

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Tuesday, February 11, 1913.

Senate called to order by the President.

Prayer by Rev. Father Carey of Lowell.

Journal of previous session read and approved.

House Document 164, An Act to amend "An Act to incorporate the city of Auburn," approved, Feb. 12, 1868, came from the House by that Branch referred to the committee on judiciary, and on motion by Mr. Hastings of Androscoggin, was tabled pending reference in concurrence.

An Act to amend Section 54 of Chapter 8 of the Revised Statutes, relating to mortgages in savings banks, came from the House by that Branch referred to the committee on banks and banking, and on motion by Mr. Wing of Franklin, was tabled pending reference in concurrence.

An Act to amend Section 1 of Chapter 90 of the Public Laws of 1911, came from the House by that Branch referred to the committee on sea and shore fisheries, and on motion by Mr. Stearns of Oxford, was tabled for correction of title pending reference in concurrence.

An Act to repeal Chapter 90 of the Public Laws of 1911, relating to the catching of smelts between the Penobscot and Kennebec rivers, came from the House by that Branch referred to the committee on sea and shore fisheries, and on motion by Mr. Stearns of Oxford, was tabled pending reference in concurrence.

An Act to amend Chapter 41 of the Revised Statutes, relating to sea and shore fisheries, extending close time on packing of sardines, came from the House by that Branch referred to the committee on sea and shore fisheries, and on motion by Mr. Stearns of Oxford, was tabled for printing pending reference in concurrence.

The order, relating to the investigation of electric power prices and the cost of producing electrical energy in this State, came from the House.

The PRESIDENT: This order was

read and passed in the House, Jan. 14. In the Senate it was indefinitely postponed. It now comes from the House that Branch insisting upon its former action, and asking for a committee of conference.

Mr. STEARNS of Oxford: Mr. President, we are now in the seventh week of this Legislature. This order it would seem has been pending since Jan. 14, and since Jan. 28 has been held on the table of the House at the instance of the proponent of the order, the gentleman who introduced the order.

If an investigation, such as is suggested by the order, were to take place, it would take the time of a committee of this Legislature which have other very important duties to perform through the remainder of the session. This afternoon, the two legal committees of the Legislature are to hear the public utilities bill, or the two bills relating to public utilities, which it would seem might very well take care of the subject matter of this order. I cannot see how the Legislature at this time, at this late day, can well afford its time for an investigation of this character. And for those reasons, Mr. President, I move that the Senate adhere to its former action.

Mr. FLAHERTY of Cumberland: Mr. President, in regard to this investigation of the electric light and power company, I wish to say only a few words in behalf of some of the citizens of Portland. The Cumberland Light & Power Company has a minimum rate of \$1 per month, no matter how little you use.

I do not see why the Senate, at this time, when investigations are in progress, should not try to get at the bottom of some of these electrical charges in Maine. I think the Senate ought to have an investigation for the public good, and, therefore, I move that the Senate recede and concur with the House, and I ask that when the vote be taken, it be by the yeas and nays.

Mr. DUTTON of Kennebec: Mr. President, as the motion just made by the senator from Cumberland, Senator Flaherty, makes it necessary for the members of this body to record their votes upon the motion here pending, I

desire to say just a word in explanation of the vote which I shall cast.

I heartily concur in the remarks of the senator from Oxford, Senator Stearns, as to the reasons why this bill, or order, should not have a passage at this time, but am opposed to the passage of this order for an additional reason. In the first place it calls for an investigation of the cost of production of electricity for power and heat purposes in the State of Maine.

Now I venture to say, Mr. President, and fellow senators, that no man who is at all familiar even in the slightest degree with any of the great questions involved in the production of electrical power—or takers in this State—would for a moment presume that any committee of seven men, composed of the ablest men who could be appointed from this Legislature or any other Legislature, could in the time involved or the time given before we shall adjourn, investigate this matter and report to this Legislature anything that would be of value.

It might be a very easy matter for a committee of this Legislature to hold an investigation and give hearings in the various cities of this State, and within a few weeks report the asking price or the charging price of electricity for power or light purposes. But this order, if it pleases you, Mr. President and fellow senators, goes farther than that; it is broader than that; it asks for the cost of producing that power. Now that involves in the very first instance the amount of investment. At the very threshold, you must go into the question of the amount of capital invested in any given company, in any given proposition. Otherwise you cannot get at a correct result.

The first element in the cost of producing electricity is in the amount of capital invested, and the second element is the amount of labor necessary to employ to produce it. And I venture to say that a committee of this Legislature, appointed for that purpose, if they gave their entire time from today up to the time of

adjournment of this body, could not investigate a single company within the State of Maine and make an intelligent report to this Legislature.

I am not opposed and I do not wish to be considered as standing opposed to letting in the light upon these propositions. I want the people of the State of Maine to know these facts. I am opposed, Mr. President, to any incomplete report. I am opposed to the rendering here of a report which shall add nothing of value to the information upon which senators can act.

If we could procure this information, I would be in favor of this order; but it is because of the impossibility, the physical impossibility, which must be known to every business man, of procuring this information and bringing it here, that I am opposed to the passage of this order at this time.

Mr. MOREY of Androscoggin: Mr. President, as I understand the question before the Senate, it is simply whether we concur with the House in the appointment of a committee on conference. Now there is force in the suggestion, weighty force, that has been advanced by the senator who opposed the main proposition.

It seems to me we are now entering upon the part of our Legislative duties, when if results are to be accomplished at all looking for the passage of bills of importance to the State, we must observe, as far as possible, the greatest courtesy towards the different bodies of this Legislature. Now the House advances a proposition for a committee on conference. It seems to me it would be the wisest thing to appoint a committee on conference and let them see, in talking this matter over, a good, level-headed committee, if the wisest course cannot be shown to their satisfaction, and then there

would be no friction in the Legislature.

If on the report of a committee so selected, it is found they cannot agree, then of course the Senate can maintain such position as it sees fit. But it seems to me when a proposition is made by one Branch, and there is a disagreement and they ask simply for a committee on conference, that we ought to confer. I think that it will avoid a good deal of friction and that matters will go on more smoothly in important cases which come before us. For that reason, I second the motion of the gentleman from Cumberland, Senator Flaherty, that we concur with the House in having a committee on conference appointed to talk this matter over.

Mr. STEARNS of Oxford: Mr. President, in making the motion that the Senate adhere to its former action, it seemed to me that a great deal of time had already passed since the order was introduced; that a committee on conference, should they use as much time in considering the matter as the Legislature had used up to the present time, since the order was introduced, that we would be near the adjournment of this Legislature before the report of committee on conference would be reached, and that very little could be accomplished by such a method. It was not for the purpose of showing any discourtesy to either Branch, but simply that we might proceed and dispose of the matter at this time, and perhaps as well as at a later time.

The question being on the adoption of the motion of the senator from Cumberland, Senator Flaherty, that the Senate concur with the House in granting a committee on conference, the yeas and nays were ordered, and the secretary called the roll.

Those voting yeas were—Messrs. Bailey, Boynton, Flaherty, Hastings, Jillson, Mansfield, Morey, Moulton, Murphy, Packard—10. Those voting nays were—Messrs. Allen, Burleigh, Chase, Clark, Colby, Cole, Conant, Dutton, Hersey, Maxwell, Patten, Richardson, Smith, Stearns, Walker, Wing—16. Absentees—Messrs. Allan, Emery, Reynolds—3.

So the motion of the senator from Cumberland to concur with the House was lost.

And the question being on the motion of the senator from Oxford that the Senate adhere the motion was adopted.

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

Judiciary.

By Mr. Chase of Piscataquis: Petition of Anthony Kimball of Parkman and 41 others of Dover and Parkman in favor of equal suffrage for women.

By Mr. Hersey of Aroostook: Petition of E. W. Burrill and 24 others of Dedham; of Herman Corbett and 50 others of Wilton and Dixfield; of Sagadahoc County Grange; of Freemon Sanborn and 20 others of St. Albans; of Grace E. White and 24 others of Farmington; of A. A. Hobart and 50 others in favor of equal suffrage for women.

By Mr. Maxwell of Sagadahoc: Petition of Hattie S. Wright and 60 others of Woolwich in favor of equal suffrage for women.

By Mr. Murphy of Cumberland: Petition of Alex T. Laughlin and 24 others of Portland; of D. L. Pettingill and 15 others of Freeport; of Elsie M. Welcome and 12 others of Yarmouth; of Leslie R. Rounds and 10 others of Portland; of Julia E. Piles and 44 others of Portland, in favor of equal suffrage for women.

By Mr. Richardson of Penobscot: Petition of M. C. Fernald of Orono and 26 others in favor of equal suffrage for women.

By Mr. Smith of Penobscot: Petition of Frank Knowles of Bradford and 47 others; of William I. Ayer of Kenduskeag and 22 others; of Eva M. Hilton of Newport and 21 others; of L. B. Osgood of Bradford and 19 others; of Grace Stearns of Bradford and 22 others, in favor of equal suffrage for women.

Education.

By Mr. Jillson of Cumberland: Petition of Thomas A. Foley and 14 others; of Adam P. Leighton and 130 others all of Portland, in favor of Teachers' Pension Bill.

By Mr. Murphy of Cumberland: Petition of Arthur Ingersoll and 19 others; of Frederick E. Boothby and 34 others;

of J. Henry Rines and 42 others; of Michael Connellan and 20 others, all of Portland, in favor of Teachers' Pension Bill.

By Mr. Patten of Hancock: Petition of E. L. Palmer and 27 others of Bar Harbor; of Katherine Wilson and 25 others of Sullivan, Gouldsboro and Winter Harbor; of H. G. Smallidge and 25 others of Winter Harbor; of M. C. Foss and 9 others of Franklin; of W. E. Bragdon and 23 others of Franklin; of Charles E. Lord of 5 others of Mt. Desert; of Ethel W. Searles and 4 others of Southwest Harbor; of R. W. Springer and 33 others of Sullivan and Sorrento; of L. P. Cole and 24 others of Gouldsboro; of Isabelle W. Jordon and Waltham, praying for a pension for teachers.

Agriculture.

By Mr. Dutton of Kennebec: An Act to forbid the clipping of horses during the winter months. (On motion by Mr. Packard of Knox, tabled for printing pending reference).

Pensions.

By Mr. Burleigh of Aroostook: An Act relative to the retirement of veterans in the service of the State.

Senate Bills in First Reading.

Resolve for the appointment of a delegation to the conferences of the National Tax Association.

Passed to Be Engrossed.

Resolve for aid in navigation in Lewys, Long and Big Lakes in Washington county.

An Act to amend Section 14 of Chapter 11 of the Revised Statutes of Maine, relating to county, city and State officers drafting instruments which by law they are required to record.

Passed to be Enacted.

An Act to amend the military law.

An Act to incorporate the Pine Stream Dam & Improvement Company.

An Act to complete the records in Piscataquis county registry of deeds.

An Act relating to the Eastport Water Company.

Finally Passed.

Resolve in favor of E. L. Manhire.

Resolve in favor of the New England Fruit Show.

Resolve in favor of the Maine Pomological Society.

Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration and specially assigned for today an Act to grant additional rights to married women.

Mr. BAILEY of Penobscot: Mr. President, House Document 13 reads as follows: Whoever, being a female person more than eighteen years of age, debauches and carnally knows, carries on criminal conversation with, alienates the affections of, the husband of any married woman, or by any arts, enticements, and inducements deprives any married woman of the aid, comfort and society of her husband, shall be liable in damages to said married woman in an action on the case brought by her within three years after the discovery of such offence.

I hesitate, Mr. President, to say anything against this bill, coming to us as it does on the report of the judiciary committee, for I have a great deal of respect and admiration for their legal ability and for their judgment. And if I were to oppose this bill entirely upon my own convictions I would not be upon my feet at this time, but I have the support of the supreme court of this State and therefore I have some confidence in my position.

Under the common law a man whose wife had illicit, carnal intercourse with another man could bring an action for alienation of his wife's affections, or criminal conversation, as it is called, for the loss of affection of his wife and the loss of her society. Under the common law, that right was denied women. Some states have passed statutes giving her that right. In the 82d of Maine this question was before the court, and I say at that time we never had any better court in the State of Maine, both in ability and legal attainments.

The court says: "This is an action by a married woman against another woman. The plaintiff had alleged in her declaration that the defendant debauched and carnally knew her husband thereby alienating his affection and depriving her of his comfort, society and support.

The question is whether such an action is maintainable. For such a wrong

the law does not leave the injured wife without redress. She may obtain a divorce and a restoration of all her property, real and personal, and in addition thereto, alimony or an allowance out of her husband's estate. And the law will punish the guilty parties criminally. But does the law, in addition to these remedies secure to her a right of action to recover a pecuniary compensation from her husband's paramour? We think not. We have been referred to no reliable authority for the existence of such a right and we find none.

It is true that a husband may maintain an action for the seduction of his wife. But such an action has grounds on which to rest that cannot be invoked in support of a similar action in favor of the wife. A wife's infidelity can inflict no such consequences upon his wife. If she remains virtuous, no suspicion can attach to the legitimacy of her children. An action in favor of the husband for the seduction of his wife has been regarded as of doubtful expediency. It has been abolished in England. And the trials we have had in this country of such actions are not very encouraging. They seem to be better calculated to inflict pain upon the innocent members of the families of the parties than to secure redress to the persons injured."

Mr. President, this form of action from my experience and observation, and from talking with men of much larger experience in affairs and legal practice, and also in reading upon the subject, seems to me to be rather a detriment than a benefit in those states in which it is in force as was stated in the opinion of our own court. In England where the laws of judicial procedure have been purified, and reformed this right of action is taken away, and I think for us to enlarge it would be a step backward rather than a stride forward.

In England there was so much abuse and corruption under the law that public opinion demanded that it be wiped out of the judicial code, and it was done. And I venture the assertion, in this country, that judges who have had experience in these cases,

if they had a chance to vote upon the question, would by a large majority, vote to do away with this form of action.

The action is inconsistent and incongruous, from its very nature. If the bill presented here was for an action in favor of the husband against a man who seduced his wife, perhaps under the common law this form of action might be sustained. This law comes from feudalism where woman had no rights of her own and for any injury to her or to his other possessions, the husband could take redress just the same as in a trespass to his real estate or an injury to his personal property. In those days the wife had no education; she did not have the training, and she did not have the opportunities of talk and study; all the favors of education and wealth were conferred upon the men. They were the ones to whom education was granted; to whom opportunities of travel and advancement were given. And perhaps in those ancient days the man who was advanced in the arts could seduce a woman, and ought to pay for it, but that has passed away, because under our present system which has grown up, equal rights are granted to women, and equal opportunities of education and of advancement.

The implication in this bill that a man can be seduced by a woman in these days seems to me to be ridiculous sentimentality. Is it to be supposed that a man does not know right from wrong? When a man leaves the main track of conjugal fidelity and duty and ventures on the side track of licentious love, does he not know that he is in danger of domestic degradation and destruction? The very statement of the fact proves it. A man may be pursued by the alluring glances, or advances, if you will, of a designing woman, but he is not caught—unless willing. Yet to say that the woman in the case shall be mulct in damages and the man go free, it seems to me is a relic of barbarism. Frequently the man is the one to blame. He is oftentimes the free, active agent in affairs of this

sort, yet in this bill he suffers no penalty for his wrong doing.

Again, under the old remedy, under the common law action, the actual damages are not much. It is only the punitive damages which are sought—the damages given by the court or by the jury, which are for the punishment of wrong doing, that makes the suit worth while. And again, the punishment is heaped upon one party and the other goes free. The real, actual damages are small for another reason; the husband must be bound to his wife by slight, slender and slimsy ties that can be broken by the first appeal of some woman. How meager is his affection for her, and how little is his society worth to her if the red lip and bright eyes of a strange woman will wipe out her image, and efface her from his memory.

It is only because they have this idea of punitive damages that these actions are brought and not because of any actual damages.

We hear much of the sanctity of the home and family; we read in our prayer books of the "holy state of matrimony." Poets and philosophers tell us there is nothing higher in domestic life than holy love, yet this bill seeks to measure, to put a price upon that which we hold so high, in the sordid and dirty coin of the realm. I say that such a thing is disgusting to high minded people.

When the world grows dark to a person because of the loss of some dear one to the embrace of dishonor, the glitter of gold will not light his way. When the blister of shame burns upon a man's brow like red hot iron, and the sense of disgrace inflames his heated brain like a fever, will a greenback act as a cooling palliative? I think not.

And what shall be said of a woman, if she be high and lofty minded, who obtains judgment under this bill? The revolting acquisition to her fortune must always be a continual reminder of the infamy of her husband. The figures of her bank account must taunt her with the fact that where she once laid her head in trust and fidelity another woman has usurped her position.

I say that the very idea of damages profanes the subject, and degrades the relation.

Mr. President, I further say that this bill will open another door to blackmail; the very relation and the very subject matter of this class of laws, gives unscrupulous and designing persons an opportunity to wring blackmail from unwary and unsuspecting people.

In these days when the public are so eager or so apt to misconstrue behavior; when good and generous actions are stamped with a bad motive; when perhaps character, honesty and integrity are disposed of with a sarcastic smile or a shrug of the shoulders, I say to broaden the field of this class of actions is not good public policy.

In the city of Bangor a few years ago a man and a woman came there to reside and do business. Ostensibly they were married, but the seal of the marriage vow was simply a partnership agreement to go forth and prey upon those obliging and sympathetic enough to listen to the woman's tale of misfortune and misery. She played her part well and several business and professional men, innocent though they were, but dreading the glare of the public light and view, some working for corporations, paid comparatively small sums as blackmail. But they soon ran against some one of wealth and courage, and he not only refused to pay but instituted prosecution for blackmail. The couple jumped their bail and left the city.

A few years ago we were startled by the confessions of a lawyer in New York that he had brought hundreds of groundless suits and almost always made them pay.

In the city of Bangor in the summer time, in the morning, you will see an old man with bent form and bowed head travelling along the electric car track. He is seeking to pick up a few coins from the mire and mud of the street which passengers or conductors of the street cars have inadvertently dropped. I am sorry to say that there are some lawyers, particularly in the large cities, who seek to get some of the coin of the realm from burrowing in the degradation of human misery

and human infamy. If you pass this law, you will give them one more tool to work with.

Mr. President, I do not believe this bill will accomplish any good, but it will, through malice, and chagrin, add to the sum total of human unhappiness. I believe it will feed the fire of private scandal and public gossip and make material for yellow journalism.

Standing as I do upon the opinion of the supreme court, expressed there, I believe that this bill is not a step forward but a digression backward, and I move it be indefinitely postponed.

Mr. DUTTON of Kennebec: Mr. President, I shall not attempt to entertain and certainly shall not detain the Senate more than a minute.

This measure is one which lawyers might well call *sui juris*, and it is able to come here and speak for itself *ex proprio vigore*. A free translation of that, fellow senators, is that "a fat man is never afraid of blackmail." It remains for a lithe, athletic Adonis to come here and express fear of blackmail.

Now, senators will remember that the original Adonis, renowned for his beauty, for his handsome features, finally lost his life in the chase by the attack of a wild boar. He was loved by Venus, and all the other fair women around the village, and this unfortunate accident which mythology records only saved his name for all time from the charge of scandal.

I stand here in my place and I say to you that I have no fears for the blackmailer, or from the blackmailer, and what, Mr. President, is a blackmailer? A blackmailer is a person who makes, or attempts to make, an unlawful profit out of the guilty conscience of his victim. The blackmailer never attacks the innocent. His weapons are useless against a person who has a clear conscience. It is only, as I have said, the consciousness of guilt which makes the accusation of the blackmailer give a return in gold.

I think we may well dismiss from the consideration of this case the question of blackmail; because, as we all know, blackmail may be practiced in any of the walks or conditions of life, but is rarely if ever, Mr. President, successful unless the victim has been a wrongdoer, and out

of his consciousness of guilt is willing to reward his accuser.

Now the gentleman has at some length reviewed the rights of women, or married women; he has covered the whole ground and has come down to the decision written by the eminent common law judge, Judge Walton, and he has read it almost in full. After reciting the rights which during the progress of ages, women have acquired and from the common law courts no judge has ever given an additional right to a married woman, until first the legislative power has spoken. Gradually, step by step, have we departed from the days when the Greek, when he entertained a new guest at his home, first removing his sandals from his feet, washed them, and then offered him all the entertainment of his household. From that day down to the present, woman has gradually been dignified in the minds of men, and that dignity has only been increased when she has been given additional rights. It is only out of the protection which Legislatures have thrown about women that the Anglo Saxon race has steadily advanced until today she comes here knocking at the doors of the Maine Legislature demanding equal rights in the affairs of State with men.

I am in favor, Mr. President, of granting her those rights. I am in favor of giving her the same rights which a man has and placing upon her the same responsibilities which the common law places upon men. The senator from Penobscot read, as I said, this decision almost in toto, but he left out this: When that great common law judge, who was one of the greatest adherents to the strict rules of the common law that this State has ever known, after he had said that he failed to find any authority for the decision, for the action which this plaintiff had brought, said this: "At any rate, we are satisfied that the law never has and does not now secure to wives such a power, and if it is deemed wise that they should have it, the Legislature and not the court must give it to them."

Mr. President, I stand here supported by the same decision, read by the senator from Penobscot. Judge Walton, the great judge that he was, found

no authority under the common law to give a married woman this right or privilege, or to place upon her this burden. He suggested, in a way the court often suggests, that the Legislature must perform the duty which the court could not perform. And pray why should we not? The senator goes to the extent of decrying this entire class of actions, saying that the progress of the present age is tending to wipe them all out, wipe out all actions of men against men for alienation of a wife's affection.

I do not know, Mr. President, how far the honorable senator would go; I do not know but he would have walked down the public street of Washington, more than half a century ago and stood beside General Sickles when he shot down in broad daylight the violator of his home. I do not know but he would go to that extent and wait the judgment of time to justify him, the way General Sickles waited, with the same courage that he afterward exhibited when he lost a leg in the battle of Gettysburg.

But, Mr. President, if anything has been demonstrated in the progress of modern times today, it is that we must fight with weapons of peace. It is a peaceful age, and we must resort to the ways of peace. Will the gentleman say that a man should take into his own hands the avenging of his home? Will he ask that woman, with all her frailties, shall take into her hands the avenging of the ruin of her home? No. Modern times have decreed other ways and other methods. God pity us if the Legislature cannot give full remedy for these wrongs. There is no such thing as compensation in dollars to be taken out of him who destroys the peace of your home, but shall you go farther? The law says you may punish the parties criminally and so far as the man is concerned now you may ask for pay in damages.

I ask, Mr. President, and I ask the honorable senators, how many within the sound of my voice have known a single instance within the State of Maine in the past decade, at least, when a man or a woman has been sent to State's prison for the crime of

adultery? It is a law that is not enforced; and within my knowledge of the administration of justice within this State, never has been. In the direct administration of affairs men are left to their only remedy, satisfaction in damages.

Now, then, why should we not, as we are broadening the rights of women, as we are giving her greater privileges, why shouldn't we place upon her greater responsibilities?

Now the learned judge in this decision, as read by the honorable senator from Penobscot, said that the reason why a man could bring an action against another man for alienation of his wife's affections, was because it might endanger him to the support of another man's children, or cast suspicion upon the legitimacy of his own.

Mr. President, the liability to support another man's children is not the injury that I ask this Legislature to give compensation for. It is the destruction of a home. I take issue with the senator from Penobscot, who ridicules or makes light of the integrity and honor and virtue which should surround the modern home. And standing here in my place in the Legislature, I believe that we should give all possible rights and privileges for that protection. Man has it; why should not a woman have it? Why should not a woman, who as the senator says, casts her lustful glance aside and attracts some young man and draws him away from the sacred paths which he has entered upon with a young wife, if she be a woman of means, why should not she when she has ruined the home of this young man, and a baby at home, why should not she out of her property make the only amends possible to be made to the ruined wife.

No woman who looks straight from an honest heart with her eyes, no woman whose bosom rises and falls to no passion other than a virtuous one need have fear of this act. But let her whose lustful eye looks upon youth, or who with graceful movements of body turns him from the

path of virtue make all amends possible to be made to the injured party.

I ask this right for the injured woman; I ask it as a punishment for her who breaks up the home of the innocent. I hope the motion of the senator from Penobscot will not prevail.

Mr. HERSEY of Aroostook: Mr. President, I did not wish to say a word on this occasion, and had it not been for something dropped by the senator from Penobscot, I would not at this time stand here in my place to say a word in defence of woman.

It is true that our courts have done nothing towards giving rights to women. What rights she has must come from the Legislature and have come from the Legislature. The shortest chapter in the statutes of Maine is the chapter that is headed "Rights of Married Women," and every one of those rights have come from the Legislature of Maine. The right to hold her property and own it herself; the right to have some protection for her children; the right to buy and sell in the marts of life; the right to bring actions and defend herself. These rights—the few that she has—have been given her by our Legislature, and while our courts have said that she is not equal to man today in Maine in the bringing of actions, I think the supreme court of Maine today, were that case to be re-heard before them, would overrule that decision in the 82d Maine. We lawyers know something about the court in Maine today, and I take issue with the senator from Penobscot that the supreme court of Maine is smaller than it was in the 82nd Maine. We have as great judges upon the bench today as in the days of the 82nd Maine, and I know they would overrule that decision.

I believe the reasoning of the senator from Androscoggin, Senator Morey, who was the attorney that brought that action, was much superior to the ruling of the court and should stand as a law of the State; that women in the State of Maine should have the same rights as men in the courts; that they should have the same forum and the same privileges as men. Why should they not?

I remember and you remember, senators, that when the gentle Nazarene walked the streets of old Jerusalem, the

Pharasees of that day brought to him a woman taken in the very act. And they said "Master, under our law (a man made law of old Jerusalem) she must be stoned to death. What do you say? She must be stoned to death." She was caught in the act and the man equally guilty with her was on the outskirts to see that she was stoned to death. The man was not brought before the Master, equally guilty, yet what did the Master say. He looked upon those hypocrites and said to them "The man that is without sin (the man without the same sin that this woman is charged with) stone her. Throw the first stone." And those hypocrites every one of them guilty of the same crime slunk away one by one until the Master and the woman stood alone. Then He said to the woman "Doth no man condemn thee?" And she said "No man, Lord," and He said "Neither do I condemn thee. Go and sin no more."

We have been 2000 years learning that by what the Master said there should be the same law applied to the man as is applied to the woman, and that we should not let one go free and stone the other.

Equality before the law. Today men and women suffer the same penalty for the crime of fornication and adultery, but the man has the right of action against the adulterer that breaks up his home while the woman has none. Why should she not have the same right?

I do not believe we should make any distinction, Mr. President. This is not a matter of sentiment. The Senator from Penobscot said pleasant things, flattering things, about woman, praised and flattered her and called her an angel. Woman is neither an angel nor a devil. She is a woman and all she asks are the right of a woman. She does not ask for flattery. She does not ask to be called an angel. She does not ask you to kiss her hand and slap her face, but to be an equal with man and be given the same rights. Why should she not have them? And when a committee of 10 lawyers comes before you and says this bill gives her equal rights and puts her somewhat on an equality with man, it should appeal to us.

It is but little. Why should she not have it?

Mr. COLE of York: Mr. President, in these days of reform and talking to the galleries, et cetera., it is all very nice to tell about every one believing in equal rights for women as for men. There is no intelligent citizen, today, in the State of Maine who does not believe that women should have equal rights with men. There is no senator in this body I believe who would deny woman any right which he would give to a man, whether it be suffrage, which I hope may come, or whether it be anything else. This is a matter of public policy. It is not a matter of the rights of women, and so far as I personally am concerned I would give the same rights to women that I would give to men, but I would deprive man of the right he has now. I believe we owe some duty to our boys and girls that we have brought into this world; that we should not allow our courts to be filled with the stench and filth that is there. You and I know that when we open the doors of our courts every form of evidence given in those courts is published in our local papers and read by our boys and girls. As a parent of boys and girls, I protest, and every one of you who have boys and girls believe that we ought to go further and not allow actions like these.

If the sins of the father are visited upon the third and fourth generations, it is time that we stop as much knowledge of the sin as we can and keep our records as pure as we can; keep our daily journals as pure as we can.

I do not see any reason why this bill should become law. As to the supreme court, I doubt if they would overrule that decision, because they have not overruled it on cases that have come before them, and Doe vs. Roe in the 82nd Maine, is not the only case they have passed upon on this subject.

I see no reason why this bill should become a law, for I do not believe the cold almighty dollar will ever sooth the wounds of a heart that is broken. I do not believe that pure, noble woman asks this right. I do not believe

that she would ever go into court stultifying herself and her children.

If the criminal law is not enforced, whose business is it to enforce it? I believe the criminal law is sufficient, today, to punish guilty offenders, but I do not believe by making this law you are giving woman an additional right which she demands. They may discuss it, but I do not believe they demand it. I do not believe there are a dozen honest women in the State of Maine, today, who would ask for it, and I would not open the door for the others. Let us look to the men and the women of the future; let us stop this filth that is coming from our courts, today, and let us purify our papers and keep out of the hands of our boys and girls all the trash they are reading. Let us not pass any laws in the 76th Legislature that will carry them down to degradation and open their minds to things they do not know about now, and that we can keep from them.

They will know enough if we try to keep their minds pure. I do not believe any man that ever sued his fellow man for a case of this kind ever got a dollar's worth of value out of any verdict he received, and I do not believe that any woman who ever sues another woman in a case of this kind will receive a dollar from which she will get any benefit; but I believe that as long as any son or daughter of hers lives, there is a stigma cast upon her, and that every case she initiates will go down through their lives and never be removed from the children and the grandchildren.

I do not believe we have any right, for the sake of the younger children who cannot help themselves, to enact any law that will throw a stigma upon them. I hope the bill will not pass.

Mr. BAILEY: Mr. President, I wish to refute the assertion of the gentleman from Kennebec, Senator Dutton, that I made any attack upon the American home, for there is no person in this room who has more respect or more veneration for the American home. We all know that it is the foundation of our national development; the foundation of that

which is good in growth. And the object of our laws is to make the lives of the average citizen safer and purer, and I do not believe that gauging this law under controversy by that rule it comes up to the standard. I wish also to disarm from the mind of the honorable senator from Aroostook the idea, that he thinks I had, that the court of today is not the equal of the court at the time this decision was written. But I do say that the court which handed down this decision was the equal of any court which we have ever had in the State of Maine.

The gentleman from Kennebec says that blackmail is only worked upon those who are guilty. I believe that almost any lawyer in this Senate, and almost anybody in this Senate, knows that it has been tried upon the innocent and humble and the unoffending. In our large cities there are lawyers, be it said to their shame, who are looking for the opportunity to drag men or women who are in positions of responsibility and trust into the limelight for the sake of gaining a few paltry dollars from them.

I want to say that wherever actions have been brought under the Statute such as that sort to be passed here, as stated by the senator from York, they were not brought by the virtuous, the high minded women, but were instigated by adventuresses; by the lustful and the banal. And the reasoning of the senator from Kennebec goes to the same matter in supporting my contention, for as the senator from York says, if a woman desires these ill gotten gains to support her children, that stigma and that blot must go down upon those children, and the finger of scorn will be pointed at them, and it will be said to them "You got your fine raiment or your fine millinery out of the infamy of your father."

I stand upon the decision of the supreme court of the State of Maine and the reasoning contained therein. I want to read it again, this opinion of the court, "And an action in favor of the husband for the seduction of the wife has been regarded as of doubtful expediency. It has been

abolished in England. And the trial we have had in this county of such actions are not very encouraging. They seem to be better calculated to inflict pain upon the innocent members of the families of the parties than to secure redress to the persons injured."

And then follows that which the senator lays so much stress upon, "And if it is deemed wise that they should have it, the Legislature and not the court must give it to them." "If it is deemed wise!" The court before they made that declaration put themselves on record as saying in their opinion that it is not wise, and therefore I wish to put myself on record as saying that I do not deem it wise to pass this legislation.

The question being on the motion of the senator from Penobscot that the bill be indefinitely postponed, the yeas and nays were ordered and the secretary called the roll. Those in favor of the motion and voting yea—Messrs. Bailey, Boynton, Burleigh, Clark, Cole, Conant, Flaherty, Jillson, Moulton, Murphy, Richardson, Smith Wing—13. Those voting nay were—Messrs. Allan, Allen, Chase, Colby, Dutton, Hastings, Hersey, Mansfield, Maxwell, Morey, Packard, Patten, Stearns, Walker—14. Absentees—Messrs. Emery Hagerthy, Reynolds—3.

Thirteen voting in favor of indefinite postponement and 14 against, the motion to indefinitely postpone was lost.

The question being on the second reading of the bill, second reading was given, and then the bill was passed to be engrossed.

On motion by Mr. Flaherty of Cumberland, unanimous consent was given, and that senator presented the following petitions out of order and they were referred to the committee on legal affairs:

Petitions of Charles H. Curran and 69 billing clerks of the Portland Terminal Company; of L. S. Smith and 110 employes of Waterville, Maine, representing all departments of railroad service at this station; of R. E. Alden and 19 merchants of the city of Portland; of M. J. McDonough and 138 freight handlers and receiving clerks of the Portland Terminal Company, all in favor of an Act to amend Chapter 39 of the Laws of 1911, providing for weekly payments.

On motion by Mr. Packard of Knox, unanimous consent was given and that senator presented the following order and moved its passage:

Ordered, that there be printed 250 extra copies of Senate Document 47.

The order was given a passage.

On motion by Mr. Hersey of Aroostook, An Act to amend Chapter 459 of the Private and Special Laws of 1911, incorporating the Scarborough Water Company, tabled for correction of title, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary in concurrence.

On motion by Mr. Flaherty of Cumberland, An Act to amend Section 5 of Chapter 184 of the Private and Special Laws of 1891, tabled for correction of title, was taken from the table.

On motion by the senator from Oxford, the bill was tabled for correction of title pending reference to the committee on legal affairs.

On motion by Mr. Stearns of Oxford, An Act amending Section 1 of Chapter 117 relating to the compensation of county commissioners of Androscoggin county, was taken from the table.

On further motion by the same senator, the Senate voted to non-concur with the House in referring this bill to the Androscoggin county delegation, and on further motion the bill was referred to the committee on salaries and fees.

On motion by Mr. Cole of York, An Act to extend the charter of the Lubec, East Machias & Machias Railroad Company, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary in concurrence.

On motion by the same senator, An Act to amend Chapter 118 of the Laws of 1905, relating to the clerk hire of the clerk of courts for York county, was taken from the table, and on further motion by the same senator, the Senate voted to non-concur with the House in the reference of this bill to the York county delegation. On further motion by the same senator, the bill was referred to the committee on salaries and fees in concurrence.

On motion by the same senator, Pe-

tion of Leroy Haley and 27 others relating to clerk hire of the clerk of courts of York county, was taken from the table, and on further motion by the same senator, the Senate voted to non-concur with the action of the House in referring this petition to the York county delegation. On further motion by the same senator, the petition was referred to the committee on salaries and fees.

On motion by Mr. Wing of Franklin, An Act to amend Chapter 219 of the Private and Special Laws of 1903, establishing a salary for the judge of the Eastport municipal court was taken from the table.

On further motion by the same senator, the Senate voted to non-concur with the action of the House in referring this bill to the Washington county delegation. On further motion by the same senator, the bill was referred to the committee on salaries and fees.

On motion by the same senator, House Document 128, An Act to amend Chapter 163 of the Public Laws of 1905, as amended by Chapter 20 of the Public Laws of 1907, relating to taxing soldiers and sailors, was taken from the table, and on further motion by the same senator, was referred to the committee on military affairs in concurrence.

On motion by Mr. Morey of Androscoggin, An Act to amend Section 16 of Chapter 11 of the Revised Statutes as amended by Chapter 125 of the Public Laws of 1905, was taken from the table.

The PRESIDENT: The Chair will state that the correction of the title has not been made.

On motion by Mr. Morey of Androscoggin, the bill was retabled for correction of title pending reference.

On motion by the same senator, An Act in relation to Chapter 29 of the Private and Special Laws of 1842 and Chapter 26 of the Private and Special Laws of 1861, was taken from the table, and on further motion by the same senator, the title having been corrected by the addition of the words, "Relating to Bald Rock bridge over the Machias river," was referred

to the committee on ways and bridges in concurrence.

On motion by Mr. Boynton of Lincoln, the Resolve in favor of the officers of the Senate at the organization of the Legislature, was taken from the table.

The same senator then offered Senate Amendment A, which was adopted, and on further motion by the same senator, the Resolve as amended was given its first reading.

On motion by Mr. Mansfield of Washington, Senate Document 222, An Act to grant a license to build a wier in Little Machias Bay, was taken from the table, and on further motion by the same senator, was referred to the committee on sea and shore fisheries in concurrence.

On motion by Mr. Jillson of Cumberland,

Adjourned until tomorrow morning at 10 o'clock.