

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Thursday, February 27, 1913.

Senate called to order by the President.

Prayer by Rev. Robert Lawton of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

An Act to provide fire protection in theatres, concert halls and places of amusement in the State of Maine.

An Act to amend Chapter 46 of the Revised Statutes, relating to interest.

An Act to amend Chapter 117 of the Revised Statutes, relating to the regulation of costs and fees.

An Act to amend Section 77 of Chapter 10 of the Revised Statutes, relating to the sale of real estate for taxes.

An Act relating to the fire departments of the several cities and towns.

An Act to amend Section 6 of Chapter 92 of the Revised Statutes, relative to mortgages of real estates.

These bills came from the House by that Branch referred to the committee on legal affairs.

On motion by Mr. Richardson of Penoscot, these bills were tabled for printing pending reference in concurrence.

An Act to repeal Chapter 30 of the Revised Statutes, as amended by Chapter 74 of the Public Laws of 1907, and Chapter 201 of the Public Laws of 1909.

This bill came from the House by that Branch referred to the committee on judiciary.

On motion by Mr. Morey of Androscoggin, this bill was tabled for correction of title. Subsequently the same senator took the bill from the table, and upon motion by Mr. Packard of Knox, the bill was tabled for printing, with the understanding that the title should be corrected.

Senate Document 289, An Act relating to the Ellsworth Municipal Court.

The PRESIDENT: This bill was reported to the Senate with a divided report of the committee on judiciary.

The majority report signed by nine members of the committee, "ought to pass." The minority report signed by one member of the committee, "ought not to pass." In the Senate the majority report of the committee was accepted, the bill read twice and passed to be engrossed. It comes now from the House, the minority report of the committee accepted in non-concurrence.

Mr. WING of Franklin: Mr. President, I move that the reports lie on the table pending further action.

The motion was agreed to.

The report of the committee on salaries and fees reporting a joint order providing for a special joint committee for the investigation of the subject of salaries.

In the Senate the report was accepted and the accompanying order adopted.

The order came from the House indefinitely postponed in non-concurrence by that Branch.

On motion by Mr. Wing of Franklin, the report and order were tabled pending further action.

Report of the committee on claims, "ought not to pass," on Resolve in favor of the town of Milo, came from the House by that Branch recommitted to the committee on claims, and in the Senate was recommitted to the committee on claims in concurrence.

**House Bills in First Reading.**

An Act to amend section 25 of chapter 48 of the Revised Statutes relating to investment deposits in savings banks and institutions of savings.

An Act relating to the taking of smelts in the St. George's river and its tributaries.

An Act to authorize the town of St. George to restrict the taking of clams within the limits of said town to the inhabitants of said town.

Resolve in favor of Michael Burns.

Resolve in favor of the Eastern State Normal School at Castine.

Resolve in favor of Rosa Prentiss of Lewiston.

Resolve in favor of Henrietta S. Hodgdon of Readfield.

Resolve in favor of Bridget Kelley of Auburn.

Resolve in favor of Susan J. Tarr of Vinalhaven, Maine.

Resolve in favor of Vinnie E. Saunders.

Resolve in favor of James Lombard. Resolve in favor of Callie Mains.

Resolve in favor of Helen B. Hobart for State pension.

Resolve in favor of the town of Talimage.

Senate Document 40, An Act to divide the town of Sanford and incorporate the town of Springvale.

This bill came from the House with a divided report of the committee on towns. The minority report, "ought not to pass," was accepted in the House, and House Amendment A, as follows, was accepted: "House Amendment A. Amend said bill by striking out all of section 7, and by renumbering section 7." The bill was then read twice and passed to be engrossed.

Mr. PATTEN of Hancock: Mr. President, I move that the Senate non-concur with the House in accepting the minority report, and that the majority report be accepted.

Mr. MOREY of Androscoggin: Mr. President, I request the yeas and nays upon this matter.

A sufficient number arising, the yeas and nays were ordered.

The PRESIDENT: Is the Senate ready for the question? So many as are in favor of the motion of the senator from Hancock, that is, so many as are opposed to the bill dividing the town of Sanford, will vote yes when their names are called. So many as are opposed to the motion of the senator from Hancock, that is, so many as are in favor of the bill dividing the town of Sanford, will vote no.

The secretary called the roll. Those voting yea were: Messrs. Allen, Bailey, Burlleigh, Chase, Clark, Colby, Cole, Conant, Dutton, Emery, Hersey, Maxwell, Murphy, Patten, Reynolds, Richardson, Smith, Stearns, Walker, Wing—20.

Those voting nay were: Messrs. Allan, Boynton, Flaherty, Hastings, Jillson, Mansfield, Morey, Moulton, Packard—9.

Absentees: Hagerthy—1.

Twenty senators voting in the affirmative and 9 in the negative, the motion of the senator from Hancock prevailed, and the minority report, "ought not to pass," was accepted in non-concurrence.

House Document 311, Resolve in favor of Michael Burns, in a new draft.

The PRESIDENT: This resolve came into the House on a divided report of the committee on claims. A majority of the committee reported a new draft and that it "ought to pass." The new draft, the Chair will state, gives Michael Burns authority to sue the State of Maine. The minority report is "ought not to pass."

In the House the majority report, "ought to pass in new draft," was accepted, and the resolve read twice and passed to be engrossed.

Mr. COLBY of Somerset: Mr. President, I move that the minority report be accepted in non-concurrence with the action of the House. And in a word of explanation, I wish to say that the committee on claims has had a whole lot to do this year. We have already acted on nearly one hundred claims. We have fought, and we have finally come together on everything up to this claim. We have tried to do what seemed to be the fair thing between the State and the claimant. This is the first divided report we have brought in. Michael Burns, as you will know, is an old fellow in the Legislature of Maine. In 1887, he was engaged in the sale of liquors in the original package in this city, which at that time was lawful. Joseph Bodwell of Haliowell, was Governor. He thought Mr. Burns was evading the law, or perhaps going so close to it that the matter ought to be looked into, and he directed an investigation, and Mr. Burns was prosecuted and the matter was carried to the court and Burns finally won out. The Governor was not sustained by the court.

Mr. Burns was so well versed in this business that he took a trip abroad to get his original packages fixed up so that they could be sold and still be within the law of the State. His loss from the liquors seized amounted to

about \$300.00, perhaps a little over. These liquors were taken from him and he never was recompensed for them. The matter has gone along until the claim is now practically \$3000.00. This is for attorneys' fees and interest in addition to the \$200.00 which was his original shortage.

Now in making this minority report, signed by four members, two from the Senate and two from the House, we have the utmost respect for the rest of the committee. They were absolutely sincere in the way they reported. We spent a good deal of time on the claim, but we who signed the minority report, think it is unwise, to open up the State in the way the majority report calls for. They have reported a resolve which would give Mr. Burns the right to sue the State. We understand there have been three or four instances of this kind since the State became organized in 1820, but it seemed to be, on the minority report, that it was a very unwise thing to do, and therefore, I hope the minority report will be accepted.

Mr. DUTTON of Kennebec: Mr. President, I move that the minority report be substituted for the majority report, if that motion is in order.

The PRESIDENT: Does the Chair understand the senator to ask the Chair to rule upon that motion?

Mr. DUTTON: If it is in order, Mr. President.

The PRESIDENT: The Chair will state that to rule upon that subject would open the whole question of the rank and standing of minority reports. The Chair will rule if the senator desires.

Mr. DUTTON: Mr. President, my colleague informs me that I am misinformed as to the number in this report. May I ask the Chair to read the report.

The PRESIDENT: The Chair will state that the report, "ought not to pass," is the minority report. The senator from Somerset has moved that the minority report be accepted in non-concurrence. The Chair understands the senator from Kennebec to ask for a ruling as to whether that motion was proper, and whether his motion should be to substitute the minority report for the majority report.

Mr. DUTTON: I will say that I am misinformed in regard to this matter, Mr. President, and for that reason I was going to ask that it be tabled at this time.

Now that the matter is pending, I desire to make just a few remarks. I am quite familiar with the subject matter of this resolve, although my memory is not fresh in regard to it. It is a matter that I have been interested in professionally. That professional relation does not exist at the present time. I have twice presented this resolve to a legislative committee. I have always taken the position that I would not present any measure to a committee of the Legislature which I myself would not vote for if I were a member of the Legislature.

Now the whole trouble with this claim of this old gentleman, that the senator from Somerset speaks of, is that it is involved in the subject of rum. Now that is all there is to it. If the question of rum or whiskey did not come in here to cloud and befuddle the judgment, as, it is said, whiskey and rum sometimes do, not a single member of this body would have the slightest hesitation about what is proper and just. But I have found this difficulty in the past in regard to this matter. When you mention this claim to anybody, they say, "Oh, it is liquor, liquor, rum, rum, rum!" And the sale of intoxicating liquors has for many years been prohibited by the Statutes of this State and by the Constitution of this State. And those who believe in the prohibitory law have been sometimes afraid that their action might be misunderstood by their constituents; that here was a claim of a rum seller asking the State of Maine to pay him for liquors seized. And they think, either they cannot differentiate between the justice of the case, or they think that their constituents may misunderstand their vote and condemn them for it.

Now the situation is right here. This man, Michael Burns, was engaged in the sale of a product, and if we can stand upon that basis there will be no question in the mind of any senator here as to what he should do. A product, the sale of which was legal and lawful. It was in this State, according to a decision afterward rendered, just as much an article of commerce as flour. He had just as

much right to put that upon the market in this city of Augusta and sell it as has a grocer down here the right to sell cheese, beans or flour, or any other article that comes into the daily life of the people of this city.

Because this man, Michael Burns, with that acuteness acquired from his nativity, was able to discover a method whereby he could put upon the market a product which in some forms, was forbidden to be sold, is he to be punished for his acuteness of intellect? Are senators here, as officers did years ago, to punish him for this? No. I hope not.

Now what happened? As has already been explained by the senator from Somerset, this man had this product which was a legal product that he could offer for sale, and the officers went there and seized it under the direction of the Governor of this State. And I have no criticism of the Governor for his acts in that connection. He thought, as many have thought and felt since, as soon as some question came up that the whole moral standing and stability of the prohibitory law was at stake. The same as some legislators have thought in times past that if they allowed this claim, it would be a reflection upon the prohibitory law, or upon its enforcement. But it is not so.

I have no criticism of the Governor, but under his direction, the officers of this county went and seized those goods and prosecuted Michael Burns, against, Mr. President, the advice of the greatest attorney general that this State has had for at least a half a century, Orville D. Baker. And I am informed that the evidence presented before this committee was that the Governor was advised that he could not legally seize those liquors, not only by the county attorney, but by that able and astute lawyer, Orville D. Baker. In spite of the advice of the county attorney, in spite of the advice of so able an attorney general, the Governor proceeded against this man. I do not criticize him for it, because he thought that the very integrity and the morals of the State of Maine were at stake.

What happened? A long prosecution followed, and then a long litigation followed. The sheriff of this county was put to a large expense in litigation. The sheriff of this county came to the Legis-

lature and upon the ground, Mr. President, that he was acting upon the direction of the Governor of the State, although the law court had decided that he was wrong, upon this ground the Legislature paid back to the sheriff of the county of Kennebec his expenses in that litigation. Now the law court of this State decided that Sheriff McFadden was wrong, and that Michael Burns was right.

Now we have heard much here on a previous case about the decisions of our court in times gone by. Much has been said here about standing by the decisions of our court. When we have a decision of the Supreme court of the State of Maine that one man was wrong and another man was right, shall we permit the Legislature of this State to reward the man that the supreme court said was wrong and refuse to compensate the man that the supreme court said was right? Will gentlemen, because this film of rum and whiskey stands before their eyes, will they permit themselves to vote against a claim that is so just as this one is?

The trouble is in legislation of this class and many other classes, we are altogether too afraid, Mr. President, to stand up here and declare what we believe to be right and just and proper, and look to the future to justify us. We like to temporize and think about what somebody may think today. Now I believe that every fair minded man ought to be willing to, what? To have in the first place permitted this Legislature to pay this back. But I understand that is not the question now before this Body. The question is whether or not we shall permit this man to bring an action in the supreme court of this State against the State, which we all know he cannot do now as a citizen of the State.

What possible injustice can come to the State of Maine by permitting one of her citizens to bring a suit against the State? Are we afraid that a man's peers will do an injustice to the State? Are we suspicious of our courts? We may rest assured that the court will not be prejudiced in favor of a litigant against the State.

Why, the whole criticism of courts—we have not seen much of it in this State, but we have in other States—has been directed to the point that they are not responsive to the claims of individuals. Now our court has not received such a criticism as that, and I believe that this Legislature ought to be willing to entrust this matter to a trial established by law, and permit this claimant, if he can do so, to recover. I am not sure that he can do so; if he cannot, no injustice will happen to the State of Maine. If he can, and we do not permit him, a great injustice would come to this old gentleman.

Mr. COLBY of Somerset: Mr. President, I realize my feeble efforts in presenting this case for the minority of the committee against the able senator in this city. I also realize that someone must be making out that this is an extremely important matter before this Legislature as every word that we say seems to be taken down in shorthand by a young lady here.

Ever since I was a small boy I have been surrounded by and working in rum. My business since I was a very young man, always being in the woods and on the drive, where everyone knows who knows anything of it that in connection with that business there is a good deal of rum. I claim to be a temperance man and in favor of the prohibitory law. At the same time I do not claim to be a temperance crank. That was not the reason that this minority report was made. As I have already said, the matter was carefully considered, and I think the same report would have been made if it had not been a rum question.

I do say that that this minority of the committee thought it was a wrong thing to open up the giving of any individual the right to sue the State. We have before our committee, now on the table, the famous case of De-Forest Keyes, and the committee has already agitated some such a report as has come to you on this case. I want to say to you frankly that I shall not agree to any such report as that for Mr. Keyes, and no one can say rum had anything to do with that

question. It was simply a question, so far as I was concerned in deciding it, of what seemed best and right to the State.

This gentleman, while he was not breaking the law according to the decisions of the court, knew that he was coming very close to it. In a way, he took a gamble and was short \$300.00. I have not much sympathy for the citizen, whether he is in the rum business, buying tax titles or whatever he may be doing, that takes those chances and loses a few hundred dollars, as in this case, and then employs attorneys and agrees to give them their fees, I suppose, if he ever gets anything, and keeps piling up costs year after year to the State of Maine, until it is ten-fold as much as when it was started. And I think that this Legislature, if not the committee, is capable of deciding this matter without going to court.

When the question is voted upon, Mr. President, I move that the vote be taken by the yeas and nays.

Mr. HERSEY of Aroostook: Mr. President, I do not know but rising here and opposing the giving of authority to sue the State of Maine in this matter I might be accused of having some prejudice growing out of my position in relation to the saloons. I certainly stand as unprejudiced, perhaps, as the senator from Kennebec, who claims that for two sessions of this Legislature he has presented this matter as an attorney to a committee of this Legislature. I have not had the honor of appearing as an attorney for Mr. Burns in the past. I have had the honor of sitting in this Legislature upon one of its highest committees for two sessions before this session, and before that committee for those two sessions appeared Mr. Burns with his attorneys. And they left no stone unturned to convince that committee that Mr. Burns had been wronged, and that this Legislature and the State of Maine should pay back to him the loss of his liquor, some two or three hundred dollars, as they reckoned it, the market price they put upon it, although it was mighty poor stuff, and the great bill of attorneys' fees for all

those able men, including the senator from Kennebec.

We did not consider this matter of suing the State of Maine, because the question presented to us in the committee, first, before a Republican Legislature, was that Mr. Burns had been wronged, and in equity and good conscience the State should reimburse him. We decided in 1909 that he had not been wronged; that the State of Maine should not pay back to him; that there was no equity in the case; that Burns had defied public opinion in a great many particulars; he had defied the law of the State, and if he was not guilty in this particular of violating the law, it was through a technicality and not any good intention upon his part.

We went farther than that. In the Legislature of 1911, a Democratic Legislature, this same matter was before a committee and was carefully considered and fought out there by the attorneys for Burns, and we decided then as we decided before that he ought not to recover. Now the claim is presented here, a little different, today, that he should have the right to sue the State of Maine. That was talked over both times in committee, whether we should report such a matter as that from the committee, giving him the right to sue the State of Maine.

Now the senator from Kennebec has said, that there are two or three instances in this State where the Legislature has granted an individual the right to sue the State of Maine. They never have granted that right in a criminal case. It has always been granted in civil matters, where in land titles or a mistake in payment of money, or the payment of taxes where they had no right to pay them, the party has been given the right to sue the State and recover it back, but never in the history of this State has a man accused of crime before a court, and even if he succeeded in proving by a technicality that he was not guilty before the law, he never has been granted the right to sue the State.

Now the question comes here, shall we open up the door to such suits as this? A great Governor, feeling the pressure of public opinion, feeling that

the time had come when something must be done, instituted proceedings against Burns, and while on the final result the State did not hold its case, I rather think that prosecution put Burns out of business, and so a great good was accomplished to the State.

Now the question is, after all these years, shall we give him the right to go into court and sue the State of Maine? Whether he can recover or not I do not know. I never examined into that, and it is not necessary. He should not have the opportunity for this reason: When the laws are properly enforced the Chief Executive has something to do with it and if the Chief Executive, using his best judgment, honest in the matter, attempting to execute the laws of this State should not at any time hold a criminal through some technicality of the law, are we going to turn around and recompense the respondent?

Every time that one of our sheriffs, like Sheriff McFadden, attempts to do his duty and enforce the law, whether the law is against rum, murder or larceny, and does not succeed, shall we turn around and give the respondent the right to sue the State?

I know that in this very county, I think, a woman was arrested for murder and tried in court, and after a long trial the jury vindicated her, and it has been discussed whether she should not be reimbursed from the State through the Legislature for her expenses, for her attorneys, in defending herself, as they say the State did not have any case. When you open the door for one man who has been prosecuted for crime to recover from the State for his losses and for his attorneys' fees, you must open it to all and give them equal rights. In the first place there is no equity in this case, and in the second place I do not believe this Legislature should open the door. I refused to open it in Keyes' case; I refuse to open it in the Burns case, and I refuse to open it for any man who has been prosecuted for crime against the State.

Mr. MURPHY of Cumberland: Mr. President, I would like to inquire through the Chair of the Senator from Somerset if it is not a fact that this



bill was before the Legislature or a similar one, two years ago.

The PRESIDENT: The senator addresses an inquiry to the senator from Somerset through the Chair.

Mr. COLBY: Mr. President, I will state that it is the same matter, as I understand it, that was before the Legislature, two years ago, and it was referred to this Legislature. No action was taken, two years ago. As the senator from Aroostook says, it was rejected in our committee and came up again for action.

Mr. DUTTON: Mr. President, I would like to add one more observation in this matter. The senator from Aroostook raised the question whether he is more prejudiced than I am in this matter.

Mr. HERSEY: No, Mr. President, I did not raise that question.

Mr. DUTTON: Mr. President, if I am correct, as a matter of fact, this claim two years ago was before the committee on claims. Now it seems from the statement of the senator from Aroostook that he and his committee held a deliberate session upon this claim and decided it "ought not to pass." That decision must have been entirely extra judicial and ultra vires, and if I had known that they had rendered any such decision at that time, I should have brought a writ of prohibition to forbid them from promulgating any such decision upon a matter not before them at all.

Mr. WING of Franklin: Mr. President, I desire to briefly call the attention of the Senate to this point: Does the State of Maine owe Michael Burns anything? If it does, we ought not to give him permission to sue the State. We ought to pay. It is not urged that there is any legal claim against the State. If there is any claim, it must be a moral or equitable claim. Now, does the State equitable owe him anything? In equity proceedings it is a fundamental principle that the plaintiff must come to court with clean hands. Does Michael Burns come within the rule? Does he come to this Legislature with clean hands? The State of Maine through its representatives had passed a law prohibiting the sale of intoxicating li-

quors, and Michael Burns attempted to evade that law and his property was seized, the same as they seize liquors, today. And when you consider that fact is he equitably entitled to compensation from the State for his attempt to nullify and set aside the law of this State?

Senators, there have been more than ten thousand cases where people have had their liquors seized in the State of Maine, and after an investigation the liquors have been returned. It has never been suggested that we allow that vast number of people throughout the State of Maine to come in here and have legal standing in the courts of the State, and I hope, gentlemen, that the motion of the senator from Somerset will prevail.

Mr. BAILEY of Penobscot: Mr. President, the reasoning and the argument of the Senator from Aroostook appeals to me very strongly, because we know in the administration of the criminal laws there is a good deal of injustice done. It is one of those things that goes along with the law, and it seems to be an injury without any damage.

A case in point happened recently in my section. A young lady was traveling along the street at night. She was set upon by a man and thrown down. The next day she accused a young man of that town who had previously borne a good reputation. He was arrested and brought into court. The newspaper published it broadcast through the city and State. That young man was brought into court and tried. The young lady on the stand said that she could not swear positively he was the man. That young man's reputation was blasted, it was damaged and he had a blight upon his character which will last him for many years, and he was certainly damaged and injured to a great extent, thousands of dollars probably. He has no remedy; he has no way of obtaining any compensation for the injury done to him. And so it is in many criminal cases. People may be arrested upon suspicion and that suspicion hurts a man's reputation which is worth more to him than anything else in the world. And so it is that in the ad-

ministration of the criminal law frequently damages and injuries are done to men for which they can recover no recompense.

I think it would be opening too wide a door to adopt this majority report, and therefore I second the motion of the senator from Somerset that the minority report be accepted.

Mr. REYNOLDS of Kennebec: Mr. President, I am not exactly in favor of this rum business. My friend, Mr. Milliken, and I travelled over the State looking after the liquor sellers and we had quite a time to stop it. We saw places that while it seemed they were not in the whiskey business, they would post men on places where they would sell five quarts to a man in one day.

This Keyes matter has been referred to. I think if the State gives Mr. Keyes anything, that it ought to pay Mr. Burns something. If they have taken from him three hundred dollars worth of rum, as the senator over there said, I believe the State ought to pay it. While some were selling rum, and it was hard to stop it, he found a way to sell it in original packages. If they pay Mr. Burns anything, I think they ought to pay Mr. Keyes. I shall be in favor of paying Mr. Burns.

Mr. COLBY: Mr. President, I want to emphasize to the members of the Senate again that the minority of the committee in making this report did not particularly take into the question any of the rum element. It is simply a question, it seems to me, shall the State of Maine be opened up to the people to sue whenever they want to. If this matter is opened up, and the Keyes matter should be opened up, next session every little petty scheme may come along and they will want a chance to sue. There will be no end to it.

The PRESIDENT: The pending question is on the motion of the senator from Somerset that the minority report, "ought not to pass," be accepted in non-concurrence with the House. Upon that question the yeas and nays have been ordered. So many as are in favor of the motion of the senator from Somerset, that is,

so many as are opposed to the resolve in favor of Michael Burns, will vote yes, and so many as are in favor of the resolve will vote no when their names are called.

The secretary called the roll. Those voting yea were: Messrs. Allen, Bailey, Burleigh, Chase, Clark, Colby, Cole, Conant, Emery, Hastings, Hersey, Maxwell, Packard, Patten, Richardson, Smith, Stearns, Walker, Wing—19. Those voting nay were: Messrs. Allan, Boynton, Dutton, Flaherty, Jillson, Mansfield, Morey, Moulton, Murphy, Reynolds—10. Absentees: Hagerthy—1.

Nineteen voting in the affirmative and 10 voting in the negative, the motion of the senator from Somerset prevailed, and the minority report was accepted in non-concurrence.

Mr. ALLEN of Kennebec: Mr. President, having voted in the affirmative, I have the right to move to reconsider. And I hereby move to reconsider the vote whereby we have accepted this minority report, and I hope every senator will vote against me.

A viva voce vote was taken. Before the result of the vote was announced by the Chair, Mr. Allen of Kennebec asked for the yeas and nays.

Mr. MOREY of Androscoggin: Mr. President, the question is, a viva voce vote having been taken, should it not be announced? Would it then be necessary to call for the yeas and nays?

The PRESIDENT: The Chair will rule that a yea and nay vote is in order at any time before the result of a viva voce vote is announced.

The yeas and nays were ordered, the Chair stated the pending question and the secretary called the roll.

Those voting yea were: Messrs. Allan, Dutton, Mansfield, Morey—4. Those voting nay were: Messrs. Allen, Bailey, Burleigh, Chase, Clark, Colby, Cole, Conant, Emery, Hersey, Maxwell, Murphy, Packard, Patten, Reynolds, Richardson, Smith, Stearns, Walker, Wing—20. Absentees: Messrs. Boynton, Flaherty, Hagerthy, Hastings, Jillson, Moulton—6.

Four having voted in the affirmative and 20 voting in the negative, the

motion of the senator from Kennebec to reconsider did not prevail.

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

#### Railroads and Expresses.

By Mr. Boynton of Lincoln, An Act concerning a New England Railroad Conference.

#### Appropriations and Financial Affairs.

By Mr. Dutton of Kennebec, Resolve appropriating funds for filing cases in Senate office.

#### Senate Bills in First Reading.

Resolve in favor of the Maine Wesleyan Seminary and Woman's College. (Tabled on motion by Mr. Conant of Waldo, pending first reading.)

An Act to extend the charter of the World's Standard Insurance Company.

An Act regulating the packing, shipping and sale of apples.

An Act to incorporate the Capitol Island Village Corporation.

An Act for the better protection of the practice of dentistry in the State of Maine and to reorganize the Board of Dental Examiners.

#### Reports of Committees.

Mr. Bailey from the Committee on Legal Affairs, on bill, An Act to abolish the January Term of the Supreme Judicial Court for the County of Knox, reported same "ought not to pass."

Mr. Cole from the same committee, on bill, An Act relating to St. Joseph's Convent and Hospital, reported legislation thereon is inexpedient.

The reports were accepted.

Mr. Chase from the Committee on Agriculture, on bill, An Act amending Section 7 of Chapter 15 of the Public Laws of 1907, defining the limits within which a municipality shall destroy dangerous insects, reported same "ought to pass."

Mr. Hersey from the committee on judiciary, on bill, An Act to amend Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections, reported same "ought to pass."

(This bill having been printed, was given its first reading, and its second reading was assigned for tomorrow morning.).

Mr. Dutton from the same committee on bill, An Act to punish the making of use of false statements to obtain property or credit, reported same in new draft, under same title, and that it "ought to pass."

Mr. Cole from the committee on legal affairs, on bill, An Act to make valid the organization of Pepperell Association of Kittery, Maine, under Chapter 57 of the Revised Statutes of 1897, reported same "ought to pass."

The same senator from the same committee on bill, An Act to extend the charter of the Mutual Fire Insurance Company of Saco, reported same "ought to pass."

Mr. Bailey from the same committee, on bill, An Act repealing Section 3 of Chapter 300 of the Private and Special Laws of 1911, entitled "An Act granting H. L. Gooch the right to maintain a dam on the East Machias river," reported same in a new draft under title of "An Act repealing Sections 3 and 4 of Chapter 300 of the Private and Special Laws of one thousand nine hundred and eleven, entitled 'An Act granting H. L. Gooch the right to maintain a dam on the East Machias river,'" and that it "ought to pass."

Mr. Burleigh from the committee on railroads and expresses, on bill An Act to extend the charter of the Eastern Maine Railroad and to amend the same, which, with new draft, was re-committed to the committee, reported same in a new draft, and that it "ought to pass."

Mr. Maxwell from the same committee on bill, An Act to incorporate the York and Oxford Railroad, submitted the same in a new draft under the same title, and that it "ought to pass."

Mr. Maxwell from the committee on banks and banking, on bill, An Act to repeal Section 1 of Chapter 158, of the Public Laws of 1911, relating to annual examinations of Savings Banks and Trust Companies, reported that the same "ought to pass."

Mr. Chase from the committee on agriculture, on bill, An Act to amend Section 3 of Chapter 60 of the Revised Statutes, relating to the department of agriculture, reported same "ought to pass."

Mr. Colby from the committee on interior waters, on bill, An Act to extend the charter of the Matagamon Towboat Company, reported that the same "ought to pass."

Mr. Colby from the same committee, on bill, An Act to incorporate the Sandy Stream Log Driving Company, submitted the same in a new draft under title of "An Act to incorporate the Sandy Stream Log Driving Company," and that it "ought to pass."

Mr. Hastings from the same Committee, on bill, an Act to further enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company, to construct and maintain wharves along its route in the County of Cumberland, reported same in a new draft under title of "An Act to further enable the Sebago Lake Songo River and Bay of Naples Steamboat Company, to construct and maintain wharves along its route in the county of Cumberland," and that it "ought to pass."

Mr. Dutton from the Committee on Library, on Resolve relating to the Publication of "The Beginnings of Colonial Maine," reported that the same "ought to pass."

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

#### Passed to Be Engrossed.

Resolve in favor of the town of Whitneyville for expenses in repairing a bridge.

Resolve for aid in building a road in Rockport.

Resolve for general maintenance and support of the University of Maine.

Resolve to reimburse the town of Nobleboro for money expended for the benefit of an insane pauper.

An Act to extend the time in which the Maine Title Guaranty Company is authorized to commence business.

An Act to authorize and empower the Norcross Transportation Company to extend its existing wharf further into North Twin Lake.

An Act authorizing George W. Junkins, his heirs and assigns, to erect and maintain a dam across Blackwater Stream so-called, in said town of Masardis.

An Act to extend the charter of the Rumford General hospital.

An Act to revive and extend the power of the Litchfield Electric Company.

An Act to change the name of Hayden Lake, so-called, to Wesserrunnett Lake.

An Act to incorporate the Lazy Tom Brook Dam Company.

Resolve in favor of the permanent improvement and repair of "The New Kenduskeag Road" in the Town of Glenburn.

Resolve for the improvement of the State Park on the easterly side of State street.

Resolve in aid of repairing, highways in the town of Trescott.

Resolve in favor of repairing highway in the town of Benton.

Resolve in favor of raising and repairing bridge over Garland's Brook in town of Mariaville.

Resolve in aid of navigation on the Lower Lakes.

Resolve in favor of aiding in building road in New Canada Plantation.

Resolve in favor of a road in Elliottsville Plantation.

An Act to amend Sections 5 and 6 of Chapter 15 of the Public Laws of 1907 and also Section 6 of said Chapter, as amended by Chapter 34 of the Public Laws of 1909 and Chapters 84 and 176 of the Public Laws of 1911, relating to the protection of trees and shrubs from dangerous insects and diseases.

An Act to amend Section 6 of Chapter 18 of the Revised Statutes relating to the State Board of Health.

Resolve authorizing the highway commissioner to construct a suitable office or shelter for the immigrant inspector at Van Buren.

#### Orders of the Day.

Mr. BOYNTON of Lincoln: Mr. President, if in order at this time, I move that we reconsider the vote whereby we accepted the report of the judiciary committee on Senate Document 142, An Act relating to the Squirrel Island Village Corporation, "ought not to pass."

The motion was agreed to, and on further motion by the same senator,

pending the acceptance of the report in concurrence, the report and bill were tabled, and next Wednesday morning assigned for their consideration.

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On motion by Mr. Emery of York, Senate Document 382, Resolve authorizing a temporary loan for the year 1913, was taken from the table, and on further motion by the same senator, was referred to the committee on appropriations and financial affairs.

On motion by the same senator, Senate Document 383, Resolve authorizing a temporary loan for the year 1914, was taken from the table, and on further motion by the same senator, was referred to the committee on appropriations and financial affairs.

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On motion by Mr. Stearns of Oxford, Senate Document 360, An Act to amend Section 116 of Chapter 15 of the Revised Statutes, relating to instruction for the blind, was taken from the table, and on further motion by the same senator, the bill was committed to the committee on bills in the second reading, and the second reading was assigned for tomorrow morning at 9 o'clock.

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On motion by Mr. Richardson of Penobscot, Senate Document 385, Re-

solve for an amendment to the Constitution providing for the classification of property for the purposes of taxation, was taken from the table, and on further motion by the same senator, the bill was referred to the committee on taxation.

On motion by Mr. Murphy of Cumberland, Senate Document 384, An Act relating to federal beneficiary institutions doing casualty business only, was taken from the table, and on further motion by the same senator, was referred to the committee on mercantile affairs and insurance.

On motion by the same senator, Senate Document 386, An Act to amend Sections 122, 123 and 126 of Chapter 15 of the Revised Statutes, and Sections 3 and 5 of Chapter 177 of the Public Laws of 1909, to provide for the distribution of the school mill fund and the common school fund on the basis of aggregate attendance in all educational institutions within the State, was taken from the table, and on further motion by the same senator, was referred to the committee on education.

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On motion by Mr. Chase of Piscataquis,

Adjourned until tomorrow morning at 9 o'clock.