

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Wednesday, March 5, 1913.

Senate called to order by the President.

Prayer by Rev. Lewis H. Clarke of West Gardiner.

Journal of previous session read and approved.

Mr. STEARNS of Oxford: Mr. President, I desire at this time to introduce an order, out of order, in relation to holding the sessions of the Senate, and move its passage:

Unanimous consent was given, the order was read and passed, as follows:

Ordered, that the Senate hold one session a day commencing at 9.30 o'clock A. M., unless otherwise ordered.

Papers from the House disposed of in concurrence.

The PRESIDENT: The following bill comes from the House: An Act relative to municipal elections in the city of Augusta. This bill proposes an amendment to the charter of the city of Augusta, and contains an emergency clause providing that it shall take effect when approved. In the House it was received under suspension of the rules, given its several readings and was passed to be engrossed. It cannot be received under the joint rules except by unanimous consent.

Mr. MOREY of Androscoggin: Mr. President, I move the rules be suspended, and this bill be received, and for the following reasons: It seems that at the election to be held here Monday next in Augusta that there are three candidates in the field. Under the charter as it now stands in the city of Augusta a majority vote is required to elect any person to the office of mayor the first day. If there is no election the first day, then I think four days afterwards, or a short time afterwards, a second meeting is called. That also requires a majority vote to elect, and if after two attempts there is no choice, then a plurality vote elects.

As I understand it, both candidates who are now in the House of Representatives, one representing the Republican party and the other representing

the Democratic party, both candidates for election in Augusta, ask that this bill be passed through here under the emergency clause so that one election will settle the matter by a plurality vote, and not render possible and quite probable three elections to determine who shall be named as the choice of the people of Augusta for mayor.

For the reason that the bill comes from the House with an emergency clause, and the published reports, and from other statements,—gentlemen will know whether they have been correctly informed or not,—that both sides desire this, it seems we might well in this instance suspend the rules and receive this bill and put it through its readings and pass it to be engrossed, for all persons will be interested to have the election settled the first day.

Mr. HERSEY of Aroostook: Mr. President, I would like to inquire of the senator through the Chair whether he considers that this bill would be of any consequence unless this emergency was put through.

Mr. MOREY: Mr. President, I will state to the senator through the Chair that I think not, unless it is done hereafter.

As a matter of fact, I do not know of any cities outside of Augusta that require a majority vote to elect on the first day. For future legislation it would be good legislation, for there is no reason why a plurality should not elect on the first day as well as later.

Mr. HERSEY: Mr. President, I would like to inquire if the senator thinks this ought to be passed as an emergency measure under the circumstances?

Mr. MOREY: Mr. President, if it were only the request of one party, I should say not, but I understand it is the request of both candidates.

Mr. HERSEY: Mr. President, how about passing this in the interest of public peace and safety? How does it affect that?

Mr. MOREY: Mr. President, I do not think the gentleman has the exact terms of the emergency clause. I remember, for instance, a bill introduced early in the session coming from his county, where it was desired to save

the expense of printing stationery, which went through under the emergency clause.

Mr. HERSEY: Mr. President, I helped to stop it, did I not?

(At this point the Act was read by the secretary.)

Mr. HERSEY: Mr. President, I would like to have the senator from Androscoggin discuss the safety clause.

Mr. MOREY: Mr. President, I will say I have no doubt, if the distinguished senator from Aroostook desires to know, that it is unquestionably for the safety of the people that Mr. Newbert be elected.

Mr. DUTTON of Kennebec: Mr. President, I suppose that inasmuch as this is a matter that affects my city I ought to say just a word in regard to it.

My recollection is that this provision in our city charter is one that has been in it ever since the city was incorporated in 1848, if my memory is correct.

Now a great emergency has arisen, an exceedingly great emergency! For the first time in a number of years we fortunately or unfortunately have three candidates. It was not my purpose to mention any names in this discussion, but inasmuch as the distinguished senator from Androscoggin has mentioned his favorite candidate, I may as well recite the facts as I understand them. We have three tickets, a Democratic ticket, a Republican ticket and a Progressive ticket.

It has been assumed, Mr. President, by many during the past three or four months, that a majority of the Progressive vote comes from the Republicans. And during the latter part of last week, with that assumption, the Democratic candidate for mayor was very active, I am informed, in encouraging the Progressives to put a ticket into the field in the city of Augusta. And having aided them in doing that—I do not criticise the action of the Progressives at all because they have a very able candidate for mayor and a very good citizen, a man who if elected will no doubt perform the duties efficiently and well—but our com-

mon friend, Mr. Newbert, was very anxious that they put a ticket in the field. And by the aid of Democratic signatures procured, they put upon the ticket a full list of Progressive candidates.

No sooner had he done that than he discovered in the city charter a provision which had he read, knowing he was to be a candidate, when he was discussing constitutional questions in this Legislature, he would have known it required a majority to elect, and that a mere plurality would not elect.

Now having discovered that he has gotten himself into this position, he comes to this Legislature and asks for relief, immediate relief, and says to the Legislature that all candidates are agreed upon this proposition. The Press comments upon it this morning. But, Mr. President, I am informed that nobody representing the Progressives in the city of Augusta has agreed to this proposition. The Progressives, and it is true that they have good and able representatives in the other body, did not raise this question to protect the rights of their local candidate here. I stand here in my place this morning as a senator from Kennebec county, and raise the question, in order that the Progressive party in the city of Augusta may have its rights properly protected. Gentlemen in the other branch of the Legislature did not do that.

I stand here, Mr. President, for another proposition. I deny the right of two candidates for office in the city of Augusta, or of three candidates, to agree and come to this Legislature and say to us what the people of Augusta want. I do not know what they want on this proposition, and I claim to be as near in touch with the citizens of Augusta and their popular will as any one of those candidates, and I say to you that when they come to this Legislature, and ask unanimous consent for the consideration of a measure like this, a month after the time limit has expired for the reception of private measures, and ask us to railroad it through here, without reference to a committee, without any op-

portunity whatsoever, Mr. President, for the people of my city of thirty-five hundred voters to come here and express their will, they are doing a very impolitic thing and a thing that may be unjust to the citizens of my city. I deny their right to represent them, to make any agreement between the heads of political parties that will bind my fellow citizens.

In addition to putting this through here as private legislation, in addition to letting down the bars after we have closed them tightly and kept them closed here, what do they ask? On an honest question of private legislation I want to say that I have stood against some of my own constituents who have come to me demanding the introduction of private legislation, and I have told them—clients of mine, too, who have contributed to my business in the past ten years—that I could not and would not, Mr. President, ask this body to change the rule which it has adopted. I cannot change my views at this time in order to satisfy the political ambitions of anybody.

Further than that, they have tacked on here an emergency clause. Not being satisfied with railroading this measure through this Legislature without reference to any committee, without any opportunity for the citizens of Augusta to be heard, they have put upon it an emergency clause.

I think, Mr. President, that the time has come when we should not tack upon bills that go through this Legislature, as was read to the judiciary committee in the Bar Harbor hearing, an emergency clause forbidding, as the Legislature did two years ago, the making of a close time of smelts or herring.

It was never the intention of the Constitutional amendment that we should put an emergency clause upon any such measure, and the word "emergency" means something here. It does not mean the gratification of the political ambition of Republicans, Democrats or Progressives, and that is all there is to this proposition. It is a race between the head of the Democratic ticket and the head of the Re-

publican ticket to see which shall get the most votes on the first election. Now is that an emergency that satisfies the provisions of the Constitution? It is not such an emergency as satisfies my mind that we should invoke that provision. And standing here in my place I deny unanimous consent for the reception and carrying through of this measure.

The PRESIDENT: The Chair will state the situation. Under the joint rules this matter, involving special legislation, cannot be received except by unanimous consent. The motion to suspend the rules can be entertained and requires a two thirds vote. The question is, shall the rules be suspended and this bill received after the time limit for the reception of such bills has expired?

Mr. MURPHY of Cumberland: Mr. President, I believe that the situation in Augusta is rather perplexing. We had a similar situation in Portland and were compelled to have two elections and finally had to leave it to the City Government to settle.

However, I am one of the gentlemen who voted that the 5th day of February be the last day in which legislative matters should be received. I am also one that has told many people from my section of the State that we could not introduce any private legislation here, and I do not propose to place myself in a position of deceiving them. And I shall vote against this matter.

The PRESIDENT: Is the Senate ready for the question? This being a motion that requires a two-thirds vote, the Chair will not put the customary viva voce vote, but will ask so many as are in favor of the suspension of the rules to rise and stand in their places.

Seven senators arose in favor of the motion.

Twenty-one senators arose in opposition.

The motion was lost, and under the joint rules the bill was referred to the next Legislature.

#### House Bills in First Reading.

An Act relating to the entry of nolle prosequi in criminal cases.

An Act to amend Chapter 100 of the Private and Special Laws of 1891 as amended by Chapter 506 of the Private and Special Laws of 1903, relating to drains and common sewers in the city of Rockland.

An Act to amend an Act incorporating the Madison Water District.

Mr. DUTTON of Kennebec: Mr. President, I move that this bill be recommitted to the committee, and I will state my reasons. Inadvertently in making up the report, instead of putting a new draft, a copy of the original bill was attached, and it is for the purpose of correcting that error that I ask that the bill be recommitted to the committee.

The motion was agreed to and the bill was recommitted to the committee.

An Act to incorporate the Rockland Public Utilities District.

An Act to incorporate the Corinna Water Company.

An Act to amend Section 75 of Chapter 10 of the Revised Statutes relating to the sale of land for taxes in unincorporated places.

An Act to incorporate the Waterville Chamber of Commerce.

An Act to amend the charter of the Livermore Falls Light & Power Company.

Resolve in favor of the Western State Normal School at Gorham for repairs and permanent improvement. (On motion by Mr. Walker of Somerset, tabled pending first reading.)

An Act to extend and enlarge the charter of the Ocean & Northern Railway Company.

Resolve in favor of building a highway bridge across Crooked river between the towns of Casco and Naples in the county of Cumberland.

Resolve in relation to the repair of the Wiscasset bridge.

Resolve in favor of repairing roadway leading from the town of Greenville to Lily Bay bridge in the county of Piscataquis.

An Act to amend Section 2 of Chapter 353 of the Private and Special Laws of 1905, relating to the Wiscasset bridge.

An Act to authorize the union of towns in maintaining town farms.

Resolve in favor of Peter J. Newell, representative of the Passamaquoddy tribe of Indians.

Resolve in favor of Peter W. Ranco, representative of the Penobscot tribe of Indians.

Resolve in favor of the city of Waterville.

Resolve in favor of the city of Saco. The following bills, petitions, etc., were presented and referred:

#### Judiciary.

Mr. Morey of Androscoggin: bill An Act to amend section 93 of chapter 83 of the Revised Statutes, relating to the time in which actions shall be brought. (On motion by Mr. Hersey of Aroostook, tabled for printing pending reference.)

#### Mercantile Affairs and Insurance.

By Mr. Wing of Franklin: bill An Act relating to inter-insurers and authorizing the business transacted thereby.

#### Reports of Committees.

Mr. Walker from the Committee on Education, on bill An Act to amend section 123 of chapter 15 of the Revised Statutes, providing for the apportionment of State School Funds by the State Auditor, reported same "ought not to pass."

The report was accepted.

#### Passed to Be Engrossed.

An Act to incorporate the Pleasant River Gulf Improvement Company.

An Act relating to changing the name of Gregorys Sanatorium at Boothbay Harbor.

An Act entitled "An Act to incorporate the Rumford Chamber of Commerce."

An Act to incorporate the Kennebec Gas and Fuel Company.

An Act to incorporate the Mattawamkeag Water Company.

An Act to incorporate the Lincoln Sewerage Company.

Resolve in favor of Grenville M. Donham.

Resolve to authorize and provide for purchase of the history of the town of Garland.

Resolve in favor of John M. Deering of Saco, Maine, Secretary of the Cattle Commission of nineteen hundred

cen, the sum of nineteen dollars and fifty cents.

An Act to amend Section fifty-five of Chapter forty-nine of the Revised Statutes, relating to the enforcement of a mortgagee's lien for insurance.

An Act conferring equity jurisdiction upon the Supreme Judicial Court to hear and determine property matters between wife and husband or husband and wife.

An Act to set off the Town of Isleau-Haut from the County of Hancock and annex the same to the County of Knox.

An Act to amend Section twenty-eight of Chapter sixty-five of the Revised Statutes, relating to appeals from orders, sentences, decrees or denials of Judges of Probate.

An Act to amend Section fifty, Chapter ninety-three of the Revised Statutes of the State of Maine as amended by Chapter twenty-one of the Public Laws of nineteen hundred seven, relating to liens.

An Act to amend Section three of Chapter sixty of the Revised Statutes as amended by Section two of Chapter ninety-eight of the Public Laws of nineteen hundred nine, also to amend Section seven of said Chapter sixty relating to the Department of Agriculture.

An Act to amend the charter and rights of the Goodall Worsted Company.

An Act to enlarge the purposes of the Huse Spool and Bobbin Company.

An Act to authorize the County Commissioners of Oxford County to procure a copy of Volume one of Records of Deeds in the Western Registry of Deeds for said County.

An Act to amend Section eight of Chapter thirteen of the Private and Special Laws of nineteen hundred eleven entitled "An Act to create the Bingham Water District."

Resolve in favor of Percy F. Jones and Rose L. Jones.

Resolve for Military Pensions.

Resolve for State Pensions.

Resolve to provide means for examination of claims for State Pensions.

An Act to amend Sections 3, 4, 5 and 7 of Chapter two hundred ninety-two of the Private and Special Laws of

Maine, nineteen hundred nine, relating to the Mexico Water Company.

Resolution to correct certain errors and omissions which appear in Chapter seventy-two, entitled "An Act to provide a Charter for the City of Gardiner," of the Private and Special Laws of nineteen hundred eleven as printed in the volume of the Laws of the State of Maine for nineteen hundred eleven.

An Act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same.

An Act to incorporate the Jackman Water, Light and Power Company.

On motion by Mr. Morey of Androscoggin, Senate Amendment A was adopted: "Amend Section 2 of Senate bill 423 in the sixth line by inserting after the word "of," the word "Jackman."

The bill, as amended, was then given its second reading and was passed to be engrossed.

The committee on bills in the second reading to which was referred Resolve in favor of the State pension clerk reported that same be indefinitely postponed as the subject matter is covered by Senate Document No. 421.

The report was accepted.

#### Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration the first matter specially assigned for today, Resolve relating to the Documentary History of Maine, Senate Document 367.

Mr. BAILEY of Penobscot: Mr. President, I move that the resolve take its second reading and be passed to be engrossed.

The motion was agreed to, the bill was given its second reading and was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate the second matter assigned for today, Resolve in favor of the purchase of the Maine State Year Book for the years 1913 and 1914, the

pending question being the second reading of the resolve.

On motion by Mr. Richardson of Penobscot, the resolve was given its second reading and was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate for consideration the third matter specially assigned for today, Report of committee on judiciary, "ought not to pass," on Senate Document 142, An Act to amend Chapter 55 of the Private and Special Laws of 1903, as amended by Chapter 12 of the Private and Special Laws of 1909, relating to the Squirrel Island Village Corporation. The pending question is on the acceptance of the report of the committee "ought not to pass."

Mr. BOYNTON of Lincoln: Mr. President, I move that the report together with the bill be recommitted to the committee with instructions to report back in a new draft a bill carrying a rebate of 60 per cent.

The proposition now under consideration is one of two submitted to the Legislature by the town of Southport in Lincoln county and relates to differences between that town and Squirrel Island, which is a part of the town. This bill asks that this Legislature reduce the amount of rebate from 75 per cent to 50 per cent.

It is quite possible that because of a misunderstanding this matter did not receive the consideration that it deserved at the hands of the committee. It is possible that they labored under the impression that an agreement had been reached whereby this was agreeable to all.

I want to here state that no one representing the town of Southport entered into any agreement that left 75 per cent. due Squirrel Island.

In order that you may understand more clearly, I will ask you to come back and see what leads up to this condition of affairs.

Up to perhaps, 1903, by mutual agreement the summer colony had paid their taxes and the town had rebated in the neighborhood of 50 per cent. to be used as they pleased in public improvements on the island. It may have been

in 1903, that Squirrel Island asked the Legislature for and received a Village Corporation charter which compelled the town to rebate 60 per cent. That condition existed with more or less satisfaction to both until 1909 when Squirrel Island came to the Legislature and asked for and obtained an increase of 15 per cent. in the rebate, making it 75 per cent., against as vigorous a protest as the town could make. It may be here understood, that the town assesses the tax, collects it and pays back 75 per cent. of it.

The town of Southport is itself an island surrounded by a number of smaller islands, which belong to that town, one of which is Squirrel Island. The valuation of Southport is \$522,000, \$215,000 of it being assessed on Squirrel Island. The value of the estates on that island are much more than that amount. Capital Island has applied to this Legislature for and obtained a Village Corporation charter carrying a rebate of 60 per cent. In the immediate vicinity is the Isle of Springs which was granted a charter some years ago. That belongs to the town of Boothbay. They also rebate 60 per cent. Two years ago, a charter carrying 60 per cent. rebate was granted to Bayville, which is a part of Boothbay Harbor.

There are certain moneys raised for local purposes, such as schools, care of the poor and the expenses of conducting town business that all property in a town should bear equally for no part can be said to get any particular or peculiar benefit from it. The figures will show that such charges are one-half of all moneys raised and therefore a 50 per cent. rebate is about the right amount. All these places are generally dealt with when they are given 60 per cent.

Just what good reason why Squirrel Island should receive 75 per cent. when all the others seem satisfied with 60 per cent., I presume will be presented to us, and I shall be interested to know. The people there are among the best citizens of this and other states and abundantly able to pay their just taxes there, as well as elsewhere. The people of Southport claim that their excessive rebate is not equal, not right



and not just. Believing as they do that Capital Island will ask for their rebate to be raised to 75 per cent., that several summer colonies on the main island will ask for and probably receive village charters with the same rebate, then the town with its roads, schools, pauper and other departments to support will find itself bankrupt, with wealth everywhere except in their treasury.

The State Assessors have this year raised the valuation of Southport, \$25,000, and there can be no doubt but the value of the property on Squirrel Island is the direct cause of that.

They have asked me to present these facts to this Legislature and asked that what they honestly believe to be justice due them be granted.

The PRESIDENT: The motion is, if the Chair understands it, that the report together with the bill be recommitted to the committee on judiciary with instructions to report a bill in new draft providing for a rebate of 60 per cent.

The Chair feels compelled to rule and does rule that a motion may be entertained to recommit this matter to the committee, or that a motion may be entertained to substitute a new draft for the adverse report of the committee if the senator so desires, but so much of the motion as contains instructions to the committee as to the nature of their report, is not in order and cannot be entertained by the Chair.

Rule 37 provides that: "The rules of parliamentary practice comprised in Reed's Rules, and Cushing's Law and Practice of Legislative Assemblies, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or the joint rules of the two houses."

Paragraph 1924 on Page 747 of Cushing's Law and Practice of Legislative Assemblies, is very clear on this point, and reads in part as follows:

"An instruction which proposes to direct a committee absolutely to do or not to do a particular thing which is already within its powers to do or not to do, as it may think proper, is irregular; on the ground, it is presumed, that such an instruction would be re-

pugnant to the reference, as the effect of it would be, in fact, to withdraw from the consideration of the committee so much of the power originally conferred upon it, and to decide upon that matter in the House."

Mr. BOYNTON: Mr. President, I should be willing to withdraw that much of my motion which carries instructions to the committee, and simply move to recommit.

The PRESIDENT: Without objection the Senator from Lincoln is permitted to withdraw his motion and substitute therefor the simple motion to recommit the bill to the committee on judiciary.

Mr. DUTTON of Kennebec: Mr. President, I have no personal objection to this bill being recommitted to the committee, but I cannot conceive under the circumstances how their action can be different from that reported.

I have great respect for the senator from Lincoln, but in some particulars he is certainly misinformed in regard to this matter. There were four bills before our committee, one of them was in reference to Capitol Island and another in reference to Squirrel Island. There was evidently a quarrel between the town of Southport and Squirrel Island and Capitol Island. The reason for the trouble at this session of the Legislature was because the Capitol Island people had asked for a special charter, or that special rights be given to them, the same as had been given by previous Legislatures to Squirrel Island. That matter was fully discussed before the committee. A complete hearing was had. The selectmen of Southport were there represented by able counsel, and the whole matter was threshed out. A bill was there to set off Capitol Island and to set off Squirrel Island. This bill was introduced at the instance of the selectmen of the town of Southport. That is, they just set off Capitol Island and Squirrel Island and never made any provision whatever for their future government. Just set them off, into what some people might call "innocuous desuetude."

The committee did not consider that matter seriously. It did not consider

that the selectmen of the town of Southport were serious in making that proposition or in introducing it before this Legislature. We thought it was a bluff. I think so still. But that bluff was accepted by Squirrel Island and by Capitol Island. Both of them provided for new drafts. Squirrel Island was willing to go off by itself. And Capitol Island was willing to go off by itself as a separate, independent municipal corporation. The new drafts were submitted there. When this bluff had been called we supposed, naturally you would suppose, that when a man makes a proposition and that proposition is accepted, that would be all there was to it. But Southport still insisted upon threshing the matter out after their proposition had been accepted by the other people. We stayed there all the afternoon and heard those people. And they went into the details of the income of the town of Southport. They claimed they would be ruined. I do not care to go into the merits of that question.

After this full hearing the selectmen, or at least, one of them, who I think claims to be chairman of the board of selectmen, continued to stay around this State House. This matter was in a chaotic condition in the committee.

I want to say to the senator from Lincoln that there is no possible misunderstanding about this. The gentleman who appeared before that committee claiming to represent Southport in its municipal capacity, one of the selectmen if not the chairman, finally agreed with that committee, talked with me three different times about it, and I do not know how many times with the other members of the committee, that he was satisfied if we would report a bill allowing Capitol Island to be incorporated with a 60 per cent. rebate, and let Squirrel Island have what they had been having in the past.

That is the situation. After they had threshed that all out before the committee, they agreed upon just exactly what we reported; just as clear and fair and square an agreement as was ever made. I afterwards learned that after we had reported the Capitol Is-

land matter, and after it had gone along through this body that this gentleman representing Southport had the matter in relation to Squirrel Island held up.

I have no individual interest or any other interest in Squirrel Island or in Capitol Island. But I do not approve of anybody coming to the Legislature and going before a committee and threshing a matter out and finally agreeing on a proposition to go before the Legislature, and then after one of the principal conditions have gone along, raise another question and thresh the matter out before the Legislature and repudiate the agreement made before the committee.

Mr. BOYNTON: Mr. President, the genial senator from Kennebec, Senator Dutton, has put me in mind considerably of our venerable senator, Senator Staples, who would get up and discuss for hours a question and not once refer to the question under discussion.

I maintain that the question here in order to be considered is why Capitol Island, why Squirrel Island with all of its wealth and everything to do with, should compel the town of Southport to pay them 75 per cent. rebate, when all the other islands and village corporations in that vicinity receive 60 per cent.

There seems to be a very distinct misunderstanding as to the agreement. I stand here now ready to prove that no official of Southport or no man representing them ever entered into an agreement with anybody whereby a rebate of 75 per cent. should be allowed to remain as a rebate from Southport to Squirrel Island.

Mr. DUTTON: Mr. President, I wish to state the reason why I did not discuss the merits of the case. I was simply stating the reason why the committee could not make any different report. I am perfectly willing it should go back to the committee, but I do not see how they can make any different report.

Mr. STEARNS of Oxford: Mr. President, perhaps I should say just a word. This matter of the Squirrel

Island proposition was heard before the committee of which I am a member on the only afternoon that I have been absent from my duties. That afternoon I was not present in the committee and did not hear the discussion, therefore, I am not prepared to discuss the merits of this case and shall not do so.

I wish to say that when this matter was reported out of our committee, I asked particularly about the situation, because I had not heard the discussion, and my understanding very plainly was from all members of the committee that it was agreed upon, that there was nothing for us to discuss for the parties had got together and had agreed. So that if there was a disagreement, it was not so understood by the committee. The committee thoroughly understood that all parties were satisfied and that the report was to embody an agreement that would meet the approbation of all parties concerned.

With the senator from Kennebec, I have no objection to having the bill recommitted to the committee, but I cannot see myself, unless some new circumstances are shown, how the committee can make any different report, unless it be shown that some deception was used at that time. It is true that other propositions were involved in this one and we understand this was made on account or the other propositions involved in Southport.

Mr. BOYNTON: Mr. President, if in order, I will move that the bill and report be tabled, and if the judiciary committee are absolutely sure that it is no use to send the bill back there, why, it is no use to do it; and tomorrow morning I will substitute a new draft and get it in shape so that we can act upon it here.

The PRESIDENT: The Chair will state that the motion is entirely in order. The senator moves that the report and bill lie on the table.

The motion was agreed to.

Mr. MOREY of Androscoggin: Mr. President, the committee on judiciary unanimously reported "ought not to pass" on House Document 165, An

Act to incorporate the Farmington-Oakland Interurban, and the report was accepted. I now wish to move a reconsideration of the action on that bill.

Yesterday afternoon one of the gentlemen named as an incorporator was here in the Senate. I know that he saw me, and I know of some others he talked with, and he said the afternoon this bill was coming up in the judiciary, he was obliged to go away and did not stay all the afternoon. There were a lot of other matters on the calendar ahead of this matter, and as he understands it, when this matter was taken up, no one appeared for it, and no one appeared against it, and there was nothing the judiciary committee could do but to report it "ought not to pass." He would like to have this matter recommitted to the committee. He says that he knows of no opposition and he wants to get this bill through.

I think I have stated the facts as I understand them, and therefore move a reconsideration of the matter.

Mr. STEARNS of Oxford: Mr. President, the circumstances as related by the senator from Androscoggin, Senator Morey, are correct. This matter was on our calendar and a gentleman from his county appeared and requested that this matter be called out of order to see whether there was to be any opposition to it. It was called for the purpose of finding whether there were any present then who intended to oppose the passage of the bill or the report "ought to pass" on that proposition. No one appeared, and when it came up, no one appeared for it. It seemed to be a railroad proposition and the committee did not understand why, being distinctly a charter for a railroad company, as appeared after careful consideration, it should be before our committee, and that perhaps it was before the wrong committee, and the committee made the report that they did.

It would seem to me now, if I understand the bill correctly, that it should go to the committee on rail-

roads and expresses rather than to the judiciary committee.

Mr. MOREY: Mr. President, I did not have this matter called to my attention, until yesterday afternoon. I do not know as it is a railroad matter, but the gentleman simply wants to get it into court again and have a hearing.

I move that we reconsider the vote whereby we accepted the report of the committee on judiciary on this bill "ought not to pass."

The motion was agreed to.

On further motion by the same senator, the judiciary committee was discharged from further consideration of this bill, and the bill was then referred to the committee on railroads and expresses.

On motion by Mr. Dutton of Kennebec, Senate Document 20, an Act additional to Chapter 144 relating to emergency commitments of insane patients to insane hospitals, was taken from the table.

On motion by Mr. Smith of Penobscot, the bill was then recommitted to the committee on insane hospitals pending acceptance of the report of the committee.

On motion by Mr. Dutton of Kennebec, the report of the committee on insane hospitals, "ought to pass," on Senate Document 21, an Act additional to Chapter 144 of the Revised Statutes in relation to the voluntary admission of insane patients to insane hospitals, was taken from the table.

The pending question being the acceptance of the report of the committee, on motion by Mr. Smith of Penobscot, the bill was recommitted to the committee.

On motion by Mr. Wing of Franklin, Senate Document 118, an Act relating to the jurisdiction of the superior court in the county of Kennebec, and to fix the salary of the judge thereof, was taken from the table.

On further motion by the same senator, the bill was committed to the committee on bills in the second read-

ing and tomorrow morning assigned for its second reading.

On motion by Mr. Conant of Waldo, Senate Document 379, an Act regulating the packing, shipping and sale of apples, was taken from the table.

On further motion by the same senator, the bill was given its second reading, and was passed to be engrossed.

On motion by Mr. Bailey of Penobscot, Senate Document 426, An Act amending Section 28 of Chapter 114 of the Revised Statutes, relating to the relief of poor debtors, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs in concurrence.

On motion by the same senator, Senate Document 436, An Act to register the sale of firearms by dealers, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs.

On motion by the same senator, Senate Document 435, An Act additional to Chapter 84 of the Revised Statutes, relating to proceedings in civil actions in court, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs in concurrence.

On motion by Mr. Cole of York, Senate Document 412, An Act to prevent the use of the name of the State by private or semi-public corporations or associations, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs.

On motion by the same senator, Senate Document 433, An Act to provide for the better supervision of certain charitable and benevolent institutions, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary.

On motion by Mr. Packard of Knox, Senate Document 429, An Act to regulate the use of buildings as slaughter houses, 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, Senate Document 421, An Act to amend Section 26 of Chapter 51 of the Revised Statutes, relating to the taking of land by railroad companies, was taken from the table, and on further motion by the same senator, was referred to the committee on railroads and expresses in concurrence.

On motion by Mr. Dutton of Kennebec, Senate Document 427, An Act relating to increase in the capitol stock of corporations organized under special acts or under general laws for the performance of a public duty, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary.

On motion by the same senator, Senate Document 430, An Act relating to the organization of corporations under Private and Special Laws, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary.

On motion by Mr. Allen of Kennebec, Senate Document 428, Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish, game and birds, and for printing the report of the commissioners of inland fisheries and game, was taken from the table, and on further motion by the same senator, was referred to the committee on inland fisheries and game in concurrence.

On motion by Mr. Murphy of Cumberland, House Document 222, An Act to create the Royal River Manufacturing & Power Company, was taken from the table.

On further motion by the same senator, the bill was given its second reading and was passed to be engrossed.

On motion by the same senator, Senate Document 179, An Act to incorporate the York County Power Company, was taken from the table, and on further motion by the same senator, was recommitted to the committee on legal affairs.

On motion by Mr. Hersey of Aroostook, Senate Document 432, An Act to amend Section 4 of Chapter 87 of the Laws of Maine, 1911, in relation to employment agencies, 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. Stearns of Oxford, House Document 313, 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, was taken from the table.

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

On motion by Mr. Hagerthy of Hancock,

Adjourned until tomorrow morning at half past nine o'clock.