy of the prospective attorney general, but finite beings all have some limitations. This much is certain, that he cannot be in two places at one and the same time. He cannot be trying a murder case up in Aroostook county, and at the same time be personally conducting an investigation into the financial affairs of the State. He cannot be in Washington before the supreme court of the United States in behalf of the State, and at the same time advising with some county attorney in regard to some intricate provision of the Otis Automatic Liquor Law.

The business of the State demands someone learned in the law, familiar with court procedure, familiar with legal forms, in short, a skilled lawyer in that office every business day in the year. The ordinary clerk or stenographer cannot do this work.

Was the office of assistant attorney general superfluous, useless or unnecessary during the four years that it was held by the Hon. Warren C. Philbrook, who accomplished such results that he was himself made the attorney general?

Do the records show, or do those who are in a position to know, testify that it has been a useless, superfluous or unnecessary office during the past two years. Does anyone pretend to say that it is a useless, superfluous and unnecessary now, or that it has been since January first?

Is it not of more importance and consequence to the State of Maine that its law business be conducted properly, that efficiency in a great department should be maintained, than that a mistaken policy should be carried out by the dominant party in an effort to appear consistent.

Would it not be wise for you to al-

low the attorney general to appoint some bright, smart, energetic young Democrat, who could be there and assist the attorney general in the conduct of this office?

Mr. President, I renew my motion that the Senate non-concur with the House in the acceptance of the report.

Mr. STAPLES of Knox: Mr. President, I never before, I think, in my career in this body, was called upon to speak upon such a matter as has been suggested by my friend, the senator from Oxford.

He says, why is it here this winter? And inadvertently he makes the statement that the Democratic party is doing this for the purpose of some political advantage.

As a members of the majority party in this body I will answer him. I have nothing to say against the great ability of the attorney general, my friend Philbrook from Waterville, or the assistant attorney general from the home of my distinguished friend from Oxford. They are men of ability. They did their work well. They were zealous in doing it, and they will receive the praise of the Democratic party for the great work they have done.

If we were in favor today of an assistant attorney general as well as an attorney general, we could not have them for the very reason that you and your party bequeathed us as an inheritance a debt of over twelve hundred thousand dollars. We regret that we have not finances enough so that we might have them. While we have been out of power and you have been in power for twenty-five or thirty years—we wish that we might receive some of the emoluments that you fellows have received. But we come to a crib not filled with corn but filled with receipts and bills unraïd, and for that reason the Democratic party—I should not refer to this politically had not the senator begun it. We, as a Democratic party, find ourselves in a peculiar condition; bills to the large amount I have stated, remain unpaid today, from Massachusetts and all over Maine, even our beneficiary institutions. I thought when my brother was

speaking of the large amount of money brought in by the office of the attorney general, it occurred to me what did you do with all that money? If everyone of the departments have done as well, and I guess they have, I have no doubt you have received the money. The people have paid large taxes. The question we are trying to find out today is "What did you do with it?"

If you wish to make a political matter of this, you open the door and we will walk in.

Now, Mr. President and fellow senators, we find that the salaries, the appropriations, must be cut down so that we may have and save enough to pay this twelve hundred thousand dollars we find ourselves up against today, and without reference to politics, we do not believe but what the attorney general of the State, with the assistance of the county attorneys of the State, can do all the work necessary to be done. I believe with the Democratic party that the attorney general today is capable of doing the work and is willing to do it. He gets four thousand dollars per year. Should he not do some work? Four thousand dollars a year is a good salary. There are a good many hungry Democratic lawyers in the State of Maine today who would be glad to take the office for that sum. There is no question about that, and I have no doubt there are a good many Republicans—they are not so hungry as the Democrats—that would be glad to take it.

I am speaking for the Democratic party now; it is not a choice with us that we cut down salaries, but it is a necessity, and you know it as well as I know it, and we must do it. We do it for no political effect, but because the people demand that we keep somewhere inside of the revenue of the State. I have no fear about any political aspect of it, or any occasion for encouragement or for defeat. It does not matter; it should not be a question of politics in this matter today, fellow senators.

As I said a moment ago, it is a matter of necessity, and wherever we can lop off on this hand, the Democratic party is willing to do it. The attorney

general to be is willing to work and will do the work just as well as Philbrook or any other man in the State of Maine, and he will do it well and for four thousand dollars a year. Why, in Heaven's name, do you want to give him any more? Let us be just before we are generous. That is the right spirit.

Now, Mr. President, those are my views upon this matter and I think I echo the views of seventy-three thousand voters of the State of Maine upon that same proposition.

I hope that the motion of the senator from Oxford will not prevail. You have not heard the last, my friends, of cutting down salaries. Oh, no. We have just commenced. It has got to come somewhere on account of the extravagance of your administration for the last few years. It has to be made up by cutting down salaries, because you have taken all the money there is and left us bankrupt.

Mr. MILLIKEN of Aroostook: Mr. President, I had not intended to enter this discussion, but the senator from Knox's reference to our old friends, the seventy-three thousand voters, and his designation of one more reason they had for voting as they did, and also his reference to the financial condition of the State, makes it necessary for me to make one or two suggestions.

If this is designed as a measure of economy and is made necessary by the stringent conditions which confront the majority party, I want to say in the first place that the prospective attorney general, as I understand it, has already declined to permit the order creating an investigating committee to state definitely that the counsel of that committee shall be the attorney general, and on the grounds that the attorney general is deprived of his assistant, and it has been suggested that he will have too much to do.

In my judgment, if that committee ever employs counsel at all the bills for counsel fees will be more than the salary of the assistant attorney general for the next two years. In the next place, if the senator from Knox is anxious about some source from which the salary of the at-

torney general can be obtained, I will undertake to show him resolves on their way through the Legislature for matters in themselves unobjectionable but not at all necessary for the welfare of the State. Matters like the introduction of the Hungarian partridge in the State, that will amount to a great deal more than the salary of the attorney general for the next two years.

Mr. GOWELL of York: Mr. President, the senator from Knox referred to the extravagance of the last Legislature. I would call his attention to the fact that the Democrats were very much in evidence at the last session of the Legislature, and we would have been unable to have appropriated so much money as we did if it were not for the valuable services of the senator from Knox and other members of that session. Of course, it is very good argument for them to come here at this time and charge the Republican party with extravagance, but we did not hear very much about it at the last session.

I will say briefly that the bill to abolish the office of the assistant attorney general was presented to the committee on legal affairs at the last session and after considerable discussion of the whole matter the majority of the committee deemed it advisable to retain that office.

Mr. President, I move that when the vote is taken it be taken by the yeas and nays, and I hope the motion of the senator from Oxford will prevail.

The question being on the adoption of the report of the committee on legal affairs, on An Act to abolish the office of assistant attorney general, the report being that the same "ought to pass," the senator from Oxford having moved that the Senate non-concur with the action of the House in accepting the report of the committee.

The yeas and nays were ordered and those voting yea were: Messrs. Blanchard, Gowell, Milliken, Smith, Stearns, Theriault—6. Those voting nay were: Messrs. Allan, Boynton, Dodge, Donigan, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Irving, Kellogg, Leach, Mayo, Moulton,

Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow—22.

So the motion was lost.

The report of the committee was then accepted in concurrence.

Read and Assigned.

An Act to abolish the office of the assistant attorney general.

On motion by Mr. Milliken of Aroostook, House Document No. 105, Resolve in favor of the town of Bridgton, was taken from the table.

Mr. MILLIKEN: Mr. President, I have to state that I have now received a statement of facts from the gentleman who introduced this resolve, and I offer it.

The statement of facts was received, the bill was given its second reading and passed to be engrossed.

On motion by the same senator, House Document No. 113, Resolve authorizing the land agent to release the State's interest in a certain ledge or reef near Bar Harbor in Hancock county, was taken from the table.

The same senator then offered a statement of facts and the same was accepted. On further motion by the same senator the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Gowell of York, the report of the special committee appointed to consider the advisability of changing the laws for the organization of corporations was taken from the table. On further motion by the same senator the report was referred to the committee on judiciary and sent down for concurrence.

On motion by Mr. Boynton of Lincoln, Adjourned.

HOUSE.

Wednesday, Feb. 22, 1911.

Prayer by Rev. Mr. Turner of Hal-
lowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Resolution of the 75th Legislature of the State of Maine making application to the Congress of the United States to call a convention for the purpose of proposing an amendment

to the constitution of the United States.

This resolution received a passage in the House, and comes from the Senate with Senate Amendment A adopted.

The House receded from its former action in the passage of the resolution, Senate Amendment A was adopted and the resolution received a passage as amended in concurrence.

The Senate order that a committee consisting of the President of the Senate and two other senators on the part of the Senate, with such members as may be joined on the part of the House, be appointed to attend the funeral of Honorable Amos L. Allen at Alfred Thursday, Feb. 23, at 2 o'clock P. M., and that the secretary of State transmit a copy of this order to the family of the deceased, came from the Senate that body having appointed as members of such committee the President of the Senate and Senators Gowell and Smith.

Mr. Goodwin of Biddeford, moved that a committee of five on the part of the House be appointed.

The motion was agreed to.

The Speaker appointed as such members Messrs. Goodwin of Biddeford, Weymouth of Saco, Mitchell of Kittery, Pike of Cornish and Kennard of Baldwin.

Majority and minority reports of the committee on legal affairs on bill, An Act to regulate the practice of Osteopathy, came from the Senate, and on motion of Mr. Pattangall of Waterville both reports were tabled pending the acceptance of either report, and specially assigned for tomorrow morning.

Senate Bills on First Readings.

An Act to provide for increasing the capital stock of the Somerset Farmers Co-operative Telephone Company.

Resolve in favor of the documentary history of Maine.

Resolve concerning the preservation of the archives of the State of Maine.

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

Judiciary.

By Mr. Sleeper of South Berwick—