

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

**SENATE.**

Tuesday, March 28, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Dana of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Resolve for an agreement with the United States for the purpose of creating forest preserves at the head waters of the various rivers of the State.

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

In the Senate the rules were suspended and the resolve was given its two readings and was passed to be engrossed.

Majority and minority reports of the committee on State lands and State roads on Resolve for re-foresting wild lands of the State, came from the House, that Branch having referred the resolve to the next Legislature.

The Senate concurred in the action of the House.

**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.)

Resolve in favor of repairing Mat-tawamkeag bridge.

An Act relating to the supervision of plumbing. (Tabled on motion by Mr. Beynton of Lincoln, pending second reading.)

An Act relating to the taxation of steam railroads.

**Passed to Be Enacted.**

An Act to amend Section 6 of Chapter 128, relating to malicious mischief and trespasses on property.

An Act granting additional powers and privileges to the Peaks Island Corporation.

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

An Act to amend Chapter 9 of the Revised Statutes, relative to the property of public municipal corporations,

situated outside their corporate limit.

An Act to amend Section 1 of Chapter 2 of the Private and Special Laws of 1909, relating to the Aroostook Mutual Fire Insurance Company.

An Act to amend Section 2 of Chapter 2 of Chapter 38 of the Public Laws of 1905, relating to the furnishing of oleomargarine by hotel proprietors.

An Act additional to Chapter 144 of the Revised Statutes, relating to the reception by the Insane hospitals of persons desiring to submit themselves for treatment.

An Act to amend Section 58 of Chapter 15 of the Revised Statutes, relating to free High schools.

An Act to incorporate the Clinton Water Company.

An Act to amend Section 42 of Chapter 3 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1907, and as further amended by Chapter 152 of the Public Laws of 1909, relating to taxation of express companies.

An Act authorizing the construction of a wharf in the tide waters of Casco bay, in the town of Cumberland.

An Act to amend Chapter 15 of the Revised Statutes as amended, by Chapter 233 of the Public Laws of 1909, relating to truant officers.

An Act to amend Chapter 4 of the Revised Statutes in relation to the erection of wharves and fish weirs.

An Act to amend An Act approved March 15, 1911, entitled "An Act to prevent the throwing of refuse or mill waste into Baskahegan stream."

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

An Act to incorporate the Northern Penobscot Water Company.

An Act to amend Section 37 of Chapter 15 of the Revised Statutes relating to the school census returns.

An Act with reference to the Gardiner municipal court.

An Act to repeal Chapter 276 of the Private and Special Laws of 1907, entitled "An Act for the better protection of shell fish in the town of Yarmouth, in the county of Cumberland."

An Act to amend Chapter 257 of the Public Laws of 1909, relating to the employment of minors in manufactur-

ing or mechanical establishments.

An Act to incorporate the Bayville Village Corporation.

An Act to regulate the taking of beaver.

An Act relative to the Bangor and Brewer bridge.

An Act to amend and unify the laws regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides.

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

An Act to repeal so much of Sections 1 and 2 of Chapter 157 of the Public Laws of 1907 as requires and authorizes the holding of the term of the supreme judicial court at Dover in the county of Piscataquis on the first Tuesday of May in each year.

An Act relating to the State paper.

An Act to extend the charter of the North Parsonsfield Water Company.

An Act to amend Section 37 of Chapter 115 of the Revised Statutes, relating to school census returns.

#### Finally Passed.

Resolve in favor of Rose J. Bubier of Lewiston.

Resolve in favor of the Maine State Sanatorium Association.

Resolve in favor of George H. Wilbur and son, contractors, of Old Town, Maine.

Resolve in favor of the towns of Solon and Embden, in Somerset county.

#### Orders of the Day.

Mr. MILLIKEN of Aroostook: Mr. President: I move to take from the table resolve introduced by me yesterday and tabled for this morning, Resolve in favor of the Children's hospital of the city of Portland.

Mr. BOYNTON of Lincoln: Mr. President: Will the senator from Aroostook yield a moment.

Mr. MILLIKEN: Yes.

Mr. BOYNTON: Mr. President: I suggest that if the senator will allow this matter to rest until we can confer, perhaps we can arrive at a conclusion satisfactory to all.

Mr. MILLIKEN: Mr. President: I would like to make a statement in my

own defence in regard to this matter and upon this resolve, and then am perfectly willing to enter upon any arrangement that we can agree upon.

This resolve is in favor of the trustees of the Children's hospital of the city of Portland. "Resolved, that [here be and is hereby appropriated for the use of the trustees of the Children's hospital in the city of Portland, the sum of \$10,000 for the year 1911 and the sum of \$12,500 for the year 1912, provided that the money so appropriated shall be used by said trustees for the maintenance of needy crippled or deformed children residing within the State of Maine who shall be admitted to said hospital for gratuitous terms. Provided further that such expenditure shall be subject to the approval of the Governor and Council.

It has been said, and was said this morning in a long editorial in a widely circulated paper, that the action in relation to the resolve in favor of the Children's hospital is to be charged up to me because of the objection I made here. In justice to myself and to set this whole matter right before the Senate, I want to say a few words in regard to the precise condition that existed then, and also in regard to the condition that existed and the action taken by the last Legislature in relation to this institution, because I believe neither the Legislature nor the Governor has yet understood precisely the obligation that the State assumed in regard to this particular institution.

I see that it was stated in the newspaper I have just referred to, that a proposition was made to the Senate at that time that the Governor was willing to authorize the appropriation of a certain amount to this hospital, but not more. The facts are, and all senators will remember, that no proposition was made by anyone representing, or ostensibly representing, the Governor, as to any amount that he would authorize.

A motion to reconsider was made, and as I understood, for the purpose of indefinitely postponing the resolve. I wish to state that the senator who made the motion stated that he made it by request of the Governor. He also said among other things, that "They

have lots of wealthy men in Portland and Cumberland county, and if they do not, after we have given them a hospital, if they want this to run for the year, they can put their hands in their pockets and pay for it. We have done all that we can. We are not in a condition this year to give a single dollar."

I merely speak of that to show that at the time the alternative was whether this matter should be indefinitely postponed or the action of the Senate reconsidered. I was opposed to reconsideration. I did understand indirectly that it was not the Governor's intention to veto this resolve, but that he wished the Senate to take care of it in the way suggested by the senator.

I want to say further, so far as I am personally concerned, that in introducing this resolve, or in any action I have taken, I represent no one but myself. No trustee of the hospital knows anything about this resolve or its provisions, unless he has read about it this morning. I have an interest in this matter and it is the same interest which any man would have in it, because when I think of this hospital and the work it has done, I think of my own children and try to imagine how I would feel if they were crippled or deformed and I were not able to provide suitable treatment for them. It was with that feeling, when I found last Saturday that the institution was likely to be closed, that I went down to Portland and spent a day to satisfy myself about that institution. I examined it from cellar to garret, went through the plant and through the books and examined everything in connection with the whole institution.

Before I speak for a moment about the resolve, I wish to make a very plain, precise statement of the situation of the State in regard to this institution, for I do not think it has been made plain. It is the duty of the State, as everybody understands, to care for all classes of unfortunates within its borders. We might almost say that it is the most sacred duty of the State, and following that policy, we have cared for the insane, feeble minded, deaf, blind and poor.

There is a class of unfortunates in the State that far outnumbers all others referred to, insane, feeble minded, deaf, dumb, and blind, all put together, and that class of unfortunates are the crippled and deformed children within this State. That was very forcibly brought out the other day by the senator from Cumberland. There are probably 40,000 within this State. Within the last few years methods have been discovered and developed by the science of medicine and surgery for the relief of these unfortunates, not known a few years ago.

Two years ago during the session a definite proposition came to the Legislature to provide through the agency of the State for the relief of this class. This institution was then a private institution, founded largely through private sources, but the State definitely agreed to contribute toward the building of the hospital and definitely agreed to be responsible for its maintenance, so far as money could not be secured from private sources, with the understanding that the hospital should be maintained for the gratuitous treatment of crippled and deformed children throughout the State. It was definitely understood that the amount appropriated them, \$5000 for 1909 and \$10,000 for 1910, would be barely sufficient for the maintenance of the hospital outside of amounts that could be secured from private sources. And it was understood that when the new building was completed, the amount necessary for its maintenance from the State would be forthcoming. It was only with the hope of that support from the State that the trustees of this hospital launched out into the establishment of their new building and began the work on a larger scale than before.

What is the situation in regard to the building? I went to look at it—it was well outlined by the senator from Cumberland the other day. It is sufficient to say that it is as good as any of its kind in the country. It has every appliance necessary for the peculiar treatment of these special cases, even a machine shop for the making of casts used in the treatment of these children.

What about the work this institution is doing? That interested me particularly. I want to make very clear the statement that was made the other day, that every mite of the treatment given in this institution is gratuitous treatment, and no patient is admitted there who is able to pay for treatment. I have figured out as well as I could, although I have not any great knowledge of surgeons' charges, and I believe the treatment given there in the two years since this appropriation was made, if charged for at the high rates for these special services, would amount to nearly \$125,000 for the two years.

That institution is absolutely free, so far as its capacity extends, to those crippled and deformed children. If any are able to pay something toward their board and maintenance while there, they are allowed to pay at the rate of about \$1.00 a day. One child that I saw there has been there 14 months. Her people have been able to pay \$30, but that was the only charge they have been asked to pay for the whole time. That is, the State has been encouraging that institution to establish itself and has been appropriating money for its maintenance with the understanding that this work would be done gratuitously and should be free to every child in the State, and it is free.

For the sake of the members of the Senate who will be interested in the number of patients there from the different counties, I will say that I have been over the books and looked at the age of every person in the hospital. Outside of Cumberland county, the number for the two years ending December first, 1910, was York, 32; Aroostook, 11; Kennebec, 17; Androscoggin, 17; Penobscot, 6; Knox, 9; Oxford, 16; Franklin, 15; Sagadahoc, 9; Somerset, 3; Hancock, 13; Washington, 13; Lincoln, 1; Piscataquis, 11; Waldo, 6. Notwithstanding the fact that the institution would naturally be known first, and would be more available to those near by, only about one-third in the institution came from Cumberland county, and the proportion of those coming from outside is constantly increasing, as the institution becomes

better known and the people in other counties understand better the opportunity provided for them.

What is necessary for the institution's maintenance to carry on the work as it is being done now? They have now got to a point where they can handle about 70 patients, and 70 are there now. When they can get a proper amount for maintenance, they can extend their capacity to about 150. To continue at the present rate for the next two years, it will take from \$28,000 to \$30,000 a year for two years. There is no possibility of income enough coming from any sources, including the small amount that some are able to pay for board to an amount of more than \$8000 a year for two years. The institution first asked for \$20,000, and the committee decided to reduce that to \$15,000 per year, and the institution believing that possibly they could raise the other \$5000 from philanthropic people, decided to go ahead with that amount. You have to do one of two things. If you cut out the appropriation altogether, the hospital will be obliged to close its doors or discontinue gratuitous treatment. If you reduce it at all, you will oblige the hospital to decrease the number treated just so much. You now come to the only objection that can be urged, and that is, whether there is money enough. To get at some unit of measurement, I will say that every \$100 appropriated for this hospital means the treatment of one crippled child, because, figuring upon the average time of each patient there and the average cost of maintenance, I find that roughly speaking \$100 represents the cost to the State for treating one child. Put it in the terms of children, and figure \$100 for each child, and see how much the appropriation ought to be reduced below \$15,000—see how much the State can afford to pay for this particular kind of treatment and this particular class of unfortunates. And when you figure it, bear in mind the many things we have considered here and have put over for two years. We have said that various business matters could wait two years. I want you to remember that in these cases of crippled children a wait of two years often means the dif-

ference between a curable and an incurable case. When you consider how much the amount of the appropriation should be reduced, remember that every \$100 you cut off will deprive one child in the State of that privilege.

Is there money enough? Look at some of the things we have spent money for this session. We have authorized a merger of the Maine Central and other railroads, and while that was not a direct appropriation, it will cost the State in decreased taxes enough to pay this appropriation for two years twice over. Then the repeal of the law rebating taxes to cities and towns would pay this appropriation asked for many times over. We are going to a low the University of Maine to have enough in the next two years to build new buildings to rent to the members of the faculty, and that would pay this appropriation three or four times over. We have \$26,000 going through for the fish hatcheries, and there is enough to pay for this appropriation.

What would you gentlemen do in your own families if it were one of your children that was afflicted as these are? You know what you would do, you would take that child to the uttermost parts of the earth if need be, and spend every dollar of your property to get relief. You know that there are thousands of parents in this State who have this terrible grief to bear who have not the means of getting this relief. Are we going to say that this State has money for fish and game and nothing for these children? Shall we say that we have money for bounties on bears and nothing for these children? Have we money for botanical gardens about the State House, and nothing for this institution? Shall we say that we have money for the prevention of the diseases of cattle and sheep but nothing to spend here?

We are appropriating money, I notice, for additional equipment in the offices of these State departments, including adding machines for departments that already have them. Is that to exclude us from appropriating money for this department? We are appropriating money for printing many reports that many people never read.

I have felt very keenly in this mat-

ter, especially because I felt some personal responsibility and have been charged with more personal responsibility than I actually had, and I have felt that this Legislature ought not to adjourn without making some appropriation for this institution. I believe it was intended by the Governor that a reasonable amount would be approved if passed. I look forward, as all of us do, although we do not know how much longer the way of life is to be for us, I look forward to the sunset time—that evening time of life when the shadows are long, and when the mind turns back to review the active years that are passed, I do not want to do anything now in active life that will return to plague me then or poison the memory of these years. If I had done anything, or this Legislature had done anything, to close the doors of this institution—I never could look at my children again without thinking of it. The pallid faces of these crippled children would look at me through unquiet dreams, and I should hear in humble homes throughout the State the hopeless sobbing of mothers who had no means to alleviate the sufferings of their children. The memory of those pitiful little twisted limbs and tortured bodies, condemned, perhaps, by the act of this Legislature, to a lifetime of deformity, would haunt me to my dying day.

Mr. ROYNTON: Mr. President, the senator from Somerset has two amendments that he proposes to offer, which he might be allowed to outline and give us the substance of them, then perhaps we could readjust this matter and get something upon which we would all agree.

Mr. OSBORN of Somerset: Mr. President, the amendments referred to are simply to amend the appropriation for the fish and game department, which carries \$26,000 and something more, by reducing that appropriation \$5000, and applying that \$5000 in addition to the \$5000 proposed by the senator from Lincoln, making a total of \$10,000 for the year 1911 and \$10,000 for the year 1912.

I am confident that would meet with the approval of the Governor, and it seems to me would be the right thing

to do all around. I believe that we can cut down the appropriation for the fish and game department \$5000. They will still have \$48,000 to expend, which will make a reasonable sum for the year and if we reduce them only \$5000 it is not likely to cripple them very much; then give that \$5000 to this institution.

If in order I would like to take from the table the resolve introduced by me a few days ago and assigned for to-day, Resolve to amend Section 8 of Article 9 of the Constitution of the State of Maine, relating to taxation.

The PRESIDENT: There is a motion before the Senate at the present time on the Resolve in favor of the trustees of the Children's hospital at Portland.

Mr. GSBORN: Mr. President, I understood that they wanted that to lie on the table.

Mr. BOYNTON: Mr. President, I would suggest to the senator from Somerset that he wait, and if the senator from Aroostook would put his bill on the table, if there is no opposition in the House to take this amount from the fish and game—and I would think there might not be—I think if we can have an opportunity during recess, we can readjust this matter to the satisfaction of all.

Mr. MILLIKEN: Mr. President, at the suggestion of the senator, I am very glad to move that this matter lie on the table.

So the resolve was tabled.

Mr. OSBORN of Somerset: Mr. President, this resolution is the one introduced by me a few days ago in regard to assessing a special tax upon wild lands, or more strictly speaking, a proposition to amend the Constitution of our State so as to allow the Legislature, should it choose to do so at some future time, to assess a special tax upon the wild lands of the State in unincorporated places; also, upon any other property existing in those unincorporated places. I am influenced to offer this resolution for several reasons; one reason, it is a well known fact that the wild lands lying in these unincorporated places are not taxable for municipal purposes. They have no municipal purposes to maintain

within their limits. They pay simply a State tax, a tax for fire protection and a small tax for county, but the total amount is very much below the tax assessed upon all other property in incorporated places in the State of Maine.

An effort was made two years ago to reach these wild lands and to get some tax from them by an indirect method, by levying a tax upon all the property of the State for school purposes, quite largely in addition to what we had been levying previously and limiting it to the municipalities.

We all know something about the contention that has arisen about that matter of re-distributing school money. I believe it will never be thoroughly satisfactory. If we had an opportunity to reach the wild lands by a distinctive, clear method, as I see it, it would be much better and the Legislature, if it should see fit, could fix a rate which would be satisfactory.

The situation is something like this. In the past 10 years the value of that class of property has increased at a very rapid rate. More fortunes have been made through the investment of money in wild lands than any other class of property, I believe, in the State of Maine. Years ago, when our Constitution was formed, no large value was attached to the wild lands of the State and of course it did not occur to the founders of the Constitution that we should ever be up against the proposition we have been, the proposition of getting a fair rate of taxation from these large values. The question is here today and the question is, how shall we meet it? I believe it to be the sentiment of the people of this State, gentlemen, having nothing to pay for municipal purposes ought to pay more for State purposes. If this amendment should be passed, it would not impose a tax upon wild lands in and of itself, but it would place it in the power of the Legislature at some future time to take up that matter and fix a special tax for State purposes.

It has been said that this is a hasty proposition. It is not a principle of changing the tax itself, it is not a proposition to fix a special rate upon land for any amount whatever, but it does



fix a certain limit beyond which the Legislature cannot go. It does not make it imperative to fix any special tax except that it should not exceed one per cent. Of course, before any such law was enacted there would be opportunity given to parties interested to check up the matter before the Legislature, and if this resolution should pass through here and the other branch of the Legislature, it would be a year and a half, or nearly that, before it could be voted on by the people at the next general election.

Therefore, it seems to me that it is not a hasty proposition. It is a question that has confronted the people of this State for several years past, and the people have studied this question and were trying to reach this by an indirect method. If we believe that they should pay more than that part of the State taxation, let us take a direct, simple method of reaching it, and not undertake to get at it by any indirect, runabout way that will involve us in trouble. I hope the resolution will have a passage, and I move that the vote be taken by the yeas and nays.

Mr. MULLEN of Penobscot: Mr. President: I will raise a point of order in relation to this matter. I wish to state that I do it because I think that at this late day in the session we ought not to consider legislation that is State wide in its scope and implying a change in the Constitution, and for this reason, Mr. President, it will take a two-thirds vote to consider this question, as I understand it.

Mr. OSBORN: Mr. President: I understand it takes a two-thirds vote to pass this resolution.

The PRESIDENT: This resolve was received the other day without objection. No action can be taken upon this unless it is by a two-thirds vote.

Mr. STAPLES of Knox: Mr. President: Before that vote is put I wish to say just a word in defining my position upon it. I have for many years believed in taxing wild lands, and in amending the Constitution that we might get at it. I am in full accord with that proposition, but we do not want to do anything in this Legislature that looks precipitate or that would

look as though we did not fully consider the proposition.

I believe in the first place, and I have been expecting to present an order, which I have delayed until the conference committee has reported upon the proposition as to how much money should be raised, and to find out the actual cash value for the purposes of taxation the property in the wild lands in the State.

I regret very much that the senator from Somerset did not introduce this earlier in the session. I think the majority of this body would have been in favor of it at that time. The only question in my mind today, being in favor of the proposition, is whether it would be wise in us at this late day, on the eve of the adjournment of the session, to pass this bill without giving a hearing to all parties interested. It seems to me that this matter in which I am in favor of, in the first place, should have been submitted to a committee to thresh it out there. If, upon the other hand the Senate thinks it is wise to pass it at this time, I should be very glad to vote on the proposition, but I want it considered in all fairness to the matter. To my mind it is a grave question, whether it will be for the interest of this proposition not to have it threshed out before a committee where all parties can be heard. There is no more important proposition, no proposition that has any more merit in it, than the proposition suggested by the senator from Somerset. It does look to me as though this matter should go before a committee, or at least go before the next Legislature where it can be taken up at the beginning of the session. We have got to tax the wild lands at their actual value. I believe in the actual value of property for the purposes of taxation. I will vote for this if there is any way to reach it. I am in favor of an order being passed here, after the committee of conference has reported authorizing the State assessors to find out for the purposes of taxation and report, have a committee appointed to explore the wild lands and report back to them, that they may increase the taxation on wild lands.

or they could report to the next Legislature.

Mr. IRVING of Aroostook: Mr. President: Just one word. It seems to be the general opinion that the wild lands of the State are not paying quite enough tax, not bearing their equal share of the burden of taxation. It seems to be the concensus of opinion among the people of the State that this is true, that they are not taxed in proportion to the other property of the State. If we have got to the point, and I think it is generally conceded that we have, that they are assessed with the rest of the property of the State, if we have got to that point, it will be impossible to increase their tax any more unless we do it under the provisions of a bill which might be termed a "general utility bill," a bill for the support of the schools or highways, or something of that kind, a bill such as Senator Donigan has been trying to put through the Legislature for the last two or three sessions, and which he found it to be hard work to put through.

You all know that when such a bill is proposed we run against conflicting influences and it falls through. Seeing that this is the case, I can see there is no harm in the senator's proposition to so amend the Constitution that when the Legislature meets again if they deem it wise they can raise the tax on the wild lands. He has provided a limit that they cannot go beyond one per cent. I think now they are paying  $6\frac{1}{2}$  mills. They pay whatever the State rate is and then in addition they pay  $1\frac{1}{2}$  mills for fire protection so that I can see no harm that would come from the proposition of the senator.

Mr. OSBORN: Mr. President. Now in regard to the suggestion of the wild lands, if we wait before taking any action in this matter until every man in the State of Maine, or perhaps every man in this Senate, should conclude that we had got to the right point of valuation, before we take action, he and I would both be dead, and nothing whatever done in regard to this proposition. Perhaps it would have been better to have introduced this resolution

earlier in the session, but the fact should be borne in mind that our tax committee had matters before them that taxed their efforts very severely, and they were unable to make a final report until the other day, and if this had been before them, whether it would have got a hearing is somewhat a question. It is not a proposition to enact a law; it is a proposition to submit to the people a change in the Constitution and the people will have an opportunity to vote upon it; it will be threshed out for a year and a half before the vote is taken, and then before any law can be passed by the Legislature, it would have to be taken up and the people given an opportunity to be heard.

I do not think it can be called a hasty matter, for it has confronted us year after year, and we have endeavored to reach it by some indirect method, by putting upon the State a larger share of the burden of the highways and schools. Through Mr. Donigan's bridge bill, we have endeavored to tax all the property of the State. We find ourselves up against conflicting interests. In regard to the school tax, it is not satisfactory to any people, section or interest.

I believe the Senate will give this a fair vote. If they want to turn it down I have nothing to say, but I do not believe they will.

By unanimous consent the bill received its first reading.

Upon the question of the second reading of the bill under the suspension of the rules, Mr. Mullen of Penobscot stated that he did not understand the procedure.

The PRESIDENT: I asked if it was the pleasure of the Senate that the bill receive its first reading, and there was no objection, and there has been no objection to the second reading of the bill.

Mr. MULLEN: Mr. President: The point that I intended to make was that this bill should not be considered without a two-thirds vote of the Senate.

Mr. BOYNTON of Lincoln: Mr. President: The senator from Somerset, Mr. Osborn, has asked for a ye and nay vote on the passage of the bill.

The PRESIDENT: The bill will receive its second reading under suspension of the rules, unless there is objection.

Mr. MULLEN: Mr. President: I do object.

The PRESIDENT: The Chair rules that if an objection is made to the second reading, the rules require that at least one hour shall elapse before the second reading. The Senator from Penobscot having objected, the second reading cannot be had at this time.

On motion of Mr. Gowell of York, Senate report 207, An Act providing for the better collection of inheritance taxes, was taken from the table.

On further motion by the same senator, the bill was read the second time and was passed to be engrossed.

On motion by Mr. Winslow of Cumberland, House report 731, An Act to incorporate the Casco Bay Water Company, was taken from the table.

On further motion from the same Senator, the bill was passed to be engrossed.

On motion by Mr. Winslow, House report 717, An Act authorizing the city of Portland to construct public buildings on public grounds, was passed taken from the table.

On further motion by the same Senator, the bill was passed to be engrossed.

On motion by Mr. Blanchard of Franklin, House report 659, An Act to ratify and confirm the organization of the Yarmouth Manufacturing Company, was taken from the table.

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

On motion by Mr. Kellogg of Penobscot, House report 93, An Act relative to the charter of the Central Maine Power Company, was taken from the table.

Mr. KELLOGG: Mr. President, I move that this bill be referred to the next Legislature, and in support of that motion I wish to say that I think this is a proposition that entails danger to the companies in that section of the State. I understand there are several companies

there where this corporation now owns a good share of their stock, and in some of those companies the stock they hold is said to be worth from \$50 to \$400 a share, and all they offer to the minority stockholders is par value of about \$125. And it looks to me to be an unfair proposition. I think this is a proposition that should go under the control of the Public Utilities Commission, if we ever have one, and as we are not likely to get one this session I think this bill should go over to the next Legislature. I do not think it will work any harm to the company, and it may help the minority stockholders in this bill. There is a company at Clinton, at Dexter, the Skowhegan Light Company, the Kennebec Light and Heat Company, the Solon Electric Company and the Vassalboro Electric Company; there are several companies and I suppose we ought to class this as an "octopus," as it is trying to swallow up these companies, and the companies consider that the stock is worth from \$100 to \$250 a share.

Mr. STAPLES of Knox: Mr. President, this is an important matter and I ask that it lie on the table until the afternoon session. There are some things I may want to call to the attention of the Senate.

The motion was agreed to.

On motion by Mr. Milliken of Aroostook Resolve in favor of the Maine Seed Improvement Association was taken from the table.

On further motion by the same senator the resolve was the finally passed.

On motion by Mr. Milliken, House report 700, An Act to amend Section 1 of Chapter 244 of the Public Laws of 1909, in regard to transmitting electric power beyond the confines of the State, was taken from the table.

Mr. MILLIKEN: Mr. President, as I said yesterday, the amendment and the statement as amended do not agree. As nearly as I can find out, the idea was to repeal the provision in the original act which allowed electric railroads to transmit power out of the State for the purpose of operating their railroads. It was found that this would be too drastic and the bill was changed so that it now leaves the exemption in, and the provisions of this bill shall not apply to any

street railroad now doing an interstate business. In this form it seems to me the bill is objectionable, and it should be left as it is now, and permit these railroads to transmit power beyond the limits of the State only for the purpose of operating their own railroads. If this bill were to pass and any street railway doing an interstate business could come within the provisions of the bill and carry any amount of power beyond the limits of the State for any purpose.

I move that the bill be indefinitely postponed.

The motion was agreed to.

On motion by Mr. Gowell of York, House Bill 676, An Act relating to evidence in personal injury cases, was taken from the table.

Mr. GOWELL: Mr. President, the bill is short and I will read it.

"Section 1. In all actions brought to recover damages for personal injuries to or death of a person it is not necessary to allege or prove that the person so injured or killed was in the exercise of due care at the time of such injury or death; and if the negligence of the person so injured or killed is relied upon in defence of the action, such negligence shall be pleaded."

Mr. President, under the common law rule of this State, it is necessary in recovering damages in personal injury cases for the plaintiff to show negligence on the part of the defendant, and also to show that the plaintiff was in the exercise of due care. It was urged before the committee that this bill, if adopted, would conform to the federal rule. It was urged against the passage of the bill that such a law would be a radical change in our common law doctrine in regard to negligence in this State. There seems to be a diversity of opinion in regard to the wisdom of this law.

At this time I yield to the senator from Knox.

Mr. STAPLES of Knox: Mr. President, this matter came before the judiciary committee and a unanimous report was made by the committee that it "ought to pass." The common law as it stood has worked a great hardship to individuals who have been in-

jured in the employ of corporations. The burden of proof has always been upon the plaintiff to show negligence on the part of the corporation—railroad, or whatever it may be—and that the plaintiff must be in the exercise of due care himself. Where it is only an injury, I can see where the party injured can come into court and be cross-examined by the corporation attorneys and that it would work there no great hardship. It is a well settled principle of law that if a person desires to recover of a corporation, they must show they were without fault on their part. The burden of proof was upon them. This was not a bill of my getting up; it came from other sources. I have known of cases where it has been a great hardship to the parties prosecuting, in a case like this: A party is killed and his administratrix brings an action against the company, under the laws of Maine, and may recover the maximum amount, \$5000, when undoubtedly killed by the negligence of the corporation, whether it be a railroad or any other business corporation. She comes into court and as administratrix the burden has been upon her to show that the intestate was in the exercise of due care himself when he was killed. This simply changes the burden. Supposing that a man was killed and nobody known anything about it, it absolutely defeats the right of action, however negligent the corporation may have been.

The corporation when it pleads negligence, we say in this bill, that the plaintiff whether it be a widow or an administrator, may not have to prove that the man was in the exercise of due care, but this simply changes the burden from the plaintiff to the defendant, when the defendant comes in and pleads negligence in the case. I think this is right.

I recollect of having a case myself where a man was killed in the city of Rockland, and because I could have no one man who saw him when he was killed, the manner in which he was killed showed certainly negligence of the company by which he was employed, and on account of his not being in court, being killed outright, the widow could not prove that he was in the ex-

ercise of due care and the action failed. Let the corporation, as the bill says, "In all actions brought to recover damages for personal injuries to or death of a person—if negligence of the person so injured or killed is relied upon in defence of the action, such negligence shall be pleaded."

Now it is necessary to allege in your writ and prove that the person killed or injured was in the exercise of due care at the time of the death, and "if the negligence of the person so killed is relied upon in the defence of the action, shall negligence shall be pleaded."

I would not care a continental about it if the party was able to be in court, for of course on the cross-examination of the plaintiff they could see whether he was in the exercise of due care or not, but it is when a person is killed and no one knows the circumstances, and on account of his not being able to prove the fact that the man was in the exercise of due care and the action fails.

We put the burden on the other side. I think it is a law that appeals to every intelligent man in the State of Maine and I hope it may have a passage.

I will say that the judiciary committee heard this fully, a committee composed of 10 lawyers, and they deemed it a wise law and for the interest of the State. It puts the burden upon the corporation instead of upon the widow or whoever it may be that prosecutes the case. It really applies to only one case, and that is where a party is killed.

Mr. FOSS of Androscoggin: Mr. President: I move that this bill be indefinitely postponed, as I see that the bill says itself says "in the case of a person injured or killed."

Mr. STAPLES: Mr. President: I ask for a yea and nay vote.

Mr. LEACH of Hancock: Mr. President: I would like to ask the senator a question for information. There seems to be one point we do not understand, and that is whether or not this bill applies to an individual in the employment of labor.

Mr. STAPLES: Mr. President, I will say that it does.

The question being on the motion of the senator from Androscoggin to indefinitely postpone the bill, the yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Allan, Blanchard, Boynton, Chandler, Dodge, Donigan, Farrington, Foss of Androscoggin, Foss of Cumberland, Hill, Irving, Kellogg, Leach, Mayo, Milliken, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Smith, Theriault, Winslow—24. Those voting nay were: Messrs. Gowell, Staples, Stearns—3.

So the bill was indefinitely postponed.

The PRESIDENT: Resolve appropriating money for the purpose of obtaining information in regard to the taxation of wild lands, comes from the House, that branch insisting upon its former action and asking for a committee of conference.

Mr. MILLIKEN of Aroostook: Mr. President, as I understand it this resolve was recalled from the Governor, and the House insists upon its action in passing the resolve.

The PRESIDENT: Yes.

Mr. MILLIKEN: Mr. President, in this case it seems to me that the usual courtesy we might show the House is overruled by the courtesy we might show the Governor, and I move that the Senate adhere to its former action.

The motion was agreed to.

On motion by Mr. Milliken, Senate Bill 259, Resolve in favor of the clerk of the committee on manufactures, was taken from the table.

On further motion by the same senator the resolve was passed to be engrossed.

Mr. KELLOGG of Penobscot: Mr. President, I would like to have the time extended until after recess on House report No. 622.

The motion was agreed to.

On motion by Mr. Staples of Knox, Resolve conferring the right of suffrage upon women, was taken from the table, again tabled and assigned for tomorrow.

Mr. BOYNTON of Lincoln: Mr. President: While I have no objection to the re-assignment of this matter, it seems to me we might as well act upon them now as to put them over. Let us get to work upon them and get done with them. I hope we will keep to work upon this stuff

until twelve o'clock so that we can get through.

Mr. STAPLES: Mr. President: I will say that I never ask for a postponement for a given time without a good reason for it. If the Senate wishes to act now, it is immaterial to me.

Mr. BOYNTON: Mr. President: I thought this matter was settled and gone, and I was speaking about what might occur in the future. I made no reflection upon the Senator from Knox.

House majority and minority report of the committee on Legal Affairs on An Act to mend Chapter 151 of the Laws of 1855, relating to the Municipal court of Biddeford. Majority report "ought to pass" in new draft; minority report "ought not to pass."

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

On motion by Mr. Boynton of Lincoln, the Bill was laid on the table.

Mr. STAPLES: Mr. President: I will say that this is something entirely new. Women's suffrage has been on the mind of the Senator from Knox ever since he has been here, and he is able to proceed at once on that matter.

(Senator Staples in the Chair.)

On motion by Mr. Milliken of Aroostook, House Bill 584, An Act to amend Section 88 of Chapter 15 of the Revised Statutes, as amended by Chapter 190 of the Public Laws of 1909, to provide for the proper observance in the public schools of the birth of Henry Wadsworth Longfellow, was taken from the table.

Mr. MILLIKEN: Mr. President, if this bill is to pass at all, it should be re-drafted to conform with a bill which has already gone through the Legislature, which amends the same section of the law in regard to holidays and creates Columbus day. This bill after reciting the amendment, reads that a section in the Statute is amended, and of course there will be some question if this bill passes into law reciting the Statutes in a different form, whether we would really make Columbus day a holiday. I have some serious doubts about making Columbus day a holiday, but this bill provides the making of a school holiday all over the State. I think we have gone as far as we ought

to in designating these particular days in schools. I believe the children will learn more about Longfellow and love him more by studying him than they will by the fiat of this Legislature setting aside a day for that purpose.

If the bill is to be passed it should be re-drafted, but I believe it does not make for the best interest of education, and I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. MILLIKEN of Aroostook: Mr. President, the report of a committee came in here on resolve in favor of the Machias Normal School, carrying an appropriation for \$30,000, of which \$20,000 was for additional building. The House last night referred the whole resolve to the next Legislature. I allowed the Senate to concur in that action without objection because I intended to offer a resolve under suspension of the rules to take care of that. It is absolutely necessary for the equipment of the building now built and in use, and unless something has been done in the House, I wish to ask the Senate to consider this afternoon a resolve for that amount, because a certain amount of that resolve is absolutely necessary for the proper prosecution of the business of the school. I will not offer the resolve until I find out whether one has been offered in the House.

Mr. FULTON of Sagadahoc: Mr. President, I understand there has been such a resolve offered in the House this morning, so that it will be unnecessary to offer one in here.

Mr. OSBORN of Somerset: Mr. President, I will inquire if the hour has expired we were to wait on this proposition?

The PRESIDENT: I think it has.

Mr. OSBORN: Mr. President, I move that the matter be given its second reading and that when the vote is taken it be taken by the yeas and nays, on the Resolve in regard to the taxation of wild lands.

The PRESIDENT: The question is upon the second reading of the resolve presented by the senator from Somerset for a change in the Constitution of Maine, proposing an amendment for the purpose of taxing wild lands.

Mr. MULLEN of Penobscot: Mr. President, the point that I made in the beginning was that the Senate should not proceed to consider this matter without the consent of two-thirds of the senators, and that I insist upon.

Mr. MILLIKEN of Aroostook: Mr. President: The question as I understand is, whether the Senate will suspend the rules, and upon that question a two-thirds vote would be necessary, and the question of the merits of the resolve is not involved in that.

The PRESIDENT: The question is, shall the rules be suspended, and that requires a two-thirds vote.

A rising vote was had and a sufficient number having arisen, the yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Donigan, Foss of Androscoggin, Fulton, Gowell, Irving, Leach, Noyes, Osborn, Pendleton, Sanborn, Staples, Theriault—12. Those voting nay were: Messrs. Blanchard, Boynton, Chandler, Clifford, Dodge, Farrington, Foss of Cumberland, Hill, Kellogg, Mayo, Milliken, Moulton, Mullen, Smith, Stearns, Winslow—16.

So the motion to suspend the rules was lost.

Mr. MULLEN: Mr. President: As I understand it, the Senate has refused to consider this matter.

Mr. OSBORN: Mr. President: As I understand the matter, the Senate has refused the second reading.

Mr. KELLOGG: Mr. President: If it is in order, I move the indefinite postponement of this measure.

The question being on the motion of Senator Kellogg to indefinitely postpone the bill, a vote was taken and the resolve was indefinitely postponed.

Mr. Osborn of Somerset asked unanimous consent to present the following resolve: "Resolve proposing an amendment to the Constitution of the United States, giving Congress power to lay and collect taxes on incomes."

Mr. MILLIKEN of Aroostook: Mr. President: If I understand the situation correctly, a resolve embodying the same subject matter has been introduced and heard by a committee, reported from the committee and is now under consideration in the House of

Representatives, and will arrive here in due season, if it is not lost or referred to the next Legislature. Under these circumstances it seems to me it would be improper to consider this resolve at this time.

Mr. OSBORN: Mr. President: I would not ask that it be heard today, but lest it should be lost or not heard from, I do not wish to go home without voting upon it, as both political parties pledged themselves in this matter. I am willing to have it lie on the table until tomorrow.

Mr. MILLIKEN: Mr. President: I feel as the senator has said, and ask that it be received and laid on the table.

Mr. KELLOGG of Penobscot: Mr. President: I object to the consideration of this measure today. I may not be right, but I think a measure of that kind either requires unanimous consent or a two-thirds vote of the Senate before it can be received, and I object to its being received by the Senate.

Mr. MILLIKEN: Mr. President: As I said a moment ago, as a precautionary measure, I hope the senator will be allowed to lay this on the table, but it seems to me that if the senator from Penobscot objects he is entirely within his rights, and that only unanimous consent, or two-thirds vote, can it be received, and it could not be laid on the table until it was received.

The PRESIDENT: The Chair rules that only by unanimous consent can this matter be received.

Mr. OSBORN: Mr. President, all right, if they do not wish to receive such a resolution I am satisfied.

Upon putting the motion Mr. Kellogg of Penobscot objected, and the Chair ruled that the resolve could not be received.

On motion by Mr. Boynton a recess was taken until 2 o'clock this afternoon.

#### AFTERNOON SESSION.

Senate called to order by the President. Papers from the House disposed of in concurrence.

Report of the committee on conference on An Act defining the main trunk line of highway through the State, reported

that the Senate recede and concur.

On motion by Mr. Osborn of Somerset the report was tabled.

Senate Document 214, An Act to extirpate contagious diseases among horses, cattle, sheep and swine. In the Senate this bill was passed to be engrossed. It came from the House, that branch having adopted House amendment A, and the bill as amended was passed to be engrossed.

Mr. Hill of Penobscot offered Senate amendment A.

On motion by Mr. Moulton of Cumberland the bill was tabled.

Mr. Hill: Mr. President, my amendment calls for an emergency clause in this bill, and if I am not out of order I wish the amendment to be read.

The PRESIDENT: The bill is on the table and it would be out of order to read the amendment at this time.

Mr. WINSLOW of Cumberland: Mr. President, I would like to have a time assigned for the consideration of this bill.

The bill was assigned for tomorrow morning.

Mr. MULLEN of Penobscot: Mr. President, in relation to this bill just tabled, in regard to the extirpation of diseases in horses, cattle, etc., was not the amendment offered before the bill was tabled, and is it not in order?

The PRESIDENT: There was an amendment before the Senate that came from the House, and before action was taken on that, the bill was tabled, and Mr. Hill preserves his right to present his amendment when the bill is taken from the table.

The report of the committee on county estimates for the years 1911 and 1912 was received and placed on file.

A communication was received from the secretary of State transmitting the first annual report of the State Water Storage Commission.

Placed on file.

The report of the committee on appropriations and financial affairs was received transmitting a communication from the State auditor submitting estimates of the expenditures of the various departments, commissioners and boards of trustees for the years 1911 and 1912.

Accepted and placed on file.

An Act to provide for the erection of the Portland bridge.

In the Senate passed to be engrossed, came from the House endorsed "The House has voted to adhere to his action in indefinitely postponing the bill."

On motion by Mr. Winslow of Cumberland the bill was tabled.

#### Passed to Be Enacted.

An Act to consolidate the management of State institutions for the insane and feeble minded.

An Act relating to drains and common sewers in the city of Bangor.

An Act to provide for the admission of evidence in actions for libel in certain cases.

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

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

An Act to legalize game farming and fish farming in the State of Maine.

An Act to amend Section 40 of Chapter 47 of the Revised Statutes of the State of Maine, relating to the decrease of capital stock of corporations.

An Act concerning notaries public who are stockholders, directors, officers or employes of banks or other corporations.

An Act to amend Section 13 of Chapter 117 of the Revised Statutes, as amended by Chapter 66 of the Public Laws of 1907, as amended by Chapter 195 of the Public Laws of 1909, relating to fees of witnesses before referees, auditors and commissioners specially appointed to take testimony.

An Act in relation to the Belfast and Liberty Electric Railroad Company.

An Act additional to Chapter 140 of the Private and Special Laws of 1909, in relation to the South Paris Village Corporation.

An Act for the assessment of a State tax for the year 1911.

This bill, containing an emergency clause, a rising vote was taken and 27 voting for its passage and none against the bill was passed to be enacted.

#### Finally Passed.

Resolve in favor of John Holden and Company.



Resolve in favor of the town of Buxton.

Resolve in favor of Lee Normal Academy.

Resolve in favor of H. P. McKenney. Resolve dividing the State into senatorial districts.

Resolve in favor of Freeman B. Andrews of Oxford for an increase in pension.

Resolve in favor of providing plans for school buildings.

Resolve in favor of the Western State Normal School.

Resolve in favor of the Maine Insane hospital.

Resolve in favor of M. P. Colbath, of Seboomook, Maine.

Resolve in favor of the Dexter Loan and Building Association.

Resolve in favor of Sullivan Newton. Resolve in favor of the town of Phippsburg to correct error in the apportionment of school and mill fund of 1908.

Resolve in favor of maintaining lights and buoys on Upper and Lower Richardson lakes.

Resolve in favor of the Maine Insane hospital.

Resolve in favor of the Sagadahoc Agricultural and Horticultural Society.

Resolve in favor of John R. McDonald.

Resolve providing for the payment of certain deficiencies accrued prior to Jan. 1, 1911.

This resolve, containing an emergency clause, a rising vote was taken and 27 voting for its passage and none against, the resolve was finally passed.

Resolve in aid of navigation on Rangeley lakes, Mooselucmeguntic lake and Cupsuptic lake.

On motion by Mr. Winslow of Cumberland, the report on the Portland bridge bill, Senate Document 193, was taken from the table.

Upon further motion by the same senator, the bill was indefinitely postponed.

The report of the committee on interior waters, on An Act to grant H. L. Gooch the right to maintain a dam on the East Machias river, came from the House.

The report of the committee was ac-

cepted and the bill was given its first reading.

Mr. KELLOGG of Penobscot: Mr. President, I move that the bill be indefinitely postponed.

Mr. DONIGAN of Somerset: Mr. President, that bill passed the committee and as the senator was chairman of the committee, I would like to know his reasons for this motion.

Mr. KELLOGG: Mr. President, I think that bill was sent back to the committee twice. We reported that it pass in a new draft, and as I understand, they have hitched an amendment on it. We allowed them to build a dam without having a chance to charge toll, and I think they have put in an amendment whereby they can charge toll.

On motion by Mr. Allan of Washington, the motion of the senator to indefinitely postpone the bill, was laid on the table.

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

Resolve in favor of the official reporter of the House.

Resolve in favor of W. G. Hodgkins of Damariscotta, secretary of the committee on insane hospitals.

Resolve in favor of R. H. McCready.

Resolve in favor of the clerk, stenographer and the messenger to the legal affairs committee.

This resolve came from the House, amended by House amendment A: "Amend by striking out the words 'five hundred' in the second line and inserting in lieu thereof the words 'four hundred.'

The amendment was adopted and the resolve as amended was read and passed to be engrossed under suspension of the rules.

An Act to authorize Androscoggin county to issue bonds to enable it to provide for the payment of temporary loans and contingent expenses.

Resolve in favor of the clerk to the committee on banks and banking.

Resolve in favor of Wilbur F. Dresser, chairman of the joint special committee on Portland bridge, for expenditures made

in connection with the hearing on Portland bridge.

Mr. STEARNS of Oxford: Mr. President: I rise to a question of personal privilege, and in doing so feel I have in advance unanimous consent. While I send to your desk by our esteemed and veteran messenger a bouquet of white carnation pinks. In color, Mr. President, they are emblematic of your own purity of purpose as revealed to us through the days of this session. In number representing the membership of this body, over which you have presided with such eminent ability fairness and justness.

In presenting these flowers to you at this time, Mr. President, we do so not only that they may adorn and beautify your desk during the closing hours of this session, but also that we may thus emblematically express by this token our affection and our esteem for you personally, and as a partial, and I might say introductory expression of our grateful appreciation of your distinguished services as our presiding officer.

We came here early in January under extraordinary circumstances, unusual in the State of Maine, for there had been a change, almost as sudden as that which befell Aaron's rod, which budded blossomed and brought forth fruit in a day, and only a few of us were left as spared monuments of God's mercy to represent the late majority which had so suddenly become the minority.

I do not wish to intrude upon the time of the Senate, nor would I invade the province of those who follow, to take up much of the time, but I would say that we came here as strangers, the most of us. We have labored and struggled and toiled together, through evil report and through good report, through the days and the weeks and the months of this session, in committee, at our desks and upon the floor of this Senate, and we have become acquainted; we have agreed upon some matters and disagreed upon others; we have opposed each other in some measures, and have been in accord upon others, and we have divided occasion-

ally upon party lines, but through it all I believe there have been left no scars, no feelings of bitterness, and in a few short hours we shall close our labors, the gavel will fall for the last time and the 75th Legislature of Maine will have passed into history.

These flowers, Mr. President, upon your desk will soon wither and fade and the fragrance thereof will soon disappear, but the bright memories which will come to us from out the friendships we have formed will linger with us as long as life itself shall last, nor can we ever recall these things without thinking of that central figure, that genial presence, that kindly gentleman who has presided with such fairness and so satisfactorily over our deliberations.

May health, happiness and prosperity attend and reward you, Mr. President, may your pathway be strewn with flowers, may the friendships which we have formed continue unbroken as the days come and go, and as the years roll by, to end only when the summons comes to join the innumerable company who have gone before, and then may the friendships here formed be renewed in the Chambers beyond the skies where the Infinite Ruler over all presides. (Long and continued applause.)

Mr. STAPLES of Knox: Mr. President and fellow Senators, I have been charged with the pleasant duty of saying something upon this occasion. My task is two fold; it has been the custom of the Senate in years gone by to have exercises separate from the second duty that I am charged to perform. It is a very agreeable task, as I stand here upon this occasion, we might say to bid farewell to this Senate, because in a few short hours this Senate will have adjourned. To me there is always a tinge of sadness upon an occasion like this. We have been here together a long time, and our associations have been such that it has imbued me with a kindly feeling toward each and every senator in this body. We may have had our differences, but that is a grand thing, not only in legislation but in all the difficulties that arise in the various walks

of life, analysis of each other that is a help to bring the truth to the surface.

This Senate is composed of honorable men, and having been a member of this Senate for many years where it has always been composed of grand and good men, I will confess today that I never saw a body of men in this Senate Chamber who were so kindly disposed toward each other, or so well disposed toward the interests of the grand old State of Maine, as this honorable body of men that I see before me today.

I say there is a tinge of sadness when we get ready to part, but I am glad that there is imbued in the breasts of the human family that kindly feeling which extends from heart to heart and wears off the roughness of our natures and makes us believe that the good predominates over the evil in the breasts of the majority of the human family. I am a firm believer in that, and I tell you it is worth living for when we find brother to brother, heart to heart.

We may have our differences but we are so constituted with great intelligence that they wear away and we become better men by those differences when they are properly analyzed.

Oh, my friends, we may not meet here again. Probably we never will, but there is consolation in that beautiful belief that "It is not all of life to live nor all of death to die." Death, to my mind, is only a transmission. We shall go to that world where exercises like this will not occur, but something grander and nobler than that, and I believe that we shall meet again. We may not meet many times upon the material side of life, but it is a consolation to me because I have been a member of this body and every member has treated me with the greatest courtesy and with the greatest kindness.

I can say to you, my friends, if it is not my good fortune to meet you after this session closes, I firmly believe that I shall meet you by and by when I go down the declivity of life where we meet on the other shore and know each other as we are known. I thank you for all you have said and done during this Legislature in the great controversy you have had with me. I hope you will live

and prosper, and may that great element which comes from the other world permeate you and you will know when you go to the other land that you have done your duty well.

God bless the Senate of Maine.

Now, Mr. President, I come to the most important duty with which I am charged. We all recognize, Mr. President, your great ability in presiding over this unruly body, sometimes, I might say, your impartiality, and the courtesy with which you treated each and every member. We recognize that disposition, we recognize that kindness of heart, and after all has been said and done, to purify that sentiment that we have spoken, we feel it our duty, and our pleasant duty, to present you with a little token in verification of what we feel and of what we have said. And presenting this to you, Mr. President, it is not alone a custom, but it is an emanation from the heart of every senator within this body. The unanimous sentiment that they have received at your hand that consideration and that kindness and that impartiality and that courtesy, that they want to place in your hand some token, as you go down the declivity of life, that you will have the consciousness that the members of the Seventy-Fifth Legislature of Maine have a warm place in their hearts for the President who has presided over them. They have selected this beautiful gem, it is ancient in its origin, and is spoken of in Scripture and in ancient history as the "Pearl of great price," way back in the dark centuries where history gives us any revelation. It has only been given by kings and princes in time way back to those who were most worthy to receive it and capable of wearing it. This beautiful pearl, Mr. President, is not large in size, but it is an emblem of purity. It has been so considered from early history down to the present time, not for its size is it valuable, but for its beauty and its purity, and we believe that you possess that purity of character and mind and of heart which entitle you to wear it.

Now, it is not large in size; you are not large in size but you are large in greatness of heart and mind, and we present this to you and trust you will wear it, and as you go down the declivity of life you will think

of the 75th Legislature and the pleasant associations with which we have been surrounded.

May God in his infinite mercy carry to you the best thoughts to the end of life of the members who so feelingly at this time present you with this jewel. (Long and continued applause.)

Mr. GOWELL of York: Mr. President: I ask the unanimous consent of the Senate to present a resolve out of order, and in presenting the same I would ask the indulgence of the Senate for just a moment. This is the first resolve I have persented during the session that I am sure will receive a unanimous passage.

I had the honor to be a member of the last Senate, and at that time I hoped to be fortunate enough to be a member of this Legislature and looked forward with a great deal of pleasure to meeting my legislative friends at this session, but lo! as my friend, the senator from Oxford, has said, a change had taken place and when we assembled in this Chamber at the beginning of this session I saw but few familiar faces and I felt at first that I was among strangers, but I soon found that I was not among strangers but among friends. The associations surrounding the Seventy-Fifth Legislature will be among the pleasantest recollections of my life.

I am glad at this time, Mr. President, to have an opportunity as a member of the minority party, to express to you and to every member of the Senate my appreciation for the uniform courtesy that I and the other members of the minority party have received at your hands. This has been a busy session. Many important matters have been presented for our consideration, and doubtless we have made some mistakes. We can say, perhaps, as they sometimes say in the Episcopal service, that "We have left undone many things that we ought to have done, and have done many things we ought not to have done," but I believe every senator here has worked for the best interest of his constituency, and for the interest of the good old State of Maine, as each one of us has seen it.

Sometimes we have voted according to party lines, but there has been but little politics in our considerations of the various measures that have been determined by us at this session, and I am sure that we all agree that friendship is stronger than politics and political principles are not as strong as human sympathy.

I presume, Mr. President, that each of us loves our good, old State; we "love its rocks and rills, its woods and templed hills." I am sure I can add nothing to what has already been said to assure you of the love and affection which every member has for you, and although you have been presented with an emblem of our esteem and a bouquet of flowers to ornament your desk, "you may break the vase and shatter the roses but the scent of the roses you can never destroy."

I would be remiss in my duty if I did not at this time say just a word in regard to the uniform courtesy and fairness with which you have presided over our deliberations, and I am sure that I voice the sentiment, not only of one, but of the entire membership of the Maine Senate.

It gives me great pleasure, Mr. Secretary, to present this resolution, and I move its adoption: "Resolved, That the members of the Senate of the Seventy-Fifth Legislature extend at this time their thanks and appreciation to the Honorable Nathan Clifford for the courteous, able and impartial manner in which he has presided over the deliberations of this Senate."

I move you, Mr. Secretary, that when the vote be taken, it be taken by a rising vote.

Whereupon the senators all arose and the resolution was adopted.

The PRESIDENT: Mr. Stearns of Oxford, the senator from Knox, the senator from York and other brother senators:

I cannot tell you how touched I am at the tributes you have made to me this afternoon. You know when I came her, I came as a green, unsophisticated, would-be legislator. I feared opposition from the men in my own party, but I feared it more from the men in the other party, men who had had experience in the other House,

men who had experience in this House, and that I knew were more capable of handling the affairs of the Senate than I was myself. The members of my party were kind enough, considerate enough, to make me their choice for presiding officer. My troubles then, I thought, had just begun, but I found that the members of the minority, instead of doing anything to oppose me, to put any obstruction in my way, to clog my plans in any sort of manner, have helped me from the very beginning. Had it not been for the kindly assistance of the majority and the minority the sessions of the Senate would have been much prolonged and we might have been involved in very serious parliamentary discussions.

As I told you the day I took the oath of office, I would try to be impartial and treat every member of the Senate alike; that there would be no distinction between parties; that we were here to work for the benefit of the State and do such things as we thought would benefit the State and make Maine more prosperous.

I have done the best I could, and it pleases me much to have the members of the Senate say that I have conducted myself in an impartial manner. I assure you all that no three months of my life that I have passed have I enjoyed more thoroughly than I have the three months in Augusta as your presiding officer.

I wish to thank you all from the very depths of my heart for the kindness shown me, and I hope always and forever we may be as good friends as we are today. (Loud and continued applause.)

Mr. GOWELL of York: Mr. President: In the early part of the session, as we all know, my distinguished colleague Senator Hamilton was taken ill while in this Chamber, and we have been deprived of his attendance since that time. We have missed his genial presence and his kindly advice. It has been proposed that we send him at the close of this session a letter, and I have been asked to read a letter which has been prepared:

"Senator Hamilton letter

Dear Senator Hamilton:—

Your fellow senators of the 75th Leg-

islature of Maine remembering you and desiring to be remembered by you during the closing hours of the session, take great pleasure in sending you a hearty greeting accompanied by a slight token of their affection and esteem.

We deeply regret that your health has been such as to prevent your constant attention here, and while we have felt the loss of your companionship we fully realize that the greater loss has been to the State which has thus been deprived of the services of a wise counselor, an experience legislator and a faithful and tried public servant, whose distinguished services to the State in the past are fully recognized.

The sincere desire of our hearts is that the return of spring time will bring to you health and strength and that your "Youth may be renewed like the eagles" and that the blessings of heaven as numberless as the sands of the sea may be showered upon you and yours."

The letter is to be signed by the senators.

The PRESIDENT: Is it the desire of the Senate that the communication be sent to Senator Hamilton? It is not necessary to express this by vote, but simply state the desire.

It was so ordered.

By unanimous consent, the rules were suspended, and Mr. Fulton of Sagadahoc presented a resolve in favor of the Board of State Assessors.

The resolve was read by the President.

Mr. MILLIKEN of Aroostook: Mr. President: That is the same subject matter as the resolve we disposed of this morning.

Mr. FULTON: Mr. President: This resolve does not carry the appropriation.

Mr. MILLIKEN: Mr. President: Where does the money come from? I have no objection except that we indefinitely postponed a similar resolve this morning at the suggestion of the Governor. I do not see as there is any difference where the money comes from if we appropriate it.

I move that the resolve lie on the table until tomorrow morning.

The motion was agreed to.

On motion by Mr. Kellogg of Penobscot, House Document 93, An Act to amend the charter of the Messalonskee Power Company, now called the Central Maine Power Company, was taken from the table.

Mr. KELLOGG: Mr. President, I made a motion this forenoon that this resolve be referred to the next Legislature. This is a matter that does not interest me at all personally, and I think I have had about all the fun I can get out of it. Senator Staples has done quite a lot of talking this afternoon and is already to talk on this. We are behind hand on our business, and I move that this report be accepted and the measure sent on its way.

The report 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. Milliken, Resolve in favor of the Children's hospital of Portland, was taken from the table.

Mr. MILLIKEN: Mr. President, this resolve calls for \$10,000 for 1911 and \$12,500 for the year 1912. It contains the condition that the money must be spent as needed to care for children living within the State and it must be under the direction of the Governor and Council. I hope the members of the Senate will see fit to start this resolve on its way, with the idea that if sufficient saving cannot be made in other ways to make it satisfactory to the Governor, with its conditions, that there will still be time to amend it. There has been some talk as to where we could make some saving to apply to this matter, and the idea has been that we could take \$5000 from some other source. I believe we could make saving enough and that savings enough are in prospect now to make that appropriation. I believe we could defer for two years appropriations for \$4000 for trees about the Capitol, and things of that kind, to make up this amount to about \$5000. I hope that the members of the Senate will start this resolve on its way. I move that it have its first reading.

Mr. BOYNTON of Lincoln: Mr. President, the supposition was that an amendment should be offered taking \$5000 from some other appropriation and adding it to this. It seems that that proposition had

not materialized. I have considered this matter considerably, inquired into it, and I know that the resolve carrying \$5000 for 1911 and \$10,000 for 1912, if passed, would be signed by His Excellency. I do not know that the bill of Senator Milliken's, now under discussion, would not be signed, but I have grave doubts about its meeting with the approval of His Excellency, and it seems to me that we are so late in the session we better go carefully and do what we know can be successfully done. It is my purpose at this time to move the indefinite postponement of the bill under discussion, when I will immediately amend the bill which is now on the table and introduced by me yesterday, providing that the money shall be spent under the direction of the Governor and Council, and shall then move that it have its passage.

I now move that the bill under discussion be indefinitely postponed.

Mr. MILLIKEN: Mr. President, we are not going to have any more fuss about this. My idea is to get all we can possibly for this hospital. I represent no one but myself. If it is true that no more than the amount suggested by the senator from Lincoln will be approved by the Governor, I shall have no wish to interfere, beyond having spoken my own sentiments.

Mr. STAPLES of Knox: Mr. President, in justice to the Governor and to the majority party, I wish to say this: That the resolve carrying the amount which is in the resolve of Senator Boynton, was offered to this institution, \$5000 for 1911, and \$10,000 for 1912, and that was refused by the friends of the institution. That was one-half of what they asked for, and I do not believe in taxing it out of any other appropriation, from the fact that I believe that every appropriation has been scaled down just as low as it was possible for them to perform the duties of the different offices they are appropriated for. Now, it seems to me if we can give them one-half of what they asked for, \$15,000, out of the funds of the State of Maine—I do not believe we have come to that condition financially yet, that we can rob Peter to pay Paul, not by any means, and I

second the resolve introduced by Senator Boynton.

Mr. WINSLOW of Cumberland: Mr. President, before that matter is acted upon, I want to say just a few words in reference to the Children's hospital. I am in favor of the State giving that institution a sufficient amount of money to partially take care of them for the two coming years. The amount that has now been stated in the resolve, of \$5000 for 1911 and \$10,000 for 1912, is nowhere sufficient. It has been estimated that not less than \$40,000 would be required for the two years to carry on that institution, and the committee saw fit to cut that down \$10,000, bringing it down to \$30,000. We all know what has taken place since then. The resolution offered by Mr. Milliken would be acceptable to the institution at Portland, and I do not believe but what the State of Maine can safely grant such a request as that for such an institution, as it is the only one of its kind in this section of the country, and it, would be doing a mighty sorry act in caring such a measure through this Legislature, and it will redound on the Democratic party in not carrying that through to help that little body of people that so much require our assistance at this time.

The statement as made that you could not take \$5000 from certain appropriations—but I am not in favor of that—from the committee on fish and game, for this reason, that the fish and game has already been scaled down to the very lowest limit that the commission can exist on for the next two years. If such an amount was taken from that appropriation, it would result in the closing of two hatcheries for the next two years, and we all know that we cannot do away with the fish and game wardens who must be on duty for the next two years to protect our fish and game. They must be paid, and something else suffer. Mr. Brackett does not protest against this, but he wants the Senate to know that that will be the consequence if the money is taken from that department. I do not see why it is not possible that the money can be taken care of from what may be left over from our two

years. Judging and speaking from the Governor's statement made in his address to us in the joint convention last Friday, he said: "The good results are now apparent. Without raising the tax rate, we shall meet all the bills contracted by this Legislature, pay off \$1,000,000 bequeathed to us, and leave in the treasury at the end of two years a reasonable working balance."

Mr. NOYES of Kennebec: Mr. President: I would like to ask the senator if there is not due this institution from the State \$5000 for the year 1910?

Mr. MILLIKEN: Mr. President: I cannot say as to that except if that condition does exist it is covered by some notes that the trustees have had to sign.

Mr. NOYES: I understand the notes just cover the building.

Mr. MILLIKEN: I do not know.

The question being on the indefinite postponement of the resolve in question, a vote was taken and the resolve was indefinitely postponed.

On motion by Mr. Boynton of Lincoln, the Resolve in favor of the trustees of the hospital for children at Portland, was taken from the table.

Mr. BOYNTON: Mr. President, I now offer Senae Amendment A:

"Amend by adding after the word "institution" in the fourth line the words "provided that the money so appropriated shall be used by the said trustees for the use of crippled and deformed children resident of the State of Maine, who shall be admitted to the hospital for treatment, provided that such expenditures shall have the approval of the Governor and Council."

The amendment was adopted.

Mr. BOYNTON: Mr. President: I move that the resolve without being referred to a committee receive its two several readings and be passed to be engrossed at this time.

The motion was agreed to, and the rules were suspended and the resolve was read twice and passed to be engrossed.

On motion by Mr. Kellogg of Penobscot House Document 622, An Act to amend Section 6 of Chapter 9 of the Revised Statutes, relating to taxation,

and to provide for exemption of mortgaged real estate from double taxation, was taken from the table.

The same senator then offered the following amendment:

Senate Amendment A to House Document 622, amend by adding the following: "provided the rate of interest charged by the mortgagee does not exceed six per cent."

Mr. STAPLES: Mr. President: This is a matter that was passed through here the other day after a long discussion. The senator who voted against the bill, out of my kindness and respect for him, moved to reconsider the vote. Of course it was out of order as he voted against it, but we let him go on and put in his amendment.

I object to this amendment, Mr. President, and fellow senators, first, because the rate of interest fixed by law in the State of Maine is six per cent. The law also provides while that is the legal rate of per cent, that two parties, the mortgagor and the mortgagee may agree on any price or rate of interest that they wish to, and that is upheld by the supreme court of the State of Maine.

I furthermore take the position, and I think every lawyer in this body will agree with me, that it would be entirely unconstitutional to pass that amendment, because we have a right if a man comes to me or comes to you—the legal rate of interest today is six per cent., but there might be an occasion where the money required might demand on account of the urgency of the occasion more than six per cent. in order to obtain it. The law and it is backed by the supreme court of the State of Maine, gives the right to you and to me to make such a contract, and this Legislature cannot take away that right. Why, because it would be unconstitutional. It would be a strange affair that with two parties agreeing it should be narrowed down to six per cent. I don't know—I consider that this matter is thought more of a joke by the senator than anything else, and also by the Senate. I say to you and stake what little reputation I have upon it, that this matter would be considered en-

tirely unconstitutional if it went through here. You have a right to make a contract in excess of that six per cent. if the minds of those two parties meet. I hope the amendment will not prevail.

Mr. MILLIKEN: Mr. President: If I heard the amendment read correctly, I think it did not forbid a contract for more than six per cent., but provided that the mortgages would be exempt from taxation if the rate did not exceed six per cent.

Would the senator object to an amendment providing that the mortgagor should be exempt from taxation to the extent of his mortgage rather than make an exemption of the mortgage, exempting the man who owns the farm?

Mr. STAPLES: Mr. President, I don't know as I care about that. I do claim seriously that it is unfair and unjust not to allow two parties, whether it be mortgagor or mortgagee or anything else, not to make a contract for a larger sum than 6 per cent. It is an abridgement of the inherent right that exists between parties, and you cannot do it.

Mr. KELLOGG of Penobscot: Mr. President, before I had this amendment drawn up I consulted two as good lawyers as there are in the State of Maine, and they drew this amendment. The fact is this, that by this amendment it does not prohibit a contract between two parties, and they can charge 8, 10 or 12 per cent., but when they do that they cannot be exempt from taxation. That is the point.

When this bill was passed here the other day it was supposed to be passed for the benefit of the poor man. By the very remarks of the senator from Knox, it shows on the face of it that it is a bill to exempt the money loaner. He wants a chance to go to a man and say, "I want 8 per cent.," and then be exempt from taxation. Mr. Dresser came to me this forenoon and objected to this, and this very argument he put up: He said there may be places in the back country where a man cannot get his money for 6 per cent. Is this a bill for the poor man? It is the most unfair bill presented to this body this winter.

Mr. STAPLES: Mr. President: I will go as far as the senator from Penobscot in passing this bill, but if



you pass this bill you would take it out of the poor man and put it into the rich man's pocket. I am here to stand up for the thousand and one men who are small holders in real estate, who have bought a farm for \$3500 and mortgaged it for \$2500, and paid the tax on the \$2500, and there being a tax on mortgages at the rate of 2 per cent. he has got to pay that, for you and everybody knows that the lender will add that 2 per cent.

Mr. KELLOGG: Mr. President: That is the very idea. I am willing that the mortgage should be exempt, but I want it so that the money lender cannot charge over six per cent. and I say it is constitutional because it does not prohibit a contract between men at any rate.

The senator from Knox told me in the Augusta House this morning, he said "Don't force that amendment, Kellogg. It will hurt me about loaning money on mortgages." Those are the very words he told me, and I didn't want to tell it, but he forced me to.

Mr. STAPLES: Mr. President: It is a new thing in this Senate and it is certainly a breach of courtesy. If I was undertaking to plead my case before him and tried to get a favorable hearing, I might vary from the exact truth.

I am one of these unfortunate people who have but very little money to loan, but I do claim the right, and I say that the Senate cannot do this, for the court will say that it is unconstitutional to try to tie me down to 6 per cent. I have the right to collect that rate of interest that the parties of the transaction agree upon.

Mr. KELLOGG: Mr. President, that is the point exactly, but he should not be exempt if he charges over 6 per cent.

Mr. FULTON of Sagadahoc: Mr. President, I desire some light on this matter in regard to taxation. This law, if it passes through, does not become operative until 90 days from the time it is signed by the Governor, of course. Next week the assessors go out and take the valuations, and are mortgages held now taxable for this year or not?

Mr. Staples asked for a yea and nay vote.

The question being upon the adoption of Senate amendment A, the yeas and nays were ordered and the secretary called the roll. Those voting yea were: Messrs. Donigan, Fulton, Irving, Kellogg, Leach, Milliken, Moulton, Osborn, Sanborn, Stearns, Theriault—11. Those voting nay were: Messrs. Allan, Blanchard, Boynton, Chandler, Dodge, Farrington, Foss of Androscoggin, Foss of Cumberland, Gowell, Hill, Mullen, Noyes, Pendleton, Smith, Staples, Winslow—16.

And so the amendment was lost.

Mr. KELLOGG: Mr. President, I want to say right here that I am glad the Democratic party has put themselves on record here today against, or in favor, as you may call it, of the poor man; the man they will step up to two years from now and ask for his vote.

Mr. MILLIKEN: I want to ask the senator from Knox if he will consent to an amendment to this bill providing exemption that shall be an exemption of the man who owns the property to the extent of the amount of his mortgage?

Mr. STAPLES. No. I will not consent to any further trouble about this matter if I can help it.

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

On motion by Mr. Milliken of Aroostook, House Bill 544, An Act additional to Chapter 17 of the Revised Statutes, was taken from the table.

On further motion by the same senator, Senate Amendment A was adopted, adding to the title "relating to autopsies." The bill as amended was passed to be engrossed.

Mr. MILLIKEN: Mr. President: House Bill 624 was tabled by me the other day and a new draft offered to correct a clerical error. That was sent to the printers, and the printed document, Senate Bill 245, is here, but the original papers do not appear to have been sent back. In order to make sure that this is passed to be engrossed in season, I am asked by the department of Labor to offer a duplicate of this bill and ask to have it passed to be engrossed under suspension of the rules, with the understanding that if the original turns up I will move to indefinitely postpone

the duplicate. I offer a duplicate under the same title and move it receive its 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 under suspension of the rules.

(Senator Stearns in the Chair.)

On motion by Mr. Milliken of Aroostook, An Act to repeal Chapter 142 of the Revised Statutes, relating to the support of alien paupers, was taken from the table.

Mr. MILLIKEN: Mr. President: This bill with an emergency clause attached provides for the repeal of the alien pauper law. I was in the Legislature when this law was passed and I believe that the passage of the law met with the approval of the people of the state, especially in the smaller towns. I believe its repeal would be a hardship, especially upon the smaller and poorer towns. I move that it be indefinitely postponed.

Mr. BOYNTON of Lincoln: Mr. President: I hope that action will not be taken, for the reason that the State of Maine if this law is allowed to remain upon the books, the bills will grow larger and larger as the years go by and as the towns and cities come to find out that this law is here. It seems to me that there is no reason or excuse for it. The law of 1907 provides that in all alien cases they shall go to the governor and council and present their claims and get their money, but taking refuge under this law they can go back as far as they choose and dig up old claims, that should have been settled long ago, and it seems to me this law should be got out of the way. It seems to me that we should look out for the interest of the state. In Waterville they have found and presented a lot of old bills, Lewiston has already come with three or four thousand dollars of claims, Bangor has found two or three thousand dollars worth, and so it goes on, and the matter will probably cost the State \$25,000 for the next year, and the bills will increase each year, so long as they can find a pauper claim on their books.

Mr. IRVING of Aroostook: Mr. President: I do not understand that the repealing or retaining of this law has

anything to do with old pauper bills. I do not think it is retroactive. I think I have the right understanding of it, and that it simply applies to alien paupers.

If this law is repealed I think it will work a hardship especially on the poorer towns where people come from Canada and fall into distress. Prior to 1905 they would have to be taken care of wherever the pauper fell into distress, but under the provisions of this law they become state paupers, and that is the size of the whole business, and it does not go back to any cases prior to 1905.

Mr. BOYNTON: Mr. President: These pauper claims have come before the committee on Claims, after having been before the governor and council and been turned down. They can go back fifty years, dig up these claims, come to the Legislature and as a rule the claims are allowed by the committee on Claims.

Mr. NOYES of Kennebec: Mr. President, what action did the House take on this matter?

The PRESIDENT: It has been passed to be engrossed in the House. The pending question is on the motion of the Senator from Aroostook, that the Bill be indefinitely postponed.

Mr. DONIGAN of Somersset: Mr. President: I think if this law was repealed it would be one of the most unfair things. Those who live in the center of the state do not know what the border towns have to suffer from the aliens coming in. I believe if the governor and council have bills that are not right that they should be turned down. I hope this bill will not pass.

Mr. MAYO of Hancock: Mr. President: I fortunately or unfortunately, live in one of the border towns. I say that the law of 1905 was a God-send to the border towns. We have a great many people come in there that we have to aid and assist that no town in the state has anything to do with, that is, they have no pauper residence, and this law relieves us a great deal in many ways. It helps us with the people that come there and stayed they would become state paupers. Some towns are small and poor and this is one of the laws that helps the small towns. I hope the Bill will not have a passage.

I feel that it would work an extreme hardship to the small towns.

Mr. STAPLES of Knox: Mr. President I would like to ask the senator from Lincoln a question through the Chair. What proportion of the alien pauper claims that were turned down by the governor and council were illegal?

Mr. BOYNTON: Mr. President, it is my understanding that all were illegal. If they had not been illegal they would have been paid by the governor and council.

Mr. STAPLES: Mr. President: I suppose there are some legal claims in the state somewhere, and does this law apply to any legal pauper claims that exist?

Mr. BOYNTON: Mr. President: All legal claims go to the governor and council and are paid there at once. It is the claims they did not live up to that are turned down by the governor and council.

Mr. MILLIKEN of Aroostook: Mr. President: I cannot help thinking that the Senator from Lincoln is in error. As I understand it the law of 1905 made it legal for the state to support alien paupers, and the law of 1907 provided some machinery for the presentations of those claims within 90 days. The proposition here is to upset the whole business and take away from the small towns the protection they now have, making the state liable for the support of alien paupers.

Mr. FULTON of Sagadahoc: Mr. President: I am inclined to think that the pauper law is all right. I have had an experience of fifteen years on the board of selectmen. The great trouble with the law, is its abuse of it. The average overseers of the poor in the small towns or anywhere in the State of Maine, are a little inclined to be sharp. When they come up to Augusta with a claim against the State, as a rule those claims are paid. If the claims could be made out justly and brought before the governor and council, I have no doubt they would be paid promptly. There has been a disposition for the last few years to milk the state, and this is one of the propositions where the people were inclined

to milk the state and get something they were not entitled to.

Mr. DONIGAN: Mr. President: I want to differ from the Senator in that respect. I know that many of the towns do not get what is due them. The selectmen have to go before a justice of the peace and swear to these claims. I know that many times the claims are cut down below the money actually paid out, after they have sworn to the statement they have made.

Mr. OSBORN of Somerset: Mr. President: Some years ago we had no such claims against the state as alien pauper claims. We had state pauper claims previous to this law, but they came about in a different way, persons whose residence was in unincorporated places. When these alien paupers visited a town the municipal officers or the overseers of the poor would plan some way to run them out of town and get them into some other town so as to get clear of the expense.

As the matter drifted along it was brought into the Legislature, and the proposition was made that instead of the town where the pauper happened to strike carrying the expense of his board, it should be paid by the state and he would become a state pauper. It seems to me that that is a fair, square proposition. It seems to me that this matter of the claims becoming so large and being unjustly presented to the governor and council, is another phase of the question altogether.

If the claims are just and presented within the specified time they will be paid. If claims have been approved by the committee that went back prior to the time this law was past, it seems to me that was a mistake on the part of the committee.

I think rather than repeal the law we better try to see if it cannot be worked out in a proper way. I should hate to see it repealed at this time. I believe if we could refer this to the next Legislature, we could then get more light upon it.

The question being upon the indefinite postponement of the Bill, the yeas and nays were ordered and the Secretary called the roll. Those voting yea were: Messrs. Blanchard, Chandler, Donigan, Fulton, Gowell, Irving, Kel-

Iogg, Leach, Mayo, Milliken, Osborn, Sanborn, Smith, Theriault—14. Those voting nay were: Messrs. Allan, Boynton, Clifford, Dodge, Farrington, Foss of Androscoggin, Foss of Cumberland, Hill, Moulton, Noyes, Pendleton, Staples, Winslow—13.

So the Bill was indefinitely postponed.

On motion by Mr. Milliken of Aroostook, An Act confirming the organization of the Franklin Power Company, was taken from the table.

On further motion by the same Senator, "As no one knew anything about the Bill," it was indefinitely postponed.

On motion by Mr. Blanchard of Franklin, the foregoing action was reconsidered and the Bill was then tabled until tomorrow.

On motion by Mr. Milliken of Aroostook, An Act for the operation of fish hatcheries and the protection of fish, game and birds, was taken from the table, and upon further motion by the same Senator, the Bill was passed to be enacted.

#### Reports of Committees.

Mr. Foss, for the committee on Appropriations and Financial Affairs, on Resolve in favor of the State House Employees, reported that same "ought to pass."

Mr. Boynton, for the same committee, on An Act to provide money for the expenditures of government for the year 1911, reported that same "ought to pass."

The reports were accepted, and the Bills were tabled for printing under joint rules.

On motion by Mr. Gowell of York, House Bill 720, Resolve repealing Chapter 338 of the Resolves for 1909, in favor of the town of Old Orchard, was taken from the table.

Mr. GOWELL: Mr. President: This Bill repeals Chapter 338 of the Resolves of 1909, in favor of the town of Old Orchard.

This law is to take effect January first, 1912. At the last session of the Legislature a Bill was passed granting the town of Old Orchard \$3,000 per year for a period of ten years.

As most of the Senators will remember, the town has met with a disastrous fire and about \$300,000 of taxable property had been destroyed. The

town was in a bad way financially and they came to the Legislature for relief.

As I have said before, we have been rather fortunate in York county in not asking for very many appropriations. I think that with the exception of three small resolves in favor of the hospitals in York county, that was the only resolve passed at the Legislature requiring any appropriation. A resolve was passed early in the session for a larger amount, but the Governor having an idea of retrenchment and economy, intimated that he would veto the resolve. In fact, I think he did veto the resolve calling for a larger amount. Upon examination of the matter, Governor Fernald intimated that this resolve would be entirely satisfactory, it passed the Senate almost unanimously and as far as I know the conditions have not changed very much since the last Legislature. They have had the benefit of the resolve, and of course we all know that the committee on Appropriations and Financial Affairs have not had an easy time to meet the demands for money that have been made upon all sides, and I presume that someone in their behalf has presented this resolve, which in effect allows the payment to be made this year, and then repeals it to take effect January first, 1912. I have been requested by several gentlemen in that vicinity to state the case as best I could and urge this Legislature not to take away this small amount of money. As I said before, as far as I know, this is the only resolve passed that will come to our section of the State.

I did not attend the hearing before the committee, but have understood that they showed a strong case and that they needed this money. I do not believe it will cripple the State very much if they should allow this resolve next year, because under the provisions of the Bill it cannot be taken away the present year, and I hope that under the present financial management, if this resolve should be paid next year, it will not seriously interfere with the finances of the State.

I will read just a few words from the Governor's message to this Legislature the other day. We all have great

confidence in Governor Plaisted's financial ability. "Without raising the tax rate, we shall meet all the bills contracted by this Legislature; pay off the million dollars of debt bequeathed to us and leave the treasury at the close of two years with a small working balance."

The resolve will help the people in my vicinity a great deal, and I now move that this Bill be indefinitely postponed.

Mr. OSEORN of Somerset: Mr. President: I have been somewhat surprised here to witness different Senators refer to the Governor's message in justification of appropriations they are seeking to get. I do not blame them at all for using every means in their power for their people. That is what we are here for, to look out for the interests of our people. If we conflict with each other, we realize it is inevitable. I realize it if no one else does.

This matter of giving money to a city or town covering a period of years because they have been unfortunate, it seems to me is opening a pretty wide door. I was not aware until I came here that the last Legislature had set such an example as that. I think it ought to be cut out. As I understand it, the town of Old Orchard contains a lot of valuable summer property. They can meet a disastrous fire and build up their property much easier than many towns in the State of Maine. I can remember an incident not very many years ago that occurred in my own county, not far from where I lived at that time. We had a fire that swept out most of the village. It was a serious matter, but no one thought of going to the Legislature at that time. It was not fashionable at that age of the world. In the town where I lived several years ago, we had fires repeatedly that destroyed farm property and buildings to such an extent that there was an investigation ordered, because it was thought there were fire bugs coming in from outside the town to burn it up. These fires were a serious loss to that small town, but no one thought of going to the Legislature for help. They worked out of it themselves with what little insurance they could get.

Mr. GOWELL: Mr. President: I think the Senator from Somerset is much more interested and much more familiar with pauper claims than he is with fire losses. He said awhile ago that he lived in a border town and the present pauper law was of considerable assistance to those small towns. We do not have as many pauper cases in York county, as they do, but once in a while we do have a fire. We hope it will be many years before we have such a disastrous fire as this one referred to. We hear a great deal about the good laws that emanate from Massachusetts. I will say that Massachusetts has in similar cases assisted towns that have suffered in this manner. You will remember that Chelsea suffered a great deal a few years ago from a fire, and the State rendered that city relief. I am well aware that it is not a common thing for a State to appropriate money in these cases, but it has been done. We frequently assess towns to build new roads and bridges. I will say that the tax rate in this town, I am informed, is about \$26 per thousand, and it has been increased about one-fifth since the fire. If you care to put it that way, they need this appropriation to assist them in maintaining their roads, their highways.

I should say that if the town can receive some assistance for the next few years they hope it will be the means of building up that place, and with the proper assistance they will be able to build up another Old Orchard. You would hardly recognize the place at the present time.

I believe that resolve, if allowed them, would be the means instead of being an injury to the State of Maine for very long, it would be the means of bringing a large amount of taxable property into the State, and in a few years the State would gain almost as much as they might use by the allowance of this resolve.

I hope the Senate will allow it to remain on the Statute book another year.

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

Mr. STAPLES of Knox: Mr. President: I am somewhat interested in this Bill from the fact it originally came

before the Legal Affairs committee two years ago. It is a fact that cannot be gainsaid by anybody that Old Orchard met with a most disastrous fire. It really swept the whole village, and the committee unanimously reported this resolve. I think we should be broad minded in this matter for this reason; on account of the appropriation that has come from the State the town of Old Orchard has tried to recuperate; they have spent a great deal of money that they have raised themselves; their tax rate this year is 22 mills, as I understand from a gentleman from Old Orchard. Not only that, encouraged by the appropriation they have had from the State, they have gone to work and laid out and expended a great deal of money on the village of Old Orchard, and a great many men on account of the encouragement given have come in there, and I have no doubt that they have come there because they saw the enterprise and energy of the citizens of Old Orchard, and because they believed with the help they got from the State they could build up that beautiful place. I have no doubt if this matter remains along, that with the increase in valuation Old Orchard will amply pay for the appropriation we have given them.

I say to you, that after the State of Maine in good faith promised them in their great and sore distress, when the town was virtually wiped out, they recuperated as well as they could; they put their hands in their pockets and paid out their money. They assessed themselves 2 1-2 per cent. People from outside of the State have come in there, and they have laid out work for the next seven years. If it is carried out, you will not be ashamed of the State tax that will be assessed upon Old Orchard.

The State of Maine is a wealthy, and one of the grandest States of this Union, and under Democratic rule for ten years we will make it a prosperous one. I am opposed to cutting down this law. Let us keep faith with these men. Because there is a great wave of economy going over the State, there is no reason we should not keep faith with these people.

Do not be penny wise and pound fool-

ish. I say, I believe it is for the interest of the State—it may not be this year, but in the near future, it will be for the interest of the State of Maine to keep faith with Old Orchard.

Mr. BOYNTON: Mr. President: The remarks of the Senator from Somerset, Mr. Osborn, struck me as being wonderfully true, that we were here to get as much as we could. Now from all over this State comes every two years a raid on the treasury of the State from every sort of thing you can name, and who is there here to stand up for the interests of the State, to defend the State against that raid?

The Seventy-third, Seventy-fourth and Seventy-fifth Legislatures, so called, met here, and it has always seemed to me that they were wrongfully named. Instead of the Biennial session of the Legislature, it should be known as the biennial raid on the treasury of the State of Maine. It is true in this matter of Old Orchard, that the State two years ago agreed to give them \$3,000 for ten years. They have given them \$6,000 and they will receive \$3,000 more this year. That is well enough; they were in sore distress. They had been burned up, but now the valuation of Old Orchard is more than it was before the fire. It is true that that valuation has been made to a more or less large extent by a padded valuation, in order to benefit taxation, but they seem prosperous. When you go there and see the people, it would hardly seem as though it was necessary for the State to continue this \$3,000 per year.

Mr. OSBORN: Mr. President: Just a word. I wish to set my friend, the Senator from York, right, in regard to where I live. My colleague lives near the border, but I happen to live in the center of the State of Maine, and when the State's capitol is moved I have no doubt it will come to Pittsfield.

In regard to the distinguished gentleman from Knox. If I had thought that my remarks would have called forth his grand appeal for broad-mindedness, I would have held my peace, for I always shut up when I hear those torrents of eloquence come forth.

In this matter, if you are going to display a spirit of broad-mindedness

there are other places in the State of Maine where you can dump in \$3,000 and do more real good than you would down to Old Orchard.

They want an appropriation in my own town for a school, a school that has been open year after year, to assist in erecting a building needed at that institution, and I partially consented to try to help them, but when we looked over the situation and saw how matters were, we did not ask for the appropriation at all. If I go home and tell them we gave Old Orchard \$3,000 a year for the next eight years, when their valuation was more than it was before the fire occurred, I think they will feel as though we did not do the right thing in not trying to get this building for my own town.

I hope the Senate will not vote to continue this appropriation for Old Orchard for the next eight years, not because I have a grudge against Old Orchard, I have no doubt it is one of the best places in the world, but if I was to give anything in the spirit of broadmindedness I should select some place where it would do a lot of good.

Mr. MULLEN of Penobscot: Mr. President: It strikes me that the question is not so much a matter of broadmindedness as it is a question of finance. I recognize the principle that one Legislature has no particular right to bind another, yet we know it is being done and has been done, and the succeeding Legislature has recognized the will of the former, and acquiesced many times in that will. It seems to me that as the Legislature two years ago appropriated \$3,000 for a series of years for a stricken community, it would be a very serious thing to interfere with it now. Unless I get more light on the subject, I do not believe I shall vote to change it.

Mr. GOWELL: Mr. President: I think the Senator from Lincoln may be mistaken in regard to the fact that the valuation is higher now in Old Orchard than at the time of the fire. While I haven't the figures at hand, I have talked with one of the gentlemen here in Augusta, who has been one of the municipal officers, and he tells me he does not believe it is possible, although he says the State doomed them

to quite an amount. He tells me that in the twenty-five years this place has been a town—it was formerly a portion of the city of Saco, there have been many summer people there, but only a few scholars, that it has paid to the State of Maine for taxes within that time \$33,000 and has received for the support of common schools only \$10,000. That is a different balance in this respect than most towns could show. I do not ask any Senator to vote for this because it is in my county. I have represented the matter the best I can.

The Senator from Lincoln has asked, who there is here to represent the State of Maine. I believe we all represent the State of Maine. We certainly work for the things that need money in our sections of the State, and I believe the Senator from Lincoln, as a member of the last Legislature, truly represented the State. I know that he has rendered faithful and efficient service at this session. Perhaps he notices these things more being at the head of the committee on Appropriations and Financial Affairs.

I hope the motion to indefinitely postpone will prevail.

The pending question being the indefinite postponement of the Bill, the yeas and nays were ordered and the secretary called the roll. Those voting yea were Messrs. Blanchard, Chandler, Clifford, Foss of Cumberland, Gowell, Irving, Milliken, Moulton, Mullen, Smith, Staples, Stearns, Theriault, Winslow—14. Those voting nay were: Messrs. Allan, Boynton, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Hill, Kellogg, Mayo, Noyes, Osborn, Pendleton—13.

So the Bill was indefinitely postponed.

Mr. SANBORN of Piscataquis: I move to reconsider the vote taken this morning on House Bill 360, resolve making an appropriation for the purpose of obtaining information in regard to wild lands for the purpose of taxation, whereby the same was indefinitely postponed.

Mr. BOYNTON: Mr. President: This is the Bill that the Governor has vetoed, or that has come back from the Governor, or has been recalled from him.

Mr. MILLIKEN: Mr. President: I do not know what the situation is, or what is the desire of the Governor, or the Senate.

This matter is the same one that came back from the Governor and I supposed the Governor desired it to be indefinitely postponed and that was done. It then went to the House and came back here on the disagreeing action of the two Branches. Another resolve covering the same subject matter has been introduced here, or asked to be introduced here under the suspension of the rules, and that is on the table and assigned for tomorrow. To find out where the Senate is, I move that the motion of the Senator from Piscataquis lie on the table until tomorrow morning.

The motion was agreed to.

On motion by Mr. Staples of Knox,  
Adjourned.

### HOUSE.

Tuesday, March 28, 1911.

Prayer by Rev. Mr. Coons of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

On motion of Mr. Chase of York the vote was reconsidered whereby the House accepted the report of the committee, ought not to pass, on Resolve in favor of the postmaster of the Senate, and on further motion by Mr. Chase the report was tabled.

An Act authorizing the State land agent to sell certain property of the State at the Belgrade fish hatchery in the county of Kennebec, came from the Senate with Senate Amendment A.

On motion of Mr. Austin of Phillips the matter was tabled and assigned for afternoon.

#### Senate Bills on First Reading.

An Act to amend the charter of the Mexico Water Company. (Tabled and assigned for afternoon on motion of Mr. Bisbee of Rumford, pending second reading.)

The following were passed to be engrossed under a suspension of the rules:

An Act to permit Plantation No. 14 to assume the maintenance of its roads and bridges.

Resolve in favor of the clerk, stenographer and messenger to the judiciary committee.

Resolve in favor of the chairman of the committee on Indian affairs.

Resolve in favor of J. M. Lyons, clerk of the committee on labor.

Resolve in favor of F. W. Hill, chairman of the committee on agriculture.

Resolve in favor of the clerk and typewriter to the committee on interior waters.

Resolve in favor of the clerk of the committee on mercantile affairs and insurance.

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

Resolve in favor of the messenger to the committee on taxation.

Resolve in favor of Harv Stetson, secretary of the committee on interior waters.

Resolve in favor of E. B. Allen, secretary of the committee on education.

Resolve in favor of the clerk of the committee on manufactures.

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

The following were passed to be engrossed under a suspension of the rules:

Resolve in favor of Chick Hill road in Penobscot and Hancock counties.

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.

#### Reports of Committees.

Mr. Libby of Oakland from the committee on Agriculture reported ought to pass on Resolve in favor of the clerk to the committee on Agriculture. (Resolve read twice and passed to be engrossed under a suspension of the rules.)

The Androscoggin County Delegation reported ought to pass on Bill, An Act to authorize Androscoggin county to issue bonds to enable it to provide for temporary loans and contingent expenses. (Bill read three times and passed to be engrossed under a suspension of the rules.)

The committee of Conference on the disagreeing action of the Senate and House,