

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

**SENATE.**

Thursday, March 23, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Kearney of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

The following order came from the House:

Ordered, the Senate concurring, that a 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 present and proposed methods of distribution of school funds, and report to the next Legislature by bill or otherwise.

Mr. MILLIKEN of Aroostook: Mr. President: I do not know whether the House of Representatives is going to take the position that this legislature has, and refer all matters to the next Legislature or not, but until that becomes evident, I move that that order lie on the table.

The motion was agreed to.

The order presented by Senator Donigan, March twenty-second, in relation to the State commissioner of highways making an investigation in regard to the length, physical character, etc., of the bridges of the State, came from the House, that Branch having adopted House amendment A.

The amendment was adopted in concurrence.

**Passed to Be Engrossed.**

(The following bills and resolves were given their two readings and were passed to be engrossed under suspension of the rules.)

An Act relating to the use of automobiles in the town of Eden.

An Act granting additional powers and privileges to the Peak's Island Corporation.

An Act to extend the charter of the Wells Water Company.

An Act to extend the charter of the Hiram Light and Water Company.

An Act to amend chapter 9 of the Revised Statutes relating to the prop-

erty of public municipal corporations situated outside their corporate limits.

An Act relative to condemnation proceedings on land for public purposes.

An Act relating to the State paper.

An Act to amend Section 6 of Chapter 123 of the Revised Statutes, relating to malicious mischief and trespass on property.

An Act to amend Section 25 of Chapter 125 of the Revised Statutes, relating to the observance of the Lord's Day.

Mr. MILLIKEN of Aroostook: Mr. President: I think that with all the things we are referring to the next Legislature, perhaps we better hesitate before we meddle with the Sunday laws too much, and as much as I object to referring matters to the next Legislature, I move that this bill be referred to the next Legislature.

The motion was agreed to.

An Act to extend the charter of the North Parsonsfield Water Company. Public Laws of 1905, relating to the Public Laws of 195, relating to the support of alien paupers. (On motion by Mr. Milliken, tabled pending second reading.)

An Act for the better protection of the lobster fisheries.

An Act to amend Chapter 44 of the Revised Statutes in relation to the erection of wharves and fish weirs.

On motion by Mr. Mayo of Hancock, the Senate receded from its former action and concurred with the House in the indefinite postponement of amendment A.

On further motion by the same Senator, the bill was then given its second reading and was passed to be engrossed as amended.

Resolve in favor of H. P. McKenney. (Tabled on motion by Mr. Milliken, pending passage to be engrossed.)

Resolve in favor of the Eastern Maine Insane Hospital for the year 1912.

An Act to enlarge the limits of the Rumford Falls Village Corporation.

Resolve for the introduction of the Hungarian Partridge into the State of Maine. (Tabled on motion by Mr. Osborn of Somerset.)

Resolve in favor of the Lee Normal Academy.

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

#### Appropriations and Financial Affairs.

By Mr. Staples of Knox: Resolve in favor of the clerk, stenographer and messenger to the Judiciary.

Also, Resolve in favor of State House employees.

By Mr. Kellogg of Penobscot: Resolve in favor of the Chairman of committee on Indian Affairs, with statement of facts.

By Mr. Boynton of Lincoln—Resolve in favor of the Post Master of the Senate.

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#### Orders.

By unanimous consent, the rules were suspended, and Mr. Osborn of Somerset presented Resolve to amend Section 8 of Article 9 of the Constitution of Maine.

On further motion by the same Senator, the resolve was tabled for printing.

By unanimous consent, the rules were suspended and Mr. Mullen of Penobscot presented Resolve in favor of the joint standing committee appointed to investigate the financial condition of the State.

On further motion by the same Senator, the rules were suspended, and the resolve was given its two readings and was passed to be engrossed.

#### Passed to Be Engrossed.

(The following bills and resolves were given their two readings and were passed to be engrossed under suspension of the rules.)

An Act to amend and extend the charter of the Dover and Foxcroft Water District.

An Act to establish a municipal court in the city of Belfast.

An Act imposing an annual license fee upon foreign corporations, and repealing Chapter 113 of the laws of 1909.

An Act to amend Chapter 133 of the Private and Special Laws of 1903 in regard to the use of automobiles on the Island of Mt. Desert.

An Act to amend Chapter 2, Section 29, of the Revised Statutes, relat-

ing to persons before whom oaths, required by the Constitution to qualify civil officers, may be taken and subscribed.

An Act relating to the signature of stock certificates.

An Act to amend Section 4 of Chapter 57 of the Revised Statutes, relating to the organization of libraries and charitable societies.

Resolve providing for State paper.

#### Reports of Committees.

Mr. Staples, for the committee on Judiciary, on Bill, An Act to amend Section 43 of Chapter 114 of the Public Laws of 1907, relating to the sessions of the law court, reported that the same be referred to the next Legislature.

Mr. Farrington, for the committee on Legal Affairs, on Bill, An Act in favor of the law student who is obliged to labor during his term of study, reported that same be referred to the next Legislature.

The reports were accepted and sent down for concurrence.

The committee on Judiciary, on Bill, An Act to abolish the office of the Recorder of the Western Hancock Municipal Court, reported the same in a new draft under the same title and that "it ought to pass." (Signed) Williamson, Staples, Goodwin, Bogue, Trafton, Chase.

Mr. Stearns, for the same committee, on Bill, An Act to amend the charter of the Mexico Water Company, reported that the same "ought to pass."

Mr. Mullen, for the committee on Legal Affairs, on Petition for Plantations to raise and expend money for highways, reported a Bill and that "it ought to pass."

Mr. Boynton, for the committee on Appropriations and Financial Affairs, on Resolve in favor of Hortense K. Hopkins, reported that the same "ought to pass."

The same Senator, for the same committee, on Resolve in favor of the Maine School for Feeble Minded, reported that the same "ought to pass."

The same Senator, for the same committee, on Bill, An Act to amend Section 6 of Chapter 88 of the Public

Laws of 1907 as amended in 1909, reported the same in a new draft under the title of "An Act to amend Chapter 88 of the Public Laws of 1907 as amended by Chapter 138 of the Public Laws of 1909, relating to compiling and teaching of local history and local geography in the public schools, and that it "ought to pass."

Mr. Foss, for the same committee, on Resolve in favor of Charles W. Hurley, reported that same "ought to pass"

The same Senator, for the same committee, on Resolve in favor of the stenographers to the recording officers of the Senate and House, reported that same "ought to pass."

Mr. Allan, for the same committee, on Resolve in favor of the joint standing committee on Ways and Bridges, reported that the same "ought to pass."

The same Senator, for the same committee, on Resolve in favor of the official reporter of the Senate, reported that the same "ought to pass."

The reports were accepted and the several bills and resolves were tabled for printing under joint rules.

The following joint standing committee submitted their final reports: Judiciary, Railroads and Expresses, Ways and Bridges, State Lands and State Roads, Shore Fisheries, Indian Affairs, Home for Feeble Minded, State School for Boys and Industrial School for Girls, Inland Fisheries and Game.

The reports were accepted and sent down for concurrence.

#### Passed to Be Enacted.

An Act relating to the solemnization of marriages.

An Act to amend Section 1, of Chapter 146 of the Private and Special Laws of 1895, relating to the Commissioner of Public Works of the city of Portland. (Tabled on motion by Mr. Milliken of Aroostook.)

An Act to amend Sections 6, 7 and 11 of Chapter 15 of the Public Laws of 1907, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, as amended by Chapter 34 of the Public Laws of 1909.

An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to ice fishing in Wood pond,, sometimes called Big Wood pond, situated in Jackman Plantation and in Township Number One, Range five, N. B. K. P., known as Attean Township, and in Township Number Five, Range Two, N. B. K. P., known as Dennistown, in the county of Somerset.

An Act to amend Chapter 374 of the Private and Special Laws of 1909, authorizing annual appropriations for York Hospital.

An Act to provide for the appointment of a state sealer of weights and measures, and to define his duties.

An Act to amend the charter of the Portland Union Railway.

#### Finally Passed.

Resolve in favor of the Penobscot Tribe of Indians.

This resolve being an emergency measure, a rising vote was taken, and twenty-six Senators voting for and none against the final passage of the resolve, it was finally passed.

Order from the House:

Ordered, the Senate concurring, that Resolve entitled "Resolve in favor of the Holy Rosary School at Frenchville in the county of Aroostook," reported "ought not to pass" by the committee on Appropriations and Financial Affairs, be taken from the files and recommitted to said committee.

The order was given a passage in concurrence.

#### Orders of the Day.

Mr. Mullen of Penobscot, by unanimous consent, presented the following order out of order:

Ordered, the House concurring, that during any recesses of the Legislature, the care, control and management of the State House devolves upon the Governor and Council.

Mr. MILLIKEN of Aroostook—Mr. President, I would like to ask what change that order makes from the present arrangement?

Mr. MULLEN—Mr. President, There is a question at the present time as

to who is the real custodian of the State House. Very likely it is in the hands of the present State House Building Commission. As the State House is completed it should be in the hands of the Governor and Council, and they ought to have a legal way of handling it. This order came from the Governor and Council this morning.

The order was given a passage.

On motion by Mr. Mayo of Hancock, House Document No. 653, An Act relating to the packing of fool was taken from the table.

The report of the committee was then accepted and the bill was given its first reading.

The same Senator then offered Senate amendment A to House Document No. 653: "Amend House Document No. 653 by striking out the words 'Maine pure food and drug Act,' wherever they occur, and substituting the words 'Maine pure food and drug law.'"

The amendment was adopted and the bill as amended was given its second reading and was passed to be engrossed under suspension of the rules.

Specially assigned for today, Bill, An Act to provide for State certification of all teachers of public schools.

On motion by Mr. Gowell of York, the foregoing bill was taken from the table, and upon further motion by the same Senator was assigned for tomorrow.

Specially assigned for today, Bill, An Act relating to the conduct of elections.

On motion by Mr. Gowell of York, the above bill was taken from the table, the question being upon the adoption of the minority or majority report of the committee on Judiciary.

Mr. GOWELL—Mr. President, To bring this matter directly before the Senate, I would move that the minority report be accepted, and I will state briefly at this time the position of the members of the Judiciary committee that signed the minority report.

The minority report is an endorsement of what is known as the Massachusetts ballot, and I believe that

every member of the Senate understands what is meant by the term "Massachusetts ballot." It provides that the voter must place a cross beside the name of each candidate to be voted for. To my mind, it is the simplest form of a ballot that can be adopted. And although, Mr. President, at the beginning of the session I was in favor of adopting what is known as the "Connecticut ballot," after looking into the matter and talking with men from other states, I believe that this Massachusetts ballot would be the best ballot that could be adopted in this State.

In 1891 the Legislature of Maine passed what is known as the "Australian ballot law." At the next election many thousands of the legal voters of our State were disfranchised. The law was amended somewhat at the next session of the Legislature, and it has been amended several times since. But I believe Mr. President, that the law has never proved to be entirely satisfactory. At each election, there have been many defective ballots and many of the citizens of our State were unwittingly disfranchised. I believe that both political parties agree in this, that an ideal ballot would be an easy, convenient form of ballot, and one which would disfranchise the least number of our voters.

Although we have had this form of ballot, with slight amendments, for the last twenty years, there are several contested cases which have come before the Legislature at each session, and at the present session we have had three contested election cases.

The adoption of this form of ballot, or a similar one, would eliminate the use of stickers, and I think all of us believe that stickers are more or less of a nuisance. The co-called Massachusetts ballot has been used in the state of Massachusetts for about twenty years, and I believe it has the endorsement of both political parties. If I am informed correctly, it is used in twenty states in this Union, and some form of the Massachusetts ballot is used in many other states.

I believe, Mr. President, that the

adoption of this ballot will be a step in the right direction, and I believe that the members all know how they are going to vote in this matter, and I will not attempt to discuss it, for I believe they all know as much, or more, than I do about it.

It occurs to me, Mr. President, this is the last question upon which political lines should be drawn, for although I am a Republican, I always regret to see any ballot thrown out or not counted.

Mr. STAPLES of Knox: Mr. President: Does the Senator mean that he objects if it is a Republican ballot?

Mr. GOWELL: Mr. President: I say no sir; I am proud of the fact that I am a Republican, and I believe in showing my colors in adversity. I believe this will be a step in the direction of true ballot reform.

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

Mr. STAPLES: Mr. President: This matter was very thoroughly threshed out in the judiciary committee, and while my distinguished friend says there was no politics in it, I noticed that they divided there upon the Australian ballot, strictly upon party lines.

Now, we all want the best ballot that we can have. I would prefer the Connecticut, that Senator Donigan had in charge the first of the session, but we thought after canvassing the whole matter that it would be better to let the matter remain just as it was, and seven of that committee voted not to accept the Massachusetts ballot.

I for one believe that we better let well enough alone. I believe we would have more disfranchised voters if you undertake to have the Massachusetts ballot. The voters of this State have got used to our present system. There were mistakes made when it was first invoked. At the last election there were not so very many defective ballots. Most of the trouble that occurred was where they made the cross, more than anything else. If you are going to make so many mistakes with one cross, what would be the result with the common voter if he has to

place a cross at every man's name that he would vote for?

I find another difficulty to my mind in the Massachusetts ballot. The large majority of the voters vote usually a straight ticket, and if you have the Massachusetts ballot and a man makes his cross at the head of the ticket, it is very evident, to my mind, that the tail of the ticket, the lower part of the ticket, will not get any votes at all. The ballot has been studied by the voters of Maine; it is not the intelligent voter, it is the common man who does not study those things and does not have time to, perhaps, who makes the mistakes.

Let us leave well enough alone. They have got used to our present system and I think we ought not to change it. The majority of the judiciary committee thought it ought not to be changed, because I think that is the consensus of opinion of the voters of this State, not to change to the Massachusetts ballot.

I hope the motion of the senator from York will not prevail, and that you will stand by the majority report of the judiciary committee. I should not speak upon this matter, asking you as Democrats to sustain the committee, if the Republicans of that committee had not of their own accord lined up against it.

With these remarks, I hope the motion to substitute the minority report for the majority report will not prevail.

Mr. BOYNTON of Lincoln: Mr. President: In voting to sustain the report of the minority I wish it to be distinctly understood that I represent no one but myself and probably 90 per cent. of the voters of Lincoln county who are very insistent upon ballot reform.

I have been here two years and listened with pleasure to the veteran senator from Knox, but I am free to say I have never yet seen him so hard placed to get his feet placed as I have in this case. I wish to say that he has probably done the best that any man could do with nothing for a foundation for his remarks.

There is no reason on earth why this miserable ballot, we think it is

the worst there is in the United States with three exceptions, and only three states have as bad, should not be done away with and something decent and respectable substituted such as state after state is wheeling into line and using.

The senator tells us our people have become used to this ballot. I differ with him. They never have become used to it and they never will and never can. The argument is made that the head of the ticket gets several thousand more votes than the others. Granted that in some cases they do. When a man feels that he wants to vote for a Governor or a lieutenant governor and no one else is that not his right and privilege? Is it the business of this Legislature, or any other, that they should make a ballot to compel a man to do otherwise? I say, no. I regret that our friends of the minority who now all seem to be lined up in favor of this ballot did not feel this way two years ago. Had they done so, we should have been enjoying the blessings of the Australian ballot today. I am glad to say too, that in clearing away the rubbish, getting ready to place the grand old party again upon its pins, one of the plans they evidently intend to use is that of ballot reform and an Australian ballot.

I hope the report of the minority will be accepted.

Mr. STAPLES: Mr. President: I am glad that the senator from Knox thinks I am not so ready a talker upon this ballot system, and he would seem to indicate by his remarks that I was opposed to it for the reason that I did not make a more flowery speech. It seems to me if you had the Massachusetts ballot in the State of Maine you would have 14 or 15 crosses to make and you would disfranchise 10 men in the next 10 years where you disfranchise one man now. I have hard work with many voters to get them to vote one marked right. There is no question about that. And when you take the ordinary voter even down in intelligent Lincoln county, and require him to make 10, 12 or 15 marks, you will find that somebody will get hurt.

I hope that the motion of the distinguished senator from York will not prevail. I trust you will stand by the judiciary committee that looked this over and considered it in all its forms. Let well enough alone, and if you do that I believe fewer votes will be lost as we go along.

Mr. EDWARDS of Androscoggin: Mr. President: I agree with the remarks of the senator from Knox. It seems to me that people are pretty well satisfied, especially in our section, with the ballot law as it is today. They all understand it well enough to make a cross if they wish to vote a straight ticket. I know there would be thousands in the city of Lewiston and in the cities and country towns that would not know enough to make these many crosses, and it would take three days to get through with an election.

Mr. GOWELL: Mr. President: I am glad the senator from Androscoggin has not asked at this time for any special legislation, for I believe that during this session we have had a good deal of special legislation for Androscoggin county and the people in the vicinity of Lewiston. I am pleased to know that the senator from Androscoggin proposes to vote with his party on this question. Mr. President this is not a political matter or one upon which we should divide on party lines. The proposed form of ballot will help both political parties. I believe the independent vote in the State of Maine as in other states has come to stay. You will remember that a few years ago the State of Massachusetts under the Massachusetts Ballot Law elected a distinguished Democrat to the office of chief magistrate of that commonwealth, I refer to the late Governor William E. Russell. The voters of Massachusetts elected that brilliant young Democrat to that high office three times and at each election they elected a Republican lieutenant governor and a Republican Legislature. I believe Mr. President that the voters in that state voted just as they intended; they voted for Mr. Russell because of his popularity and they wanted to elect him. The voters knew



that the prosperity of their state depended upon the perpetuation of Republican principles and they had the good sense to elect a Republican lieutenant governor and Legislature but they exercised their independence in electing that distinguished Democrat as Governor of the state of Massachusetts. I believe that this proposed law will be for the interest of our State and of all the voters in the State of Maine, and I hope that this question will not be voted upon according to party lines. It happened that the four members of the judiciary committee that signed this minority report are Republicans but we did not discuss the political phase of the question.

I will say that two years ago I voted against this bill, as the senator from Lincoln has said. I did it at that time because I believed the people had become accustomed to our present form of ballot, but I have found since the last election that there has been so much trouble and so many contested election cases that I believe, as has been said, that the voters never will become accustomed to our present ballot law.

Mr. KELLOGG of Penobscot: Mr. President, if I understand this proposition, the Democratic party had a caucus and I think they voted to sustain this old law, and I hope that here to-day they will stand by that decision.

I hope the motion of the senator from York will not prevail.

Mr. OSBORN of Somerset: Mr. President, I did not intend to take any part in this discussion. I agree that it should be decided upon its merits and not upon party lines. In voting upon questions here before the Senate I have endeavored to vote as it appeared to me was right. Although, as the senator has said, I believe there was a caucus yesterday in which this measure was discussed, and I do not know but what that action was taken; however I was not there and upon such a measure as this I should not feel I was bound if I felt it was wrong. This is an important proposition. We cannot afford to act hastily in the matter. All along these years that are past,

when the Republican party was in the majority, and it was evident that a straight party ticket vote would be to their advantage, it was actually impossible to convince them that the present ballot law was anything very wrong, or worked any distinct wrong to the voters of this State.

I am not going to say it is the very best ballot law we could have, for I believe it could be improved, and I was in favor of making some distinct changes in the law at this session, but it appears that idea cannot prevail, and the question is, will you make a radical change in the manner of voting or will you let the matter rest as it is at present?

We have been told of the beauties of the Massachusetts ballot; I have heard of that for a number of years, and I do not doubt there are things about it that commend it, but the fact remains that every voter must make a cross opposite the name of each candidate he intends to vote for. That imposes quite a little labor upon the average voter. While I believe that the independent voter should have an opportunity to vote for the person he wishes to vote for with as little trouble as possible, I think the average voter should have a chance to vote his full party ticket and with as little trouble as possible. That can be done by adopting the Connecticut ballot and I would have been very glad to have voted for that proposition, but I am not in favor of the radical change that would be likely to disfranchise ten times as many of our citizens as are disfranchised under the present law.

Mr. BOYNTON: Mr. President, permit me to say right here that I am a great believer in attending caucuses and in abiding by their decision, and I particularly present these remarks to the senator from Knox.

The caucus wherein this matter of the ballot was decided, was this: The Connecticut ballot presented by Senator Donigan was presented before the caucus, discussed, laid over, taken up at a second caucus, discussed there and the caucus voted by probably two-thirds majority not to adopt the Connecticut ballot, but every member of

the party is left absolutely free to vote for any ballot that he sees fit. Those are the facts about the caucus. Right here let me say while I was in favor of the Connecticut ballot and should have voted for it had I been in a position to, I am glad it was not adopted, for I believe the citizens of this State when they change this, know that the change should be one step from the ridiculous to the sublime, and not half way.

This disfranchisement of voters spoken of—in any state where this law is in operation such a thing as entirely disfranchising a vote is almost unknown. There are names that are disfranchised but a whole ticket can never be and is not lost very often. I believe in the intelligence of the citizens of the State of Maine; I believe they are second to none.

That I believe is all I wish to say.

The question being on the motion of the senator from York to adopt the minority report, the yeas and nays were ordered. The secretary called the roll. Those voting yea were: Messrs. Blanchard, Boynton, Gowell, Irving, Milliken, Smith, Stearns, Theriault—8. Those voting nay were: Messrs. Allan, Dodge, Donigan, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Kellogg, Leach, Mayo, Mullen, Noyes, Osborn, Fendleton, Sanborn, Staples, Winslow—19.

So the motion was lost.

On motion by Mr. Gowell of York, the majority report of the committee was accepted.

On motion by Mr. Noyes of Kennebec, House Report on Bill, An Act relating to taxation of railroad companies and telegraph and telephone companies, was taken from the table.

Mr. NOYES: Mr. President: I move the acceptance of the report.

Mr. OSBORN of Somerset: Mr. President: Were it not for the fact that this tax measure would make available for the present year a considerable sum of money I would be willing to allow the report to pass on to the next Legislature, as has been recommended by the committee on Taxation, but the fact that we are in financial troubles and are anxious to get some money, and from the fact that this Bill being enacted at this session, would leave in the

treasury of the State the sum of \$132,000, prompts me to make what little effort I can to have it enacted into law at the present session.

The facts are simply these in brief: We assess a tax upon the railroads of the State of Maine and upon Telegraph companies, and a certain per cent. of that tax is rebated to the municipalities in the State in proportion to the amount of stock in these companies owned by the citizens. That is, a city or town where quite a large amount of railroad stock is owned receives a considerable sum of money, rebated back from the State.

Now I contend that this whole proposition is wrong; that it has no fundamental principal of justice. I take it that the tax upon railroad property is for the benefit of all the people of the State of Maine. Of course we understand that the reason why the railroads are taxed by the State and not by the municipalities is largely due to the fact that they serve the whole State. Not only the municipalities through which they pass, but other municipalities tributary to them contribute to their support and in an indirect way contribute to the payment of their taxes. Therefore I say that taxes assessed on the railroads of Maine should be for the benefit of all the people in the State and not for the benefit of any particular community in the State, because that community owns stock in the railroad.

This stock held by different communities can be taxed as money at interest. The law is plain and sweeping in that matter. If the communities want to tax that stock it can be taxed as money at interest. Why should the State turn over a considerable sum of money that belongs to all of the people of the State and is paid by all the people of the State? That is a point I want to call to your attention. If you will take the trouble to look up the apportionment of the railroad and telegraph taxes, apportioned to the different municipalities, you will find that some 160 or 170 municipalities in the State receive some benefit from this rebate. I find the largest amount apportioned is to the city of Portland, \$52,718, and the smallest amount I have noticed, two cents. The next to the largest is the city of Bangor and they get over \$33,000, a larger amount proportionately, that is in proportion to the wealth of the city, than Portland. I am glad of that for one reason, for I was charged the

other day with endeavoring to get something out of Portland. I am glad that in this instance there is one municipality that is getting it as hard as Portland. I have had no thought and have none now of doing anything that will work an injustice to any municipality. But if an injustice is already done, and we are going right on, I say it is up to us to do the right thing.

The two municipalities I have above named, Portland and Bangor, are rebated back the sum of \$85,000, two-thirds, practically, of the entire amount that is rebated to the municipalities of the State of Maine. If there is any injustice in that idea, then it is all right, but if it is wrong, if that tax which is assessed upon the railroads, but indirectly paid by all the people of the State, belongs to all the people of the State of Maine, there is no sort of justice in rebating it back or any part of it to the municipalities in this unfair way.

I simply ask in this Bill that that sort of thing be wiped out, and this \$132,000 be left in the treasury of the State of Maine, and if this Bill should pass, it would apply directly to this year, because it is not paid until the very last of the year, and it would relieve the treasury of the State the present year of paying out that \$132,000.

As I understand it there has never been in recent years a time when it was more necessary that we should do what we can by every just method to relieve the treasury of the State of Maine from paying bills they ought not to pay, or by making appropriations of anything like a questionable character.

Mr. MILLIKEN of Aroostook: I am trying as well as I can to keep track of what is going on here. I thought this matter that was coming up this morning was merely relating to an increase of taxation on the railroad and telegraph companies. This matter as explained by the Senator from Somerset seems to be an important matter and I would like to look into it, especially if it offers an opportunity to get further revenue. I ask that it be tabled and assigned for tomorrow morning.

Mr. NOYES: Mr. President: I do not care to go into the merits of this case at all, but being chairman of that committee, I will say that this matter came into the hands of the

committee so late that it was not advertised, and we did not feel like passing upon it favorably, especially as it affected these large cities. That is the reason we reported it "ought not to pass."

'Tabled and assigned for tomorrow morning.

On motion by Mr. Staples of Knox, House Bill, No. 486, Resolve in favor of the Maine Industrial School for Girls for maintenance and deficiencies, was taken from the table.

On further motion by the same senator, the report of the committee was accepted, and under suspension of the rules, the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Staples of Knox, Resolve in favor of the Maine Industrial School for Girls, for water supply, was taken from the table.

On further motion by the same senator, the rules were suspended, the resolve was given its two readings and was passed to be engrossed.

On motion of Mr. Milliken of Aroostook, Bill, An Act to amend Section 1 of Chapter 146 of the Private and Special Laws of 1895, relating to the Commissioner of Public Works in the city of Portland, was taken from the table.

On further motion by the same senator, the bill was passed to be enacted.

On motion by Mr. Milliken of Aroostook, Bill, An Act to amend Section 55 of Chapter 15 of the Revised Statutes, relating to free High schools, was taken from the table.

Mr. MILLIKEN: Mr. President: This bill was introduced after the committee on education had finished its work. I will say that I have carefully examined this bill and it simply provides that no town shall receive State aid for free High schools unless its expenditures for such purposes have been exclusive of the amount raised in the support of common schools. I understand it has cleared up the law on that point, and it would no doubt have been reported favorably if it had been referred to the committee. I therefore move that

it take its two readings and be passed to be engrossed under suspension of the rules.

The motion was agreed to and the bill was read twice and passed to be engrossed.

On motion by Mr. Milliken of Aroostook, Senate Document, No. 216, An Act to amend Section 26 of Chapter 15 of the Revised Statutes, to provide for school privileges for scholars living at fog warning stations and life saving stations, was taken from the table.

Mr. MILLIKEN: Mr. President: This bill was introduced after the committee had finished its work. It was found that the status of scholars living at fog warning stations and life saving stations was in doubt. The law provided for scholars living at life saving stations. I think there is no objection to it and move that it have its two readings and be passed to be engrossed under suspension of the rules.

The motion was agreed to and the bill was read twice and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, House Document, No. 624, An Act relating to doors swinging outward, fire escapes, workshop inspection, was taken from the table.

Mr. MILLIKEN: Mr. President: I move to amend this bill by striking out the entire bill and substituting a new bill which I will offer. I will say in explanation that there are a number of errors in the form of the bill, and the simplest way seems to be to prepare a new one, and one has been prepared by the department of labor.

The bill was taken from the table and the substituted bill was then adopted, and upon further motion was tabled for printing.

On motion by Mr. Kellogg of Penobscot, House report on Resolve in favor of C. M. Wescott of Patten was taken from the table.

Mr. KELLOGG: Mr. President: In the House this report was read and accepted and the bill referred to the next Legislature. It seems to me that this resolve is a little different from the most of those that have been sent

to the next Legislature. This resolve is in favor of C. M. Wescott, but it is really a resolve in favor of the Piscataquis county coroner, I think. This is a case where a man was found dead in the woods in Piscataquis county two years ago. The place he was found in was about 30 miles from Patten up in the woods. The body had to be taken to Patten and the coroner of the county thought it better to hold the inquest in Patten rather than take the body to Milo, Dover or Foxcroft, wherever it would have to be done, for after the body was disposed of it would have to be taken to the northern part of the State and that required the body to be taken something like 100 miles.

The coroner came to Patten and impaneled the jury and held an inquest. I think they were up there twice. After they held the inquest they had to send people to this county to get what evidence they could. They held the inquest in Patten, then the bills were made up and sent to the Governor and Council. I will not say whether they were passed upon by the Governor and Council or not, but they were turned over to the State officials and the people in the northern part of the State will remember that the State auditor held that it was illegal to hold the inquest at Patten. That was done to save some expense. Later on the State auditor allowed the bills of the jury, amounting to some 80 odd dollars, and refused to pay the rest. This resolve was drawn for the purpose of bringing it before the Legislature to see if they would not pay these bills. I think they are just bills; the money has been paid out and these people should be reimbursed. I do not think it is fair to refer it to the next Legislature.

I would like to inquire of the President how much the resolve calls for.

The President informed the senator that the resolve called for \$20.74.

Mr. KELLOGG: Mr. President, I will confess that I have been misled in this resolve for I thought it represented all of the bills. I still hold that it should be paid. This was the deputy sheriff of the county and he was at this expense.

I move that the Senate non-concur with the House in referring this resolve to the next Legislature.

Mr. MILLIKEN: Mr. President, I believe with the senator from Penobscot that this bill ought to be paid. I do not believe any of them should be referred to the next Legislature, but we had a bill at Stockholm, precisely the same thing, and we could not get our \$40. If the senator can get his \$20, I shall be glad to have him do it.

Mr. KELLOGG: Mr. President, I do not think the situations are just the same. This is a deputy sheriff, and by the law he was obliged to perform his duties. I do not see any grounds upon which the State can refuse to pay it. I think it is very different from a pauper claim.

Mr. OSBORN of Somerset: Mr. President, as I understand the claim which the senator from Penobscot refers to, it seems to me it should be paid by the county, if it was held outside of Piscataquis county in order to make less expense. I would like to know why Piscataquis county will not pay this debt.

Mr. KELLOGG: Mr. President, I will explain why it is here. Piscataquis county did not pay the bills. They sent them in for the State to pay, which I think is according to law, and the State refused to pay them.

Mr. OSBORN: Mr. President, I wish to inquire if the man was alien.

Mr. KELLOGG: No, sir.

Mr. FULTON of Sagadahoc: Mr. President, down in my county we have had coroners' bills and the county has always paid them. I do not understand why the bill should come to the State.

The question being on the motion of the senator from Penobscot to non-concur in the action of the House whereby the report of the committee referring this resolve to the next Legislature was accented, the motion was put by the President and adopted.

Sent down for concurrence.

On motion by Mr. Noyes of Kennebec, Senate Document No. 219, An Act to amend Section 37 of the Revised Statutes, relating to the taxation of telephone and telegraph companies, was taken from the table.

On further motion by the same senator, the report of the committee was accepted and under suspension of the

rules the bill was given a second reading and was passed to be engrossed.

On motion by Mr. Noyes of Kennebec, Senate Document No. 502, An Act requiring safeguards for the protection of all persons employed or laboring in manufacturing establishments and providing civil remedies for all persons so engaged, etc., was taken from the table.

On further motion by the same senator, the action whereby the report of the committee, referring this bill to the next Legislature, was accepted was reconsidered.

The same senator moved to substitute the bill for the report.

Mr. BOYNTON of Lincoln: Mr. President: I think it is just as well to concur with the House.

Mr. OSBORN asked to have the bill read, and the President read the bill to the Senate.

On motion by Mr. Kellogg of Penobscot, the bill and report were indefinitely postponed.

The PRESIDENT: There has been sent here from the House Resolve in favor of the Bangor Brewer bridge. It was received in the House this morning and was given its three readings and was passed to be engrossed under the suspension of the rules without reference to a committee.

Mr. MILLIKEN of Aroostook: Mr. President: That matter has been explained to me as perhaps it has to other members of the Senate by Senator Mullen of Penobscot. As I understood it, while it makes a change in the method of appointing the bridge commission and changes the appointing power from the city government to the mayor, there is no objection in Bangor to the change, and with the understanding that there is no objection to the change, I make no objection to the passage of the bill at this time.

The resolve then received its two readings and was passed to be engrossed under suspension of the rules without reference to a committee.

On motion by Mr. Theriault of Aroostook, House report No. 350, Resolve in favor of Frank H. Sterling, was taken from the table.

Mr. THERIAULT: Mr. President:

This matter has been explained to me more particularly. This is one of the claims, this one and two others I shall take from the table later, that are for fighting forest fires and they are really labor claims. I believe they ought to be paid.

The report of the committee on claims, "ought to pass," was accepted and under suspension of the rules the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Theriault of Aroostook, House Document No. 477, Resolve in favor of John Holden and Company, was taken from the table.

The report of the committee was then accepted, and under suspension of the rules the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Osborn of Somerset, House Document No. 172, An Act to increase the allowance for watering tubs, was taken from the table.

On further motion by the same senator, the bill was referred to the next Legislature.

On motion by Mr. Milliken of Aroostook, House report in favor of DeForrest Keyes, was taken from the table.

Mr. MILLIKEN: Mr. President, as the years roll by changes take place, majority parties become minority parties, new State Houses are built, but one thing remains the same. Whoever comes to the Legislature is confronted with a resolve in favor of DeForrest Keyes.

There is one method by which this can be satisfactorily adjusted, and that is by giving DeForrest Keyes authority from the Legislature to institute his suit in the courts of the State and have the matter there decided.

The proposition embodied in the report of the committee is to refer this matter to the next Legislature. It will undoubtedly go there whether we so refer it or not. But I hope with all the other duties we have imposed upon the next Legislature, that we shall not deal them this unkindest cut of all.

I move that the resolve be indefinitely postponed.

Mr. STAPLES of Knox: Mr. Presi-

dent, I hope that the motion will not prevail. I do not think we should add insult to injury, already most grossly done. This gentleman has put \$20,000 into the treasury of this State without the least semblance of a title. They have had the use of his \$20,000 for several years, and this man bought as he supposed land from the State of Maine and never got the least semblance of a title, and the State's official at that time knew that they had no title.

I believe, for one, that this State cannot afford to treat this man anyway but kindly. You kept him out of his money for a great many years. He has no remedy in the courts of Maine. He cannot sue the State of Maine, and if he could I have no doubt there is a judge or jury in the State of Maine but would pay that man. I claim this is a black spot on the State of Maine when they allow it to remain in the condition in which it is now. He asks for justice and he will come rapping at the doors of this Legislature until he gets justice. Let us be fair. The State of Maine cannot afford to take this position and take this money out of that man and build State Houses or anything else, and then like belabored hounds say we will postpone his bill indefinitely! Couch and cower! Now, gentlemen, the judiciary committee, if it hadn't been for the present conditions—the State has got its \$20,000 and has spent it—if it hadn't been for the fact that the State of Maine his year was in such a bad financial condition, I haven't any doubt that the judiciary committee, as the judiciary committee two years ago did, would have passed by a majority vote of that committee this resolve "ought to pass."

I think this is a bad thing for us to undertake, to indefinitely postpone this matter at this time, because, instead of reporting "ought to pass" on that bill the judiciary committee took the course that on account of our financial condition this matter should be referred to the next Legislature where this man can come and again have a hearing.

Mr. MILLIKEN: Mr. President, in the first place as to the status of this claim, everybody understands that neither DeForrest Keyes nor anyone else can sue

the State of Maine. In the next place, he must go to the Legislature. Every-body in the last Legislature understands that an amendment was drawn after consultation with some of the best lawyers of Maine, giving him distinctly the right to institute his suit in the courts of the State. It is well known that this is a test case and involves demands amounting to thousands of dollars. If this case is to be tested at all, I believe it should be tested in that way.

The objection I have to referring it to the next Legislature is the position taken by the senator from Knox that many claims that were proper and should have been paid have been referred to the next Legislature, and if we refer this with them we put the official stamp of the Legislature upon it.

I believe this claim in which there is a controversy, and in which they have refused to have their rights adjudicated in the courts, I refuse to have this put in the same class with our admittedly just claims, so that it will be argued that this bill was deferred simply because we did not have the money to pay it. I hope this session we shall indefinitely postpone this claim and that it will be taken up as a new matter, and then I hope it will be taken up in a proper manner, and that is in the form of an application to have the right given him to take his matter before the courts of the State and there have it determined.

Mr. BOYNTON of Lincoln: Mr. President, I should certainly hope that among the other clamors the next Legislature will find when they reach this State House that they certainly will not find this claim there with the sanction of decency or respectability. I hardly want to believe, or I hate to believe, that the senator from Knox has served three years on the judiciary committee, or three sessions, and has not discovered that De-Forrest Keyes probably has not interest enough in his claim to buy his carfare here at the present time. There is no doubt in my mind—I have very good reason for what I say—that this claim is in the hands of a lobby and when it is collected, if it ever is, it will be divided up among that lobby.

I certainly hope the Legislature will

not attempt to fasten this bill upon the next Legislature.

Mr. STAPLES: Mr. President, I wish to say in behalf of that insinuation in regard to the attorneys that appeared before the judiciary committee that they absolutely denied any such insinuation. That was made two years ago, I very well know.

But that does not matter, and I am not going to discuss the merits of this case. The question is, what shall we do with it? Why not let it go to the next Legislature with the other matters that have gone over? It would have been discussed here by the Senate on the report of the committee "ought to pass" if it had not been for the financial condition of the State.

I hope, gentlemen, you will not indefinitely postpone this bill. Let us be fair, at least, and let us treat Mr. Keyes with some degree of fairness, and not arbitrarily dispose of this matter. He is the man that is injured, he is the man that has put \$20,000 into the State and it is the State of Maine that has been using that \$20,000 for many years. I do not understand my friend from Aroostook is correct when he states that other claims are to be presented. There is not another claim in the State treasurer's office, but what there is some semblance of title to the men that took the deeds. I was right here, that there is not one semblance of title that the man got for the \$20,000 he paid into the State treasury, and I was right here when I said that the State of Maine, through its Republican officials, knew it when they took that money.

Now you come here after using his money and say that he shall not have his day in court. Every man is entitled to his day in court. If we cannot give it to him, let us not insult him.

Mr. MILLIKEN: Mr. President, I would like to ask the senator a question through the Chair. Does the Senator consider the supreme court of the State of Maine competent to pass upon this question?

Mr. STAPLES: Mr. President, I have no doubt there is no provision made yet whereby they can do it; on all such matters they come to the Leg-

islature and never have gone to the courts.

Mr. MILLIKEN: Mr. President, another question. Is the senator aware that the attorneys for DeForrest Keyes refused to have this opportunity given them to apply to the courts?

Mr. STAPLES: Mr. President, I was so informed, but do not know it as a matter of fact.

The question being on the indefinite postponement of the resolve, the yeas and nays were ordered and the secretary called the roll. Those voting yeas were: Messrs. Blanchard, Boynton, Dodge, Donigan, Farrington, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Irving, Kellogg, Mayo, Milliken, Osborn, Sanborn, Smith, Stearns, Theriault, Winslow—19. Those voting nays were: Messrs. Allan, Edwards, Gowell, Leach, Noyes, Pendleton, Staples—7.

So the motion to indefinitely postpone the resolve was adopted.

On motion by Mr. Irving of Aroostook, House report on Resolve in favor of authorizing the land agent to convey Lot No. 9 in Castle Hill, was taken from the table.

Mr. IRVING: Mr. President: I move that the bill be substituted for the report. In explanation of this I will say that I do not like to do this thing, but I have talked with the Senate members of the committee on State lands and State roads, and I do not think they quite fully understand what was wanted up there. This Lot, No. 9 in Castle Hill is the only one left that has not been acquired by settlers. Thirty years ago a man by the name of Allen took up the lot from the State, and failed to make good, that is he did not meet the conditions imposed by the State. He stayed there a few years and did not get title. I think before he left that he mortgaged his betterments for a claim of \$100 that was against him. After Mr. Allen left the place, it was occupied by several different parties, but none of them acquired title in the lot. The title still remained in the State. Three years ago a man by the name of Maynard bought out the bet-

terments of the last settler. He has a wife and children occupying the lot. He has built a log house and barn and has cleaned up some land. At the present time there are 25 acres cleared up I think. He wants now to buy it from the State. He does not want the State, I think, to give it to him; I do not think the town of Castle Hill expects the State to give the lot to him, although I think the conditions have been complied with by the settlers. I think the highway labor has been performed, but Mr. Maynard has no title as yet. There is a petition from the selectmen of Castle Hill, asking that the State land agent may be authorized to sell to Mr. Maynard the lot on which he now lives. They go on and say that he is a good citizen and has lived on the lot a number of years.

Mr. Maynard is living there with his wife and two children and the town of Castle Hill is paying for the education of those two children. The school superintendent, I think, allows two dollars a week for educating the two children. The town of Castle Hill gets no taxes from the lot, and Mr. Maynard simply wants a chance to buy it. I think all anybody wants is for the State to allow the land agent to sell the lot to Mr. Maynard for what he thinks is right.

This lot contains something like 140 acres, it is one and a half miles from any highway, surrounded by timber lands. I think during all the years since Mr. Allen settled on it, the timber on it has been stolen off. I have understood that within five years all the lumber was cut and the State has never, so far as I know, received a cent from the products of the lot. It would seem to me that in justice to the town of Castle Hill and in justice to Mr. Maynard and for the benefit of the State, this Senate should allow the land agent to dispose of that lot to Mr. Maynard.

Mr. FULTON of Sagadahoc: Mr. President: In considering this matter, the committee found that it seemed to be shrouded in a good deal of doubt. There was somebody in that country who had a mortgage on it, and really it was a hard proposition for the committee to decide on. They perhaps expended more than an hour on that matter. It seems that somebody has suc-



ceeded in stealing all the lumber from the lot and there was 146 acres of land remaining, and the question was whether they would steal the land if we didn't sell it. Finally we decided to consider the value of the lands in Aroostook county. I understand this land is within twelve miles of Presque Isle, where they sell good land for \$100 an acre, and that perhaps it would be well for the State to retain this land and sell it later for a larger price.

Mr. KELLOGG: Mr. President: I would like to inquire through the Chair if the Bill fixes the price at which the land agent shall sell the land?

The PRESIDENT: It states that \$438 shall be paid to the land agent.

Mr. KELLOGG: Mr. President: If this land is worth anything, it is worth more than \$3.00 an acre, and the committee thought it best to let it remain in the hands of the land agent. It seems the land agent didn't know the State owned any land there until this Bill was brought in. In all fairness to the Senator, to the man and to Castle Hill, I still think it is a good proposition to let it remain in the hands of the State for the next two years. I hope the land agent will look it up and see what we have there.

Mr. IRVING: Mr. President: I have no objection, and no doubt would be in favor of having the clause struck out in regard to the price to be paid for the land. I do ask in fairness to Castle Hill and to Mr. Maynard, that the State land agent be authorized to convey the land at what it is worth.

Mr. KELLOGG: Mr. President: I would like to ask the Senator through the Chair, if he wants it that way, to offer an amendment.

Mr. IRVING: Mr. President: I would like to do that, and I move that it lie on the table until tomorrow.

The motion was agreed to.

On motion by Mr. Theriault of Aroostook, House report on Resolve in favor of the town of Buxton, was taken from the table.

On further motion by the same senator, the report of the committee was accepted, and under suspension of the rules, the bill was given its two readings and was passed to be engrossed.

On motion by Mr. Fulton of Sagadahoc, resolve in favor of the clerk and

stenographer to the committee on State lands and State roads, was taken from the table.

The same senator then offered Amendment A, increasing the amount of the resolve \$10 for services rendered by E. P. Hartwell of Old Town for making a survey of the Mattawamkeag bridge.

The amendment was adopted, and under suspension of the rules the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Fulton of Sagadahoc, House Document, No. 464, Resolve in favor of Mattanawcook Academy, was taken from the table.

On further motion by the same senator, the report of the committee was accepted and the resolve, under the suspension of the rules, was given its two readings and was passed to be engrossed.

Mr. BOYNTON of Lincoln: Mr. President. I think it would be well for us to meet this afternoon. There will be some business coming from the appropriation committee and there are some things on this calendar which could be cleaned up this afternoon as well as any time.

Communication from the Executive Department.

State of Maine, Executive Department.  
To the Honorable Senate:

I have examined Senate Resolve No. 159, entitled "Resolve in favor of the Children's hospital" and respectfully return the same herewith without my approval.

While I should be willing and pleased to sign a resolve for purpose of giving reasonable assistance to this worthy institution, in view of the present financial condition of the State and in view of the amounts appropriated to other similar institutions by this Legislature, I deem the amount named in this resolve larger than I am justified in approving. I therefore, respectfully decline to sign the resolve.

(Signed)

FREDERICK W. PLAISTED.

March 23, 1911.

On motion by Mr. Boynton of Lincoln, action upon the foregoing com-

munication was postponed until tomorrow morning.

On motion of Mr. Boynton of Lincoln, a recess was taken until 3 o'clock this afternoon.

### AFTERNOON SESSION.

Senate called to order by the President.

Resolve in favor of J. P. Tucker, secretary of the School for Feeble Minded.

In the House this resolve was given its readings and was passed to be engrossed under suspension of the rules. The Senate non-concurred and referred the resolve to the committee on appropriations and financial affairs. The House then receded and concurred with the Senate in referring the resolve to the committee on appropriations and financial affairs.

An Act to amend Chapter 15 of the Revised Statutes as amended by Chapter 238 of the Public Laws of 1909, relating to truant officers.

In the House this resolve was given its readings and was passed to be engrossed under the suspension of the rules.

On motion by Mr. Boynton of Lincoln, the rules were suspended and the resolve was given its two readings and was passed to be engrossed under suspension of the rules.

An Act to amend Chapter 40 of the Revised Statutes as amended by Chapter 46 of the Public Laws of 1907 and Chapter 70 and Chapter 257 of the Public Laws of 1909, relating to the employment of women and children.

In the House this bill was given its readings and was passed to be engrossed under suspension of the rules.

On motion by Mr. Boynton of Lincoln, the bill was read twice and passed to be engrossed under suspension of the rules.

#### Passed to Be Engrossed.

Resolve in favor of the Eastern Maine Insane hospital for the year 1911.

This resolve came from the House, that branch having suspended the rules and given it its two readings and passed it to be engrossed.

On motion by Mr. Boynton of Lincoln, the rules were suspended and the resolve was read twice and passed to be engrossed.

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

#### Appropriations and Financial Affairs.

By Mr. Fulton of Sagadahoc—Resolve in favor of the clerk of the committee on telegraphs and telephones.

By Mr. Hill of Penobscot—Resolve in favor of the stenographer to the committee on agriculture.

#### Passed to Be Engrossed.

(The following bills and resolves under suspension of the rules were given their two readings and were passed to be engrossed.)

An Act to provide for the payment of pensions granted by special resolves of the Legislature.

An Act to repeal Chapter 121 of the Public Laws of 1909, relating to the prevention of tuberculosis among cattle.

An Act to amend Chapter 15 of the Public Laws of 1907, as amended by Chapter 34 of the Public Laws of 1909, relating to the protection and shrubs from the introduction and ravages of dangerous insects and diseases.

An Act relating to insurance on public buildings and other State property.

An Act requiring street railways to file profiles with their locations.

The following committees presented their final reports.

Committee on claims.

Committee on Insane hospitals.

Reports accepted and sent down for concurrence.

#### Passed to Be Enacted.

An Act to amend Chapter 206 of the Public Laws of 1909, entitled "An Act to consolidate and revise the military laws of the State of Maine."

This bill containing an emergency clause, a rising vote was taken upon its passage to be enacted, and 23 voting for its passage and none against, it was passed to be enacted.

Mr. Donigan of Somerset presented the following order out of order:

Ordered, the House concurring, that the

joint special committee to investigate the financial condition of the State be and is hereby given power and authority to investigate the financial condition of any of the several counties upon written complaint by any citizen thereof, and report to the next Legislature. Said report to be filed with the Governor and Council on or before December 1, 1912.

Tabled on motion of Mr. Irving of Aroostook.

Mr. BOYNTON of Lincoln: Mr. President, there is upon the calendar quite a number of matters that it seems as though might as well be acted upon now as any time. If any members have any matters here it would be well to bring them up and dispose of them at this time.

On motion by Mr. Kellogg of Penobscot, House report of the committee on inland fisheries and game, an Act to legalize game and fish farming, was taken from the table.

On further motion by the same senator the rules were suspended and the bill was given its two readings and was passed to be engrossed.

On motion by Mr. Kellogg of Penobscot, Resolve in favor of repairing the Lake Road in Township C, C surplus, Oxford county, was taken from the table.

Mr. Kellogg then moved that the Resolve be indefinitely postponed.

Mr. STEARNS of Oxford: Mr. President: Before the Senate acts upon that motion, I wish to call attention to the statement of facts which accompanies this Resolve. The statement of facts is House Document No. 546.

Mr. President, I am not acquainted with the various facts surrounding other Resolves of this nature; I have not looked into them at all; I know nothing about their relative merits, but under the statement of facts as printed here is a short piece of road, seven or eight miles through that township. There are no clearings along that road; there are no schools to be supported there. There is absolutely nothing there to take any of the moneys appropriated by the State. During the last year particularly the State received three thousand dollars in taxes from this township, C and C surplus. I do not know that it has been the same amount during all the years since the road was built about 35 years ago. Assuming that the amount

of taxes paid has been the same as last year, there would be rising \$100,000 paid into the State as taxes and nothing received, no schools, nothing which would attract any of the moneys appropriated for this purpose in the State. It seems to me it would be nothing more than right that this little appropriation should be granted at this time. The amount called for is small, and the returns to the State have been large. If the Senator from Penobscot will make some comparisons I would be very glad to have him do so. If he can show other Resolves which have been indefinitely postponed here this winter that have any more merit than this one, the Senate may be justified in taking action upon his motion.

I hope unless the Senator can show something of this kind, that his motion will not prevail.

Mr. KELLOGG: Mr. President, I am looking after a paper and if I find it I would like to present it. Yesterday we turned down a resolve across Township 5 and 6 up in Penobscot county. I do not know what this resolve calls for.

The PRESIDENT: It is \$500 per year for two years.

Mr. KELLOGG: Mr. President, this one in Penobscot county that was turned down, the road is 27 miles long. The United States mail goes over it every year. There is more game hauled out over that road than any other road in the State of Maine. There was something like 789 deer and 9 moose hauled out over that road this year. There are more sportsmen and more merchandise goes over it than any road in Maine. There is more merit in it than any other resolve turned down, but it has gone with the rest. I cannot see why this resolve, carrying \$500 for each year, on this road, has any more merit than the others.

I hope the Senate will stand by me in the motion.

Mr. BLANCHARD of Franklin: Mr. President, yesterday I said that I was selfish, and that possibly other senators may be selfish. We have had some experience up in Hancock county and I shall disagree with my friend from Penobscot when he says there is more merit in his resolve. We have in Franklin county a 2 per cent. tax on

our wild land. I understand that in Penobscot they pay nothing for road purposes. Therefore it appeals to me when I sit by and see appropriations turned down that are as worthy as any of these.

Mr. GOWELL of York: Mr. President, I don't know anything about this particular case, but it occurs to me it is a little inconsistent for any senator on this floor to ask for the indefinite postponement of a measure because some other matter has been indefinitely postponed. It seems to me that that has been the way we have been doing business quite a little of late. I think after a matter has been considered by a committee and reported favorably, that unless we know some good reason why it should be disposed of in this manner we should give it some consideration. There may be some truth in what the senator has said that other measures fully as meritorious as this have been disposed of in this way, but why should we make this wholesale disposal of matters this way at the end of the session? These appropriations do not call for very much money, and I think the senator from Oxford should have an opportunity to look into this resolve and if he does not have the detailed information he wants he should have time to get it and present it at this session.

We may all be selfish, but that occurs to me to be a poor reason why matters should be disposed of in this way. We are fortunate in York county in not having very many resolves before the Legislature. I believe the senator from Penobscot has been fortunate enough to have some matters in which he is interested pass. I think the senator from Franklin has also received some favors.

Mr. KELLOGG: Mr. President, I would like to ask one question of the senator, and that is what measure that I have any interest in has been passed?

Mr. GOWELL: Mr. President, I cannot give the desired information, but I think he has been chairman of some important committees and I assume that several matters in which he was interested have received consideration by the Senate. I do not know about his resolves asking for money.

I hope the motion will not prevail.

Mr. KELLOGG: Mr. President, I did have a little resolve that was turned down by the House, and that is the only thing I have before this Legislature this year, and I stand here free to act as my conscience tells me. I cannot see why this resolve before the Senate now is in any particular different from 50 or 60 others we have had. If I had my statement of facts I could talk this one all to pieces here, and if there is to be any postponement, I want a postponement so I can find mine.

Mr. GOWELL: Mr. President, I have always known that the senator was thoroughly conscientious. I only wanted to understand the situation.

Mr. EDWARDS of Androscoggin: Mr. President, I feel that there is some merit in this bill of the senator's and I want to support it.

Mr. STEARNS: Mr. President, in order to give my friend from Androscoggin an opportunity to line up with me, I ask for a ye and nay vote.

The question being on the motion of Mr. Kellogg to indefinitely postpone the resolve, the yeas and nays were ordered and the secretary called the roll. Those voting ye were: Messrs. Foss of Androscoggin, Foss of Cumberland, Hill, Kellogg, Mullen, Noyes, Osborn, Pendleton,—8. Those voting nay were: Messrs. Allan, Blanchard, Boynton, Dodge, Donigan, Edwards, Farrington, Fulton, Gowell, Irving, Milliken, Moulton, Sanborn, Staples, Stearns, Theriault, Winslow,—17.

So the motion to indefinitely postpone the resolve was lost.

On motion by Mr. Milliken of Aroostook, House Document, No. 478, An Act to amend Section 13 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, was taken from the table.

The same senator then offered Senate Amendment A, amending House Document, No. 478 by adding after the figures '1909' in the title thereof, the words 'relating to contracts for building highways.'

The amendment was adopted and the bill as amended was given its second reading and was passed to be engrossed.

On motion by Mr. Donigan of Som-

erset, House Document, No. 647, An Act to regulate the practice of embalming and the transportation of bodies of persons who have died of infectious diseases, was taken from the table.

The report of the committee "ought to pass" was accepted, and the same senator then offered Senate Amendment A which was adopted.

Senate Amendment A: Amend Senate Document, No. 647 by striking out of the ninth line in Section 1 the words 'twelve months' and inserting in their place the words 'one month.'

Under suspension of the rules the bill was then given its two readings as amended and was passed to be engrossed.

On motion by Mr. Osborn of Somerset, House Bill No. 600, Resolve in aid of navigation on Moosehead lake, was taken from the table.

The report of the committee on interior waters on this resolve was accepted, and the resolve under the suspension of the rules was given its two readings and was passed to be engrossed.

On motion by Mr. Allan of Washington, House report of the committee on State lands and State roads, on House Bill No. 352, Resolve in favor of the roads in Indian township, "ought to pass," was taken from the table.

The report of the committee was accepted.

Mr. ALLAN: Mr. President, I wish to offer an amendment increasing the amount asked for to \$1000, and move its adoption.

Mr. KELLOGG: Mr. President, I am glad that came up just as it has. I want to see how the Senate will vote on it.

Now, Mr. President, I want to go back to the laws of 1905, and to a resolve in favor of repairing a road in Indian township. That is one little township of land in Washington county and a road runs through it six miles long. About three-fourths of the way that road runs right over a good hardwood ridge, because in the land commissioner's report of 1907 or 1908 there is a map of that township showing every little spot of bog or wood or anything on it. Back in 1905 they appropriated \$900 for 1906 and the same for 1905 for this little piece of road six miles long, and then for the year 1907 they

gave them \$1000 for two years \$1000 for each year, and then in 1909 they gave them \$3500 for each year. There is \$10,800 they have had down there on this six miles of road. There is another little road of a mile and a half and this runs right from the middle of the road. They have had this money down there somewhere; it has not gone on the road—\$10,800—and they come back here and ask \$1000 for each of the next two years. The committee has allowed them \$800 for two years and in the opinion of the committee and in the opinion of the Senate it is a plenty under the present conditions of the State. I hope the amendment will not be adopted.

Mr. ALLAN: Mr. President: The senator from Penobscot I think is mistaken as to the length of that road. It is between 10 and 12 miles long and there are two bridges in this road and the resolve provides for roads and bridges. There is one bridge which they tell me will have to be rebuilt this year at a cost of \$175. He says they have had this money. It doesn't make any difference what they have had, I don't know where it has gone, and if the State has expended this money down there I believe that \$400 is not enough to complete these roads and bridges. I believe that in the interests of economy that this township, it is owned by the State, should be allowed \$1000 each year for roads and bridges. As far as this is a personal matter, pauper bills and bills for town roads, etc., have gone where the rest of them have. This is a matter of the State of Maine, and I think as a matter of economy this amendment should be adopted and I hope the Senate will sustain me.

Mr. KELLOGG: Mr. President: I think there is one little bridge about 10 feet long. I move that it lie on the table 10 minutes and I will go and get a report.

The following joint standing committee made its final report:

The committee on legal affairs.

The report was accepted and sent down for concurrence.

The following resolves were presented and referred:

**Appropriations and Financial Affairs**

By Mr. Allan of Washington—Resolve in favor of the clerk and stenographer to the committee on apportionment.

By Mr. Boynton of Lincoln—Resolve in favor of Edward W. Wheeler.

By Mr. Foss of Androscoggin—Resolve in favor of Charles W. Hurley.

On motion by Mr. Kellogg of Penobscot, House Document No. 352, Resolve in favor of roads in Indian Township, was taken from the table.

Mr. KELLOGG: Mr. President: I have here a map of Indian Township. There is one little bridge right there. On the margin here the light green shows a high, gravelly land, and that road, as I said in the first place, three-fourths of it, is on a hard wood ridge, and the land agent says it is six miles across the town.

If the State of Maine thinks it has the money to put down there, why, I don't object. It seems to me under the present condition of things that \$400 a year is enough. There is the map and I would like to have anyone look at it and see that I was right about it.

In the claim put in before the committee there was no claim for bridges or anything of the kind. I understood from one of the tribe of Indians that live there that the road was in good shape and also the bridge.

Mr. FULTON of Sagadahoc: Mr. President, I would like to ask as to the extent of travel on this road.

Mr. ALLAN: Mr. President, this Indian Township adjoins the town of Princeton which is at the end of the Washington County Railway, and there is a good deal of travel over that road. All the produce and bark and such things are hauled down from Topsfield and Talmadge, and all the supplies are hauled up over that road and there is a good deal of heavy teaming over it, four-horse teams hauling supplies, and all the summer travel which goes to Grand Lake Stream, goes over that road. It is in a country where there is no gravel. It is a mud road, and I hope that the Senate will sustain me in my motion.

Mr. EDWARDS: Mr. President, I

will inquire if this road and land are owned by the State?

Mr. ALLAN: Mr. President, Indian Township is owned by the State of Maine, and I understand it is the only township owned by the State. There are no taxes assessed there, and to take care of this road the money must come from this Legislature.

Mr. DONIGAN of Somerset: Mr. President: What about the 20-foot bridge in there?

Mr. ALLAN: Mr. President: I telephoned to Princeton to a man who ought to know something about this, this week, and he told me that one of those bridges on the main line would have to be repaired this year at a probable cost of \$175.

Mr. DONIGAN: Mr. President: I have no objection to these appropriations for roads and bridges, but it seems to me we ought to cut out some of these things, after we have gone over the rest of the bridges, and should not appropriate any more than we can help. The Old Town bridge is a State bridge and there is no question but what it will fall down in a year, and we recommended \$2500 for that bridge, and the Legislature has turned that down, and it seems to me this is not any more essential than the bridges in large towns where the State owns the bridges.

I remember two years ago, when my general bridge Bill was presented to the Senate, two Washington county Senators voted against that Bill, and then came to the committee on Ways and Bridges and asked for an appropriation, as I remember, some \$20,000 or \$25,000 for their county. It didn't seem to me then that that was fair. I hope the addition of this amendment will not pass.

Mr. FULTON: Mr. President: I would like to inquire in regard to the liability of the State of Maine in case of an accident on these roads? Are we liable on accident if we do not keep them in repair?

Mr. ALLAN: Mr. President: I am not a lawyer. But I should say the State would be liable. It is a State road.

And the question being on the adoption of Senate Amendment A to House Bill No. 352 the yeas and nays were ordered and the secretary called the

roll. Those voting yea were: Messrs. Allan, Boynton, Dodge, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Gowell, Hill, Leach, Mulken, Noyes, Osborn, Staples, Stearns, Theriault, Winslow—17. Those voting nay were: Messrs. Blanchard, Donigan, Fulton, Irving, Kellogg, Milliken, Moulton. Pendleton—8.

So the amendment was adopted.

On motion by Mr. Allan the rules were suspended and the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, House Document, No. 481, Resolve in favor of H. B. McKenney, was taken from the table.

On further motion by the same senator, the report of the committee on claims, "ought to pass," on this resolve was accepted. The rules were suspended and the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Irving of Aroostook, Resolve authorizing the State land agent to convey Lot No. 9 in Castle Hill, was taken from the table.

The report of the committee on State lands and State roads was accepted.

The same senator then presented Senate Amendment A and the same was adopted, and the rules were suspended and the resolve was given its two readings and was passed to be engrossed.

On motion by Mr. Irving of Aroostook, the order in relation to the committee appointed to investigate the financial condition of the State, was taken from the table.

On further motion by the same senator, the order was given a passage and sent down for concurrence.

On motion by Mr. Allan of Washington, the rules were suspended and he presented, out of order, Petition of E. F. Hodgkins and others for consolidation of the inland fisheries and game department with the sea and shore fisheries department.

Placed on file and sent down for concurrence.

The following committees submitted their final reports:

Committee on telegraph and telephones.

Committee on manufactures.

On motion of Mr. Boynton of Lincoln,

Adjourned.

## HOUSE.

Thursday, March 23, 1911.

Prayer by Rev. Mr. Hope of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Resolve dividing the State into senatorial districts.

This resolve comes from the Senate passed to be engrossed under suspension of the rules.

The House reconsidered the vote whereby the resolve was referred to a committee, the resolve then received its two readings under suspension of the rules and was passed to be engrossed in concurrence.

### Senate Bills on First Reading.

An Act to incorporate the Clinton Water Company. (Read a third time and passed to be engrossed under suspension of the rules in concurrence on motion of Mr. Mace of Great Pond.)

An Act relating to the taxation of express companies. (Read the third time and passed to be engrossed under a suspension of the rules on motion of Mr. Hastings of Auburn.)

An Act to extirpate contagious diseases among cattle, horses, sheep and swine. (Tabled pending first reading on motion of Mr. Bearce of Eddington.)

An Act ratifying the election, qualification, and doings of the city clerk of the city of Brewer.

This bill comes from the Senate amended by Senate Amendment A.

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

An Act to amend Section 40 of Chapter 47 of the Revised Statutes of Maine.

This bill comes from the Senate amended by Senate Amendment A.