

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Thursday Morning, March 27, 1913.

Senate called to order by the President.

Prayer by Rev. Leroy W. Coons of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Senate Document 299, An Act for the better protection of automobile garage keepers and owners.

In the Senate this bill was passed to be engrossed. It came from the House indefinitely postponed.

On motion by Mr. Stearns of Oxford, pending action on the disagreeing action of the two branches, the bill was tabled.

From the House: Senate Document 553, An Act to incorporate the Houlton Street Railway.

In the Senate this bill was passed to be engrossed. It came from the House amended by the adoption of House Amendment A.

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

From the House: Senate Document 545, An Act to license stallions for public service.

In the Senate this bill was passed to be engrossed. It came from the House indefinitely postponed by that branch.

On motion by Mr. Conant of Waldo, pending action upon the disagreeing action of the two branches, the bill was tabled.

From the House: An Act to amend section 7 of chapter 79 of the Revised Statutes, as amended by chapter 196 of the Public Laws of 1911.

In the House this bill was passed to be engrossed under suspension of the rules.

The title being defective, the bill was tabled on motion by Mr. Stearns

of Oxford, and assigned for this afternoon.

From the House: Resolve proposing an amendment to the constitution of Maine providing for the recall of public officials.

This resolve was originally introduced in the House and was ordered printed. Yesterday in the House it was taken from the table and was referred to the next legislature.

On motion by Mr. Bailey of Penobscot, the Senate non-concurred with the action of the House in referring this resolve to the next legislature, and it was then indefinitely postponed.

From the House: Majority and minority reports of the committee on salaries and fees, on an order instructing that committee to inquire into the expediency of increasing the pay of the members of the legislature, and of placing them, as regards free telephone service, on an equality with other State officials and to report by bill or otherwise to this legislature.

In the House both reports were indefinitely postponed.

Mr. WING of Franklin: Mr. President, in view of the fact that a public utilities bill has been passed, or is sure of being passed at this session, and as this matter comes under the jurisdiction of that commission, I move that we concur with the House in the indefinite postponement of the two reports.

The motion was agreed to.

From the House: An Act to incorporate the Sheepscot Valley Conservation Power Company.

In the House the report of the committee on this bill, "ought to pass," was accepted.

In the Senate, on motion by Mr. Boynton of Lincoln, pending acceptance of the report in concurrence, the bill was tabled and assigned for this afternoon.

Senate Bills in First Reading.

Resolve in favor of the People's Ferry Company of Bath.

Resolve in favor of the Bangor Anti-

Tuberculosis Association of Bangor. (House Amendment A adopted in concurrence.)

Resolve in favor of the Central Maine Association for the relief and control of tuberculosis, for the care of incipient and advanced cases and for building a hospital. (House Amendment A adopted in concurrence.)

Resolve in favor of the Maine Anti Tuberculosis Association for educational and organization purposes. (House Amendment A adopted in concurrence.)

Resolve in favor of the North Yarmouth Academy.

The following resolve was presented and referred:

Appropriations and Financial Affairs.

By Mr. Maxwell of Sagadahoc: Resolve in favor of the clerk and stenographer to the committee on banks and banking.

Senate Bills in First Reading.

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

An Act to amend section 61 of chapter 7 of the Revised Statutes, relating to the prevention of fires from locomotives running through forest lands.

Resolve authorizing the land agent to investigate the cutting of lumber on the public lots in the county of Aroostook.

Resolve appropriating money to reimburse Charles M. Conant, chairman of the committee on ways and bridges, for certain committee expenses.

Resolve in favor of Marion B. Holway, stenographer to the recording officer of the Senate.

Resolve in favor of the State highway department covering expenditures and maintenance of the State bridge at Old Town.

Resolve in favor of the superintendent of public buildings, to provide for the rail in the Senate Chamber.

An Act to amend section 15 of chapter 8 of the Revised Statutes, relating to the board of State assessors.

Resolve in favor of William H. Mitchell, secretary of the committee of the 76th legislature for investigation into the causes of the high price of coal.

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

Resolve authorizing the State treasurer and State auditor to ascertain and adjust the account in the State treasurer's office.

Reports of Committees.

Mr. Cole from the committee on sea and shore fisheries on bill, An Act to regulate the construction of lobster traps, reported legislation thereon inexpedient.

The report was accepted.

Mr. Emery from the committee on appropriations and financial affairs, on resolve in favor of stenographer to the committee on military affairs, reported same "ought to pass."

Mr. Emery from the same committee, on resolve in favor of clerk to committee on railroads and expresses, reported the same "ought to pass."

Mr. Moulton from the committee on public health, on resolve providing for an epidemic or emergency fund, reported that the same "ought to pass."

Mr. Maxwell from the committee on banks and banking, on bill, An Act to incorporate Sanford Investment Company, reported same "ought to pass."

Mr. Boynton from the committee on military affairs, on resolve in favor of providing suitable storehouse for military property, reported same in a new draft under same title, and that it "ought to pass."

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

The following committee submitted its final report:

Committee on Interior Waters.

The report was accepted.

Mr. ALLEN of Kennebec: Mr. President, I would like to hear that resolve in connection with the rail back of the seats in the Senate, read, and I move that the vote whereby the resolve in favor of the superintendent of public buildings, to provide for the rail in the Senate Chamber, assigned for second reading this afternoon, be reconsidered.

The motion was agreed to.

Mr. ALLEN: Mr. President, I do not know who introduced the resolve, but it seems to me that a rail behind the chairs here in this Senate is a different

proposition altogether than one in the House. This is a large building and there is lots of room in the House, and I will admit that there it is a good thing. It is a question in my mind whether it would be desirable here. I feel that it would not, that it would be cumbersome for the members, as well as take up valuable room for spectators.

I move that we indefinitely postpone the resolve.

Mr. BOYNTON of Lincoln: Mr. President, I introduced this order, and I introduced it for this reason, that the conditions existing in the back seats of this Senate Chamber are a disgrace to the State of Maine and to the Senate. It has been my privilege to visit many State Houses in this county, and in no other State House that I have ever seen has it been possible for members of the Senate to be approached at any way and all times. You cannot leave your seat but somebody is in it. When you go back to your seat you must get them out. Senators who sit here are trying to attend to the matters, and along comes the clerk of some committee or somebody who wants to see you about something, and your attention is taken away from the business of the Senate, and this Chamber, instead of being, to my mind, the dignified body that it should be, has more the appearance of a beer garden. That is the reason I introduced the resolve, and I think it should be passed. The scenes you see enacted here every day should not be for a moment considered or allowed.

Mr. ALLEN of Kennebec: Mr. President, I think the senator will agree with me, as far as I have visited other Senates, that there was more room than we have here, more room back of us. You put a rail in back, a respectable distance from the chairs, and you take up a large part of the floor space. If we had a sufficiently large room, it might be all right. I question the advisability of it with merely the space that we have behind these chairs.

I have all due respect for the dignity which the senator wishes to throw around this Body, but I do not think we have the space to spare for the rail.

Mr. HERSEY of Aroostook: Mr. President, I feel, with the senator from Lincoln, that that back row ought to be

protected from the lobby. (Laughter.)

The tide does not reach us here, and unless the seats are changed, why, I should suppose that something besides a rail would be necessary. I do not know as a rail would help the thing out. It of course would not add to the beauty of the Chamber, and I do not know of any lobbyist around this House and I am pretty well acquainted with all of them—that could not easily get over that rail. (Laughter.)

Mr. COLE of York: Mr. President, I have the idea that when the assignment of seats was made permanently, the counties which were immune were placed in the rear to secure those in front. (Laughter.)

Mr. HERSEY: Mr. President, there is no question about that.

The pending question being on the motion of the senator from Kennebec, that the resolve be indefinitely postponed, a viva voce vote was taken. The Chair being in doubt, a rising vote was had, and thirteen voting in the affirmative and thirteen in the negative, the motion to indefinitely postpone did not prevail.

The second reading of the bill was assigned for this afternoon.

Mr. HERSEY: Mr. President, I would like to make a parliamentary inquiry. There is no emergency clause upon that order, is there?

The PRESIDENT: The Chair will state that there is no emergency clause upon it.

Passed to Be Engrossed.

An Act to create a body politic and incorporate by the name of Bustin's Island Village Corporation.

An Act to authorize the town of South Berwick to own and maintain an electric lighting and power plant.

An Act to incorporate the Pittsfield Water District.

An Act to amend "An Act to incorporate the Livermore Falls Sewer District" as amended by chapter 441 of the Private and Special Laws of 1907 and as amended by chapter 185 of the Private and Special Laws of 1911.

Resolve in favor of Helen Gaffney.

Resolve in favor of Ina E. Chadbourne.

An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within the State.

Resolve in favor of Lee Normal Academy.

An Act to amend chapter 118 of the Private and Special Laws of 1911 relating to the Park Commission of the City of Portland.

An Act in relation to the assessment and collection of inheritance taxes.

Resolve making an appropriation for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

An Act relating to the Portland Gas Light Company. (On motion by Mr. Murphy of Cumberland, tabled pending second reading, and assigned for this afternoon.)

An Act to amend sections 2, 3, 4, 5, 6 and 9 of chapter 17 of the Public Laws of 1905, regulating the practices of Veterinary Surgery, Medicine and Dentistry.

The PRESIDENT: The Chair lays before the Senate for consideration the first matter assigned for today, an Act to regulate the use of hat pins and other decorative utilities, House Document No. 210, the pending question being the adoption of amendments.

Mr. PACKARD of Knox: Mr. President, in view of the fact that it is getting late in the session and this may create a lot of discussion, I move that it be indefinitely postponed.

Mr. DUTTON of Kennebec: The author of this bill, who introduced it in the House, realizing that it was about to meet an untimely death, has written an epic poem upon the subject and handed it to me, with the request that I read it here at the last sad rites of his offering.

This poem relates entirely to the amendments which have been offered here in the Senate:

A Memorial of Spencer of Berwick and unnamed thousands, remonstrating against Senate Amendments to House Bill No. 210.

AMENDMENT "A"

We have our labor for our pains,
Without advantage to the State,
If we mistake our heads for brains
When we attempt to legislate;
For any child in school can tell

That constitutions now prevent
Infliction of unusual
And cruel forms of punishment.

AMENDMENT "B."

This amendment, I will say, relates to the parties who have the enforcement of this law.

Creating a monopoly
Is not in keeping with the times,
No public trust should every try
Enforcement in the lesser crimes.
Far too progressive is this bill,
As this amendment well confirms,
A hundred years from now it will
Enforce itself in simple terms.

AMENDMENT "C."

While charms of person are obscure,
Existing merely in the mind,
And while their wearers are much fewer
Than wearers of material kind,
I must confess I see a chance
Of future damage from such cause,
But this amendment, I advance,
Is covered by existing laws.

EMERGENCY.

Whatever its intent may be,
This is some grave mistake, I fear,
For clauses of emergency
Apply to autos, fish and beer.
Gray matter varies so, they say,
In quality and extent,
That all emergencies today,
Require no legal precedent.

(Laughter).

I second the motion of the senator from Knox.

The motion was agreed to and the bill and amendments were indefinitely postponed.

Mr. HERSEY of Aroostook: Mr. President, I move the epic poem be placed on file with the papers in the case.

The PRESIDENT: The Chair will state that that will be done anyway.

The PRESIDENT: The Chair lays before the Senate for consideration the next special assignment for today, Resolve in favor of the Maine Wesleyan Seminary and Women's College for the promotion of certain practical sciences.

Mr. MURPHY of Cumberland: Mr. President, I move that the resolve have a passage.

The motion was agreed to, and the resolve was finally passed.

The PRESIDENT: The Chair lays before the Senate for consideration the next matter assigned for today, majority report "ought to pass in new draft" and

minority report "ought not to pass" from committee on judiciary on bill entitled, "An Act to repeal Chapter 149 of the Resolves of 1911 and to provide for State paper," Senate Document No. 351.

Mr. HERSEY of Aroostook: Mr. President, this matter comes before the Senate in this way. For a great many years the Kennebec Journal was the State paper by an act of the Legislature way back many years ago, 30, 40, 50 years. The State paper contains the notices that are published by the State for the benefit of the people of the State in regard to its lands, sale of land for taxes, or any notices that are required to be given by the State to the inhabitants of the State—the official paper. It costs about \$4000 a year or more to publish these notices.

When the Legislature met, in 1911, the administration had changed for the first time for a great many years. We not only saw new faces, but a new political party in charge of the capitol. And among the very first acts of that Legislature was a resolve changing the State paper from the Kennebec Journal to the New Age.

Up to that time the New Age was unknown. The Governor at the time of the new administration was the acting proprietor of a little weekly sheet here in Augusta called the New Age, a misnomer. It printed the paper from type it borrowed from the Kennebec Journal, and the office boy did the work. The devil, of course, was round the office all the time (laughter) and he took the place of the editor while the editor presided as the Governor of the State.

Now when that resolve came before the judiciary committee, we looked it over and good natured Joe Williamson said: "It is a matter of party spoil, this State paper, we should have it." I said, "Yes, Joe, for one member, I think you are entitled to it," and I thought then, and I think now, it is a matter that the party in power should control, have the say about. And we made no objection. We gave Joe a unanimous report. It went into the House and Senate and went through flying as a part of the spoils of office.

To be sure, it was not a very wise move. We didn't want to make any kick about it—because if we are going to make a paper the State paper, we ought to take a political paper, of course, that is natural, but we should take some sheet that has some standing and some circulation. We could have taken the Portland Argus, or the Waterville Sentinel, at that time, and made it the State paper, and it would have looked a little more decent, but then we couldn't turn aside from the Governor, and we said, if it is an administration measure, you know, why put it through—and we did. Well, the Governor, while he attended to the duties of his office, had the benefit of the \$4000, during the past two years.

And then the administration changed again and the Republicans were in the majority in both houses.

Mr. MOREY of Androscoggin: Won't the senator repeat that, please? (Laughter.)

Mr. HERSEY: I will say in answer to the senator from Androscoggin that perhaps I was in error. It was so understood that we were in possession of both Houses. Perhaps the Senate was the only one in which we had the actual possession. But in the first hours of the Legislature, acting under that false presumption, perhaps, I put in a bill changing the State paper from the New Age to the Kennebec Journal, or put it back again where it belonged, and I didn't suppose there was any Democrat in this Legislature who would rise and smite that bill on the ground that we were playing politics. I was mistaken also there.

The bill went through the committee all right, because even the Democrats on that committee thought it was proper spoils of office and we ought to have it. They gave us a favorable report and it came into the Senate, and not a Democrat, even the senator from Androscoggin did not rise up against it, because he recognized as a matter of principle, a matter of politics, we were entitled to it, and of course he didn't make any fight in the Senate or in committee over the matter—let it go on to the House, for it is no use to fight for a principle in the Senate, you understand, the place

to fight for your principles is in the House—I am speaking now from the Democratic standpoint. We had a postmaster in the Senate. It was a wicked matter of course to have a postmaster in the Senate. He ought to be unseated.

But the senator from Androscoggin, and the other senators of the Democratic party said, although it was a great principle to fight for they would not fight for that principle in the Senate, they would allow that principle to be fought out in the House. To make a fight for such a principle in the Senate, of course—don't do it. And so the State paper went on to the House.

Well, the Democrats forgot about two years ago, and they got together and had a caucus on the State paper and decided that the Argus shouldn't have it, that the Sentinel shouldn't have it, but that it should remain where it was, for the reason that the editor was out of his job and he would have to discharge the devil and go back and do the work to make a living, and he wasn't sure of getting a job, and of course it wouldn't do to leave an ex-Governor out of a job, any way, of some kind.

Well, that is all right, if they didn't want to play the golden rule with us. I understand the golden rule is not used by the Democrats in this Legislature. That is abolished. They are good fellows enough, but as far as the golden rule in politics is concerned they do not recognize it. So they did not—when it came into the House they stood man to man to abolish the golden rule, you understand. Well, they could not accomplish it that way. They had to have some help, and so they looked around for the Progressives in the House. I do not know what arguments they used with the Progressives, but this is the situation.

The leader of the Progressives got up in the House, the Record shows, and said as a matter of principle and honest merit, the State paper should go over to Lewiston, the Lewiston Journal was the only Progressive journal in the State of Maine, and on the merits of the question it should go over there. And after making a speech in favor of the Lewiston Journal, they turned round and voted for the New Age. Now I

couldn't understand it. I never will understand it. Of course when the Progressives stood for a Progressive measure the other day in the House and voted for woman's suffrage, the Democrats did not come up and help them. There is not only no golden rule with the Democrats, but there is no reciprocity with the Democrats. (Laughter.)

I do not know but the Progressives thought they would capture some Progressives from the Democrats. Ha! Just about as many Progressives will come from the Democratic party in the days to come as there will be teeth in hens. (Laughter.)

Now what is the use of making a fight over this matter when it comes back into the Senate on the disagreeing action of the two Houses? I feel that the Democrats will stand without hitching; that the Republicans cannot be depended upon to play politics for a moment. You can depend on the Democrats to stand just where their leaders say they shall stand, without the golden rule, and without any reciprocity. And we are up against the real thing on the State paper, and because we are, I move, Mr. President, that we rescind our action to concur with the House in the indefinite postponement of this, "my pet measure."

Mr. COLE of York: As the only Progressive in the State, I want to go on record because I have been asked to by our party.

A few weeks ago the senator from Aroostook stood in his seat, and in that beautiful, dramatic way that he had taken solemn oath to uphold the Constitution and the laws of the State of Maine, and I am going to stretch that Constitution once more and say that we took our oath to uphold the dignity also of the great State of Maine, for if we take our oath to uphold the Constitution and the laws, we must take our oath to uphold the dignity of the State.

The matter of State paper, it seems to me, may be looked at from two standpoints, and I am not sure that the New Age is not the proper paper for the State paper. For instance, if the advertisements had been in the New Age when De Forest Keyes came to Maine, he

would not have come, because he would not have seen them, and the State of Maine would have been absolved from a great moral question, today, whether it has stolen something or whether it has gotten something legitimately.

It seems to me that the present State paper, instead of new age, it is the second childhood, or old age, and its circulation is a little sluggish probably. Therefore it may be well, in order to save the morals of the State of Maine, that the New Age remain the State paper, because I presume, Mr. President, that any advertisements placed in the New Age by the State of Maine will be on the same principle that a farmer who wants to sell his farm nails up a big poster on the barn door when it is open, and then closes the door and leaves the poster on the inside.

I presume also it would be a good deal like trying to find the news of the day by looking at a last year's almanac. I have studied the New Age a great deal in connection with the great problems that have been before this Legislature. Oftimes its circulation has been so great that I have been unable to find one, and I presume the devil was busy and it came out a day or two late and I was a little early. I have also tried to find the editorial page there, and somehow or other the editorial page is a very changeful affair. Sometimes you found it, oftener you didn't. But when you find it, it doesn't have any editorial on it. And, therefore, the policy of the paper, it seems to me, is absolutely independent, if it has any policy whatever. Therefore, as a Progressive in this Senate I want to defend the New Age, that it is not a partisan paper, because there is nothing in it, absolutely nothing, and no one who reads it would ever be influenced by its views. I cannot conceive of the senator from Aroostook standing here and throwing mud at an organ of that kind, and I resent it as a member of this Legislature, that any persons should stand in his seat in this Senate and in any way detract from the merits of the State paper, because it is a part of the organism of the State of Maine at the present time and must be regarded with all the dignity of every other office or official within the State.

Therefore it seems to me, Mr. President, that the Democrats acted with their usual wisdom, and that with all the things that they have done at this session of the Legislature, this is one of the things by which they are to be judged as acting from purely honest, patriotic motives. And if the owner of the New Age can't get enough out of it by his own endeavors, it seems to me that the State of Maine owes him a living. And if the Democratic party, the great party of the people, can save some one from want and penury, it seems to me that it has done its duty which it has proclaimed to the people from the times of Jefferson to the present time, and therefore I admire the principles of democracy so beautifully carried into effect.

There was, however, another paper beside the Kennebec Journal, and that paper was the Portland Press. My brother from Aroostook seems to have been a little prejudiced in favor of the Kennebec Journal. I cannot stand here without paying a compliment to one of the brightest Republican papers in the State of Maine. And in all sincerity I believe that it is the duty of this Legislature, if we have regard to our oaths and if we are to spend the money of the State of Maine, to spend it somewhere where at least there will be a scintilla of evidence that we are getting something in return for the expenditure.

I have no fault to find with the Waterville Sentinel, I have no fault to find with the Portland Argus, and if the Democratic party had made either of those the State paper, no Republican would have held his head in shame. I respect both of them, although I do not always agree with their editorials. But I would say in all justice to those papers, that I believe they represent the best principles of Democracy, and as such any Republican may take his hat off to an opposition paper which discusses the principles upon which our State is founded and the principles along which it is attempting to live. I have also been impressed with the breadth of the editorials of the Portland Press. During the time when the sub-committee was working upon the utilities bill, I

read the editorials daily that came out in the Portland Press. I read the editorials on the good roads bill. I read its stand on the woman suffrage question, upon all the great questions that have been before this Legislature, and I have no doubt that they came from the pen of one who has gone to the Great Beyond. But they represent the true principles of the Republican party and the true principles of the people of the State of Maine, principles of progressiveness, of honor and of honesty. And it seems to me, gentlemen, that if we are to spend \$2000 a year, if it is absolutely necessary, that if we are honest with ourselves, whatever party we belong to, we should spend it with some paper that will at least give value returned.

I have no fault to find with the New Age. I have no criticism of the editor of the New Age, and in all kindness to that paper, in all kindness to the editor of the paper, I see no more reason why the New Age should be the paper of the State of Maine, than some other little local country paper published once a week up in the north of the State, the east of the State, or the west of the State. If it is a political requisite which comes from power, then pension the man who needs it but do not spend the State's money in burying it up where no one will ever see it. If we are to spend our money, and if these advertisements are really necessary, I believe, Mr. President, that it is the duty of this Senate, regardless of whatever the House may have done, to go on record as favoring a proper expenditure of the State's money, and that we ought to vote in favor of some paper—and I care not whether it is Democratic or Republican, if the Democrats are in the majority here and will change to a good paper that the people read, then let the Democrats, if they have the votes, have the paper. But I can see no reason, unless it is a reason of expediency or exigency—that the party to whom that money goes needs it more than the parties to whom the other papers belong—why, it should remain where it is. And I do not believe that this matter should be indefinitely postponed, Mr. President.

The PRESIDENT: The question is upon the motion of the senator from Aroostook that the Senate concur with the House in the adoption of the minority report, "ought not to pass," that the Senate recede and concur with the House.

A viva voce vote was taken. The Chair being in doubt, a rising vote was had and 12 senators voting in the affirmative and 16 voting in the negative, the motion to indefinitely postpone was lost.

The PRESIDENT: The Chair will state that the report of the committee has been accepted, the bill read twice and has passed to be engrossed.

Mr. COLE: Mr. President, I move that the Senate insist and ask for a committee of conference.

The motion was agreed to.

The PRESIDENT: The Chair will announce the appointment of the committee later. The Senate has just received a message from the Governor, which the secretary will now read. To the Senate and House of Representatives:

Gentlemen:—in my inaugural address, delivered, on Jan. 2, last, referring to the prohibitory law, I said:

"For many years it has been a subject of political contention. In 1910, it was again submitted to the people and by a majority vote, in 1911, it was again re-affirmed and kept in the Constitution. If the people rule, as I believe they should, this question is settled, and no public officer has any authority but to execute the law against liquor selling in a faithful and impartial manner; and I shall do all in my power, during my term of office, to encourage the honest enforcement of all of our statutes against the liquor traffic; and I ask all good citizens who have the love of their fellow men at heart to join with me in this undertaking. I especially ask the press of the State, without regard to its political or party allegiance, to help in creating a public sentiment against rum selling and rum drinking. I regard the last election as a special test upon the question of the enforcement of the prohibitory law. No statutes should ever require such a test, but the determined efforts of the liquor interests in the State and outside of it, for the

past few years, have made this question so acute in our politics that the vote of the people, giving expression to their sentiments concerning it, is of the greatest value to all charged with the duty of enforcing this law. It seems to me now that, after the long and heated discussion we have had upon this subject, both upon the stump and in the public press, with the vote that has followed, it may now be considered as well nigh settled. No further discussion is necessary. All that remains is for the law officers, especially sheriffs, city marshals, and county attorneys, to do their duty and enforce this law in accordance with the oaths they have taken.

It has not been more than two and a half months since I delivered that message. During this time many complaints had been made to me by citizens of the State, to the effect that Sheriffs and County Attorneys in certain Counties were not doing their duty in the matter of the enforcement of this law. I have been asked to call them together and again express my opinion as to their duty in this particular, but I think I have a right to assume that they read my message, as it was published in all of the papers of the State, and I do not believe that it is my duty to say anything more to them.

The Executive of this State is not a school master and the Sheriffs, County Attorneys and other Executive officers are not children to be lectured by other public officers. Also, I think I have a right to assume that Sheriffs, County Attorneys and other Public officers are capable of reading the Statutes of Maine.

The Constitution (Article 5, Section 1, Part 1) vest the supreme Executive power of the State in the Governor. Section 112 of the same Article, provides that, "he shall take care that the laws be faithfully executed." With these general provisions the details are left to the law-making power, the Legislature; but no Statute is now in force enabling the Governor to secure enforcement of the law when a sheriff refuses to perform his duty: all which gives to the Governor any direct power, or authority over that

officer, except by Revised Statutes, Chapter 82, Section 9, which provides that he, the Governor, has the right, "to order," such officers to perform their duties, but to my mind this right "to order," or the order as given, could have no force or affect upon an officer who does not obey the Statutes. Ours is a Government of Law, not men. The impotence of a mere "order," as a weapon for effective use under such circumstances, in the hands of a Governor, must be obvious to anyone able to read our Statutes.

It is true that by what is commonly known as the "Oakes Law," (Chapter 41, P. L. 1905) it is especially provided that "any sheriff, deputy sheriff or county attorney, who shall wilfully or corruptly refuse or neglect to perform any of the duties required by this Section, shall be punished by fine not exceeding \$1000, or by imprisonment not exceeding one year," and the duties required by "this Section," are to "diligently and faithfully inquire into all violations of law within their respective counties, and institute proceedings in case of violations or supposed violations of law, and particularly the law against illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, gambling houses or places, and houses of ill-fame."

This Statute has no practical method of enforcement, as it is not likely that a county attorney would prosecute himself or the sheriff of his county, especially when the two were of the same political party.

It is true that a Governor would have the right to request an attorney general to go into any county and conduct a prosecution of such officer or officers for not complying with said Statute, but there is no Statute, requiring of the attorney general the performance of such a duty, and it is doubtful if, with the work now in office and without any provision for assistance, he could find time to conduct such prosecutions.

I understand an amendment to this Statute is not before the Legislature, especially requiring the attorney general to do such work, and in case he does not find the time, to request of the court the appointment of some at-

torney to conduct such prosecution, to be paid from the county treasury. This seems to me a very reasonable amendment, and it might give to this law a practical working effect.

But such an amendment not yet passed does not cover the present situation. What the people want is the enforcement of the law against the illegal sale of intoxicating liquors, and not the punishment by fine or imprisonment of officers who fail to do that work. They want such officers removed from office and others put in their places who will enforce such laws, honestly and conscientiously. At least, this is my conviction of what our people want. If the last election in this State said anything, it said just that. With this belief, and after a careful examination of the Constitution and Statutes in regard to this matter, I see but one way open to me as the chief executive of this State.

In compliance with the promises which were made by implication, at least, to the people of the State in the last campaign, where myself, and others in my behalf, and in behalf of the party I represent, and also in accordance with the oath which I took when I assume the office of Governor, I feel that I should submit to your honorable body, for removal from office, such officers as have failed to comply with their oaths of office by neglecting and refusing to follow the mandate of the Statutes they were elected to enforce.

I am informed that the so-called prohibitory law is fairly well enforced in eleven counties of the State; that it is partly enforced in two or three other counties of the State, in the rural sections; but that in the cities of at least five counties it is not fairly or honestly enforced by the sheriffs of these counties and the deputies under them. I am further informed that in some of the counties, the county attorneys have not only failed, but neglected, and, in some instances refused to perform their duties as clearly expressed by our statutes.

Personally I know nothing of these matters, but this information comes to me from what I consider reliable

sources—from citizens whose statements I am bound to credit. It comes by petitions, accompanied by charts showing localities in cities where the liquor traffic is carried on openly and conspicuously without interference from any public officer. These assertions are accompanied by affidavits, and witnesses are anxious to go before your honorable body and testify to the actual conditions of things in this regard in different localities of the State. These petitions, statements and affidavits are coming to me daily, and it seems to me that I would be recreant in my public duty did I not give heed to them.

The most flagrant and complete case which has been presented to me is that in the County of Cumberland, particularly in the City of Portland. Accompanying this message I submit a statement stating the number of places and designating the streets where liquors are sold in open violation of the law, also a chart showing a number of places in the vicinity of two public schools where this nefarious traffic is carried on openly, the existence of which should be known to any sheriff and deputies in the exercise of ordinary intelligence and diligence in the prosecution of their official duties.

This being the case, I first present to you for removal from office, as provided by the Constitution and laws of the State, Lewis W. Moulton, sheriff of Cumberland county, and ask you to proceed before your adjournment with such case, in a due and regular manner.

If he shall be found guilty and removed from office by your honorable body, it is my purpose to appoint someone who will enforce the so-called prohibitory law in Cumberland county and the city of Portland.

Following this case, and, for the same reasons as given in this communication, I shall probably submit to you, for removal from office, other cases from other counties against other officers, when the evidence promised has all been filed with me in each case, sufficient upon which to base such a proceeding.

You will understand that I have no legal authority to investigate the truth of these charges, or even to procure evidence for my guidance, but the source and nature of these complaints and facts which have been brought to my attention, lend too much color to the charge to permit of their being ignored by anyone having a duty to perform in the premises, and I can see no other way but to turn them over to you.

Under the Constitution I can see but one adequate remedy for this situation, and that is to proceed to remove from office any and all public officers who fail to perform their duty and become thereby guilty of misfeasance in office. Under our Statutes this may be accomplished either by impeachment or address. Your honorable body is the only court open to the Executive under the circumstances to which this matter can be referred, and with the accompanying papers, I respectfully refer to you, at this time, the said case of the sheriff of Cumberland county.

Accompanying this message will be found a list of witnesses in this case, together with some petitions and plans, and I have further affidavits which can be furnished your honorable body upon request.

Mr. STEARNS of Oxford: Mr. President, before taking action upon this message of the Chief Executive, I move that the Senate take a recess of ten minutes.

The motion was agreed to.

After Recess.

Senate called to order by the President.

The PRESIDENT: Is it the pleasure of the Senate that the message from the Governor be received and placed on file, and sent down for concurrence?

There was no objection and it was so ordered.

Mr. STEARNS of Oxford: Mr. President, I desire to present at this time a Resolve in favor of the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff for the county of Cumberland.

The resolve was read by the secretary, as follows:

Resolve in favor of the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff for the county of Cumberland.

Resolved, That both branches of the Legislature, after due notice given, according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff for the county of Cumberland, for the causes as following:

First. Because the said Lewis W. Moulton, who is now holding the office of sheriff for the county of Cumberland, and who has held said office continuously since the first day of January, A. D., 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as such sheriff by Section 68 of Chapter 29 of the Revised Statutes of this State as amended by Chapter 41 of the Public Laws of 1905 and particularly his duties as said sheriff in enforcement of the law against the illegal sale of intoxicating liquors and the keeping of drinking houses and tipping shops.

Resolved, The House of Representatives concurring, that these resolutions and statements of causes of removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Lewis W. Moulton by such person as the President of the Senate shall appoint for that purpose, who shall make said service upon his personal affidavit without delay, and that the first day of April, at eleven o'clock in the forenoon, be assigned as the time when the said Lewis W. Moulton may be admitted to a hearing in his defense.

Mr. STEARNS of Oxford: Mr. President, as it will be necessary, in order to expedite the proceedings, that a joint committee be appointed to consider the course of proceedings, I introduce an order at this time for that purpose and move its passage.

The order was read by the Chair.

Ordered, that a committee of three, on the part of the Senate with such as the House may join, be appointed to

consider and to report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal in the case of Lewis W. Moulton, sheriff of the county of Cumberland; and that the secretary of the Senate be directed to issue due subpoenas for the summoning of witnesses to be present and testify at such hearing, upon application of either prosecution or defence, and that counsel be furnished either party.

The order was passed and sent down for concurrence.

The PRESIDENT: The Chair announces as members of the committee on the part of the Senate, the senator from Oxford, Senator Stearns; the senator from York, Senator Cole, and the senator from Lincoln, Senator Baynton.

The PRESIDENT: The Chair lays before the Senate the next matter assigned for today, Senate Document 333, An Act to provide for the care and treatment of tubercular patients.

Mr. BAILEY of Penobscot: Mr. President, in the absence of Senator Richardson, I move that the bill be taken from the table. I yield the floor to the senator from Oxford.

The PRESIDENT: The pending question is the second reading of the bill.

Mr. STEARNS of Oxford: Mr. President, I was much interested in the discussion of this question, the other day, because as far as the details of it are concerned, it is practically new to me, and I felt myself very much in sympathy with all that was said, as any one would naturally feel upon a subject of that nature.

I have no doubt that those who spoke upon it, having given it more or less thought and study, feel thoroughly that such an institution is necessary at this time. I would not myself for a moment undertake to argue that it would not be desirable, if the State had the means at hand to take hold of it at this time. I felt during that discussion that I was not sufficiently informed as to just what the program might be, where the institution might be located, who would be liable to be sufficiently interested in it to give it the thought and the considera-

tion which would be necessary in order to work it out properly. Those were the things that were going through my mind at the time. I have since given it a little thought along this line, I have asked some questions, but I am not satisfied that we are ready at this time to take hold of such a large project.

We know that there is danger in appropriating too much money, more than will be likely to be raised. We know that four years ago there was too much money appropriated. It was not taken care of by the proper means and the State was criticised. Let us not make the same mistake this time.

Four years ago the party in control were criticised for appropriating money that they were not sure could be taken care of. Now I feel that we should not make that same mistake at this time, and I feel that we may perhaps well let this question rest for two years.

There was some suggestion by some of the physicians for the cure that is now being investigated. I am not acquainted with it myself but I understand that it has great prospects, that there is hope for it. May we not perhaps hope that that will take care of the situation? With this in view, and the financial situation in view, Mr. President, I feel that this bill at this time should not have a passage, and I, therefore, move that it be indefinitely postponed.

Mr. BOYNTON of Lincoln: Mr. President, I dislike very much to have this action taken. As I said, the other day, now is the time to do it, that we could spare \$100,000 and still, if we would be wise in what money we appropriate later on, have plenty of money to build this hospital, not to exceed the expense of \$100,000. Every State in New England has from one to four hospitals of this kind, and I see no reason why we should not do this now. The Legislature that comes here, two years later, will be no better financially able to do it than this one is.

The genial senator from Penobscot, Senator Bailey, in his remarks on this matter, near the close, the other day, took occasion to say that he moved that the matter be reassigned "in order to

give the rest of the Democrats a chance to make speeches." Now that there were any politics in the remarks of the senators, the other day, never entered my mind. Politics was the farthest thing from it, and I was sorry and I shall be sorry if politics are injected into this matter. They should not be. It is not a party question, but if the majority think best to make a political question of it, we certainly will welcome that issue.

Mr. PATTEN of Hancock: Mr. President, I ask that when the vote be taken, it be taken by the yeas and nays.

Mr. PACKARD of Knox: Mr. President, I feel that if this vote had been taken when we were discussing the question the other day, that it would have passed the Senate. At the present time I am not sure. Something has seemed to change. I do not know whether it is dissatisfaction, the Governor, or who it is. Anyhow he has been around here talking a lot against it, and my idea is that if the Governor wants to kill anything that the proper way for him to do it is to veto it, not to be lobbying against it.

I have never supposed there was any politics in this, but I fear now there is, the way the thing has developed. Now I hope that when the Senate votes on this, that every senator will vote just as he thinks, lay politics aside and vote just as he thinks, and consider the good that this thing is going to do.

Mr. MURPHY of Cumberland: Mr. President, I am very glad to have the question of politics set aside and take this up in a business way. It seems that there are many institutions coming here and asking for appropriations, for tubercular hospitals and other matters along that same line.

Dr. Patten told us the other day how many people die in the State of Maine in a year from tuberculosis, and it seemed to me that many people and the relatives of many people, would refuse to send their people to a central hospital. I believe that many of them would rather have them in the immediate neighborhood and have them taken care of by a local institution, even though aided by the State to a certain extent.

I believe the institution of another large hospital would mean more money in the

future. But we never know where it will stop. And after considering the many other things heard by the various committees, asking for appropriations, I am led to believe that if we indefinitely postpone this bill it would be for the best interests of the State, and I shall vote accordingly.

The yeas and nays having been ordered, the secretary called the roll.

Those voting yea were: Messrs. Allen, Bailey, Burleigh, Chase, Clark, Colby, Cole, Conant, Dutton, Emery, Hersey, Maxwell, Murphy, Richardson, Smith, Stearns, Walker, Wing—18. Those voting nay were: Messrs. Allan, Boynton, Flaherty, Hagerthy, Hastings, Jillson, Mansfield, Morey, Moulton, Packard, Patten, Reynolds—12.

Eighteen senators having voted in the affirmative and twelve in the negative, the motion of the senator from Oxford to indefinitely postpone the bill prevailed.

The PRESIDENT: The Chair lays before the Senate for consideration the next assignment for today, An Act to regulate the business of dealing in securities. Senate Document No. 541.

Mr. BAILEY of Penobscot: Mr. President, in order to consider Senate Document No. 541, I move that the Senate resolve itself into a committee of the whole.

The motion was agreed to.

The PRESIDENT: The Chair designates the senator from Kennebec, Senator Dutton, as chairman of the committee of the whole. (Applause.)

IN COMMITTEE OF THE WHOLE.

Senator Dutton in the Chair.

The CHAIRMAN: The matter for the consideration of the committee, which the Chair places before it, is Senate Document No. 541, An Act to regulate the business of dealing in securities.

I suppose that the first business before the committee will be the designation of a secretary.

Mr. BAILEY: Mr. Chairman, I move that the secretary of the Senate act as secretary of the committee.

The motion was agreed to.

Mr. BAILEY: Mr. Chairman, this act is what is commonly called the Blue Sky law. It got its name from the fact that some brokers or dealers in securi-

ties were so arrogant that they sought to sell bonds and securities which were founded on nothing more than a piece of blue sky.

The bill is along the line of other bills that have been passed in this Legislature to make business easier, to protect those who are honest in business and to punish those who are dishonest.

The business of dealing in bonds, stocks, debentures and other securities, as every one knows, has got to be of large proportions. Our State is overrun, as are all other states, with salesmen representing different firms, or themselves, or corporations, or no one at all, selling securities of one kind and another. It seems they say the State of Maine was a sucker state, but it seems that it did not compare with the state of Kansas, for out there they could sell almost anything that looked like a security, and so alarming became the situation there that the bank commissioner of that state framed up a law and it was put upon the statute books to regulate this business.

Every one within this Senate probably knows of one or many instances where people in our State have been defrauded through the sale of worthless securities, and it has been asserted by those who know that millions of dollars have been taken out of our State by people who had really nothing to offer. And it did seem that if there was any law that could be passed that would in any way mitigate that evil and save the money for the benefit of the State, or at least for investment in securities that would bring them something, it would be best.

There has been a widespread demand in our State for such a law. In fact, I was surprised. I thought perhaps, when the law first came here, that it was something which had been passed in some other states and therefore they put it in here, but since I have been engaged on the work of this bill, I have received many letters and telegrams from people asking that such a bill be put in force.

The matter was heard before the legal affairs committee, and bankers and bondmen came before the committee, and many of them were in favor of it.

In fact, I think nearly every one was in favor of some kind of a law, because if we can stop the sale, or hamper, or perhaps mitigate the sale of these worthless securities, it will save so much more money to be invested in good securities. Because, if a man, for instance, makes an investment in some security that is worthless, why he becomes suspicious, and instead of putting his money out he may tie it up in a savings bank, where of course most of it goes out of the State to help other business. So that it has a direct hampering effect upon the circulation of money in our State. The sale of these worthless securities has deterred many people who would like to buy securities, who would like to invest their money in them, from investing in any securities at all, and it has hurt the business of bankers and brokers and bond dealers and salesmen in this State on that account.

At first there seemed to be some legal objections to the passing of such a bill, but upon study and consideration the committee thought that they could obviate any legal difficulties which might stand in the way of this bill, the passing of such a law. And we have tried to the best of our ability to frame a law which is not in conflict with any of the provisions of the Constitution of the State, which will hurt no honest dealer, but which will, we believe, to a large extent, prevent the sale of worthless securities in this State and so protect people and their money. We do not claim that this will stop all of that kind of business, because some of it is done by mail. But the United States Government has a law in Congress at the present time, which seeks to make more severe and also to make more expeditions the punishment of those who use the mail for this kind of purpose. And we believe that in these days when business is going at a terrible rate, when men are laboring under the stress and strain of making an honest living, and when competition is so close and so hard, that any law which will take to some extent the responsibility off of our citizens from investigating every purchase which they make, or at least give the bond dealers, the legitimate bond

dealers, some standing in our State, should be passed. Because if a man must have on his mind all the time the suspicion, or the fear, that he is being defrauded, or cheated, it is throwing a wet blanket on his enterprises and on his ambitions and on his energies in business ways.

As I said before, the committee after having drafted a bill, sent it to some of the leading bankers and brokers in this part of the country, and it was submitted to them, and the bill as a whole was approved. They believed that it would accomplish, to some extent, at least, the objects at which it was aimed. Like every other bill, probably it is not perfect, but we believe that it is a step in the right direction.

Mr. RICHARDSON of Penobscot: Mr. President, I have a few remarks to make on this subject which is of very much interest to me. The ground has fairly well covered, in fact pretty well covered by the senator from Penobscot, Senator Bailey. As he has explained, the first law of this character was put on to the books of Kansas less than two years ago.

The interest in the subject throughout this country may be gauged by the fact that this law has been given a colloquial name and is known everywhere as the Blue Sky law.

Out there in Kansas some four years ago there was an official in the bank department by the name of Dolly, the bank commissioner. Mr. Dolly was a man who looked ahead in his business, he was on the watch for methods of protecting the innocent investors of this state, and it became apparent to him that residents of Kansas were being fleeced, because he was receiving letters from rural people asking for information as to securities.

There came so many of these iniquities that he caused it to be known that he would give advice on securities, and as a result he became convinced that there should be a law because in almost every case the people would write to him after the injury was done, after they had bought the worthless stock. And so he set to work to remedy the difficulty, and

as a result that first Blue Sky law was passed.

After the law had been in operation less than two years, Mr. Dolly made a speech before the Bankers' Association of Illinois, and in writing to me about the efficacy of the law he referred me to this speech and to some statements he made there. It seems that in less than two years he had 1500 applications for license for right to sell securities in the state of Kansas. Out of that 1500 there were less than 100 granted. Now that does not mean that all of those 1400 were fake securities. It turned out to be the case that in a great majority of cases, when these people back of these offerings found that the bank commissioner was going to make an investigation of the standing of the company, was going to get to the bottom of the security and find out what there was in it, they quietly withdrew their application. The need of the law was strongly exemplified by that very act. There can be no question about it.

When I first became interested in this proposition, I wanted to know what independent observers in Kansas would say as to whether or not it was a good law, and so I took the matter up with a lot of banks there, national banks, savings banks, state banks, in different parts of the state, writing to the officials. I did not receive any criticisms of the law from any one of these, on the contrary, many warm endorsements of it. The recent candidate for governor on the Progressive ticket, Mr. Arthur Capper, wrote me that if such a law should be placed on the statute books of this State it would be one of the best acts that could be done, after watching the operation of the law there. The standing of the man in Kansas may be judged by the fact that he ran 15,000 votes ahead of ticket and came within a dozen votes of being elected Governor.

I found, however, that there were many criticisms of the Kansas law, and those criticisms came from the man who was responsible for it, some of them. Mr. Dolly himself stated that the law was too drastic, it could not be enforced in the case of responsible dealers. And for that reason, in draft-

ing this bill, or rather the original bill which was submitted by me, I took advice from a great many different sources from men competent to pass on it.

I found that the Investment Bankers' Association of America was very much interested in it, so much so that they authorized a committee to draft a model law. That committee worked long and diligently and they supplied me drafts. I further found that in the state of Massachusetts the matter was considered of such importance that a commission was appointed to pass upon the whole subject and to report at this Legislature. As a result the Legislature of Massachusetts now has three laws before it, one of them very similar to the one which we propose to vote to pass.

The state of Vermont has just passed a revision of the Kansas law. The judiciary committee in the state of New York has reported a revision of the Kansas law. And to show the widespread interest in this proposition, I will only state that at this time there are 23 Legislatures contemplating laws of this character.

The law which was finally reported by the legal affairs committee I will describe briefly. In planning for the operation of such a law, the committee who passed upon it saw the necessity of safeguarding the interests of legitimate securities. In no class of business is confidence so essential as in this business. There must be no breath of suspicion on the bonds or other securities offered for sale by reputable parties. Their securities and their business should be looked out for. And with that in mind the matter was taken up at length with the dealers in investment securities.

There was another danger in preparing such a law, and that was that too much importance might attach to the fact that some dealers were licensed. If the dealers were inclined to be a little cocky they might claim that the State of Maine was insurer of their securities, and for that reason precautions were taken in drafting the act.

Now briefly, passing to the act, I will say that in order to make the law

apply to the class of dealers that we wanted to make it apply to, that is, the irresponsible fellow who does not know what he is offering in many cases, and in many cases he knows too well that he is offering a worthless security, it was necessary to include every dealer, not only the small firms, the retailer, but the corporations, any bank which might be dealing in bonds or stocks as a business, or any trust company. It is necessary to have every person, individual or corporation handling securities, register with the banking department, and we provided for that. They simply have to give information as to their reliability.

Upon being satisfied that the applicant is a man of good reputation, the bank commissioner is authorized to issue to him a license, or license him in some form. But this act provides that it shall state on the face of it, in bold letters, the fact that the State of Maine does not in any sense endorse or guarantee the securities offered under that license.

We further provide that salesmen or agents of the dealers may be registered, and they also are required to take out a license. They are required further to carry that license with them. This license bears the same statement as to the non-warranty of the State of Maine. And they are required by this act to be ready at any time to show their authority from the State, that they may not in a moment of too great enthusiasm make too great claims as to what the State of Maine says in regard to their securities.

We provided for appeal in case the decision of the bank commissioner is unfair or can be questioned; and we also provided that in case any person holding a license from the State does any questionable act, his license may be revoked.

Now we come to the most important part of the act. The whole purpose of this act is to put into the hands of an official of this State the power at any time to make any investigation he cares to, and to require further, if he desires, that any applicant shall satisfy him that he has been selling rep-

putable stocks and that he will sell reputable stocks. Consequently we provide that the bank commissioner may at any time get full information from any license, either at the time of taking out his license or later. He can go as far with that as he wants to, as he thinks necessary. He may call for a statement as to the standing of the company issuing the securities.

I think these are the salient points, the important parts of this legislation. We provide fairly severe penalties, a fine of a thousand dollars or imprisonment in jail sixty days for any one filing any false information or breaking this law.

There have been some agreed upon amendments which will be offered.

Mr. MOREY of Androscoggin: Mr. Chairman, when I came to the Legislature, it was my purpose to introduce a law known as the Blue Sky law.

At the meeting of the Chamber of Commerce, a few days before the convening of the Legislature, a suggestion was made and adopted by the Chamber of Commerce that it was very desirable indeed that a law such as this be enacted. It was my purpose to introduce such an act. I found after a little talk that Senator Richardson had the matter under advisement, working along the same lines, and I know that the general purposes of the act—the details I am not familiar with—are absolutely correct, and is something that there should be no hesitancy in adopting. I am going to say conservatively that in the cities of Lewiston and Auburn \$150,000 is taken out every year on worthless securities on the representations of men as to the value of stocks and bonds that ought never to be sold. What is true of that community is also true of others. I received a communication which I turned over to Senator Richardson from the Board of Trade at Sanford, warmly endorsing the proposition, and I think there has been a great deal of favorable comment in the business centers throughout the State.

The bill simply requires that persons purchasing stocks and bonds be treated

honestly. That is the upshot of the whole bill. The insurance commissioner has virtually supervision over the matter, and if it is found that anyone is dealing in securities in wrong way under the license that he has, it can be taken away from him. This bill cannot be commended too warmly and I hope that the bill will receive the hearty and unanimous support of this chamber.

The CHAIRMAN: In the absence of objection, the Chair lays before the committee Senate Document 604, Senate Amendment "A" to Senate Document No. 541.

"Section one, in line 18, strike out the word "notes" and insert in place thereof, the word 'securities,' so that said paragraph as amended will read as follows:

"The term "securities" shall include all stocks, bonds, debentures or certificates of participation, and all other forms of securities, except that it shall not be held to include commercial paper or other evidence of debt not running more than nine months, or securities legal for purchase by savings banks under the statutes of any New England state, or notes secured by mortgage of real estate in this State, or to the shares of loan and building associations organized under the laws of the State of Maine."

Mr. BAILEY of Penobscot: Mr. Chairman, as that is wholly a verbal amendment in line 18 of Section 1, providing that the word "securities" shall be substituted for the word "notes," I move its adoption.

The motion was agreed to, and Senate Amendment A was adopted.

The CHAIRMAN: The Chair lays before the committee for consideration Senate Document 605, Senate Amendment "B" to Senate Document No. 541.

"Section 9. Beginning in line 15, strike out the words "The decision of the commissioner as to the efficiency of evidence, the violation of the provisions of the act, the dealer's dishonesty, deceit, or fraud, or the existence of reasonable cause of belief, shall be conclusive unless reversed by order of court."

Mr. BAILEY of Penobscot: Mr. Chairman, this amendment comes in section 9, in the middle of the section on page 8. Without taking the time of the Senate, I will say that in the opinion of the com-

mittee that is something that is reiterated and has no force in the bill because the same thing is provided in another section, and this can be ~~stricken~~ out without in any way affecting the efficiency of the bill and saves redundancy.

I move the adoption of Senate Amendment B.

The motion was agreed to.

The CHAIRMAN: I now lay before the committee Senate Document 606, Senate Amendment "C" to Senate Document No. 541.

"Section 9. Beginning in line 35, strike out the words "The Decision of the commissioner as to the violation of the provisions of this act, the agent's or salesman's dishonesty, deceit, or fraud, or the existence of reasonable cause of belief, shall be conclusive unless reversed by order of court."

Mr. BAILEY of Penobscot: Mr. Chairman, that amendment comes under the same category as Amendment B, and without taking the time of the committee, I move that it be adopted.

The motion was agreed to and Senate amendment C was adopted.

The CHAIRMAN: I now lay before the committee Senate Document 607, Senate Amendment "D" to Senate Document No. 541.

"Section 1. In line 18, strike out the word "notes" and insert the word "securities."

Mr. WING of Franklin: Mr. Chairman, the substance of Senate Amendment D has already been adopted in Senate Amendment A. For that reason I move that Senate Amendment be rejected.

The motion was agreed to.

The CHAIRMAN: The Chair lays before the committee Senate Document 608, Senate Amendment "E" to Senate Document No. 541.

"Section 7. Beginning in line 4, strike out the words "shall at all times when so engaged carry with him the registration certificate, or a copy thereof, certified by the commissioner, which shall at any time be shown to any prospective customer upon request."

Mr. WING of Franklin: Mr. Chair-

man, Senate Amendment E I will say, after a conference with the senators interested in this bill, they were very much opposed to the adoption of Senate Amendment E, and for that reason, I move that it be rejected.

The motion was agreed to.

The CHAIRMAN: The Chair lays before the committee Senate Document 609, Senate Amendment F to Senate Document 541.

"Section 8. In line 2 strike out the words 'verified by oath.'"

Mr. WING: Mr. Chairman, I move the adoption of Senate Amendment F.

Mr. BAILEY: Mr. Chairman, the committee do not think this amendment of the senator from Franklin affects the bill, and so they second the motion that it be adopted.

The motion was agreed to, and the amendment was adopted.

Mr. BAILEY: Mr. Chairman, Amendment G is covered by Amendment D, already adopted, so that I move we reject Senate Amendment G.

The motion was agreed to, and Senate Amendment G was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document 611, Senate Amendment "H" to Senate Document No. 541.

"Section 9. Beginning in line 36, strike out the words "The decision of the commissioner as to the violation of the provisions of this act, the agent's or salesman's dishonesty, deceit or fraud, or the existence of reasonable cause of belief, shall be conclusive unless reversed by order of court."

Mr. WING: Mr. Chairman, Senate Amendment H has also been covered by an amendment already adopted, and for that reason I move that be rejected.

The motion was agreed to and Senate Amendment H was rejected.

The CHAIRMAN: The Chair lays before the committee Senate Document 612, Senate Amendment "I" to Senate Document No. 541.

"Section 12. In line 5, strike out the words 'three thousand' and substi-
tute

in place thereof the words 'five hundred'; and in line 6, strike out the words 'two years' and insert in place thereof the words 'sixty days.' "

Mr. WING: Mr. Chairman, I offer an amendment to Amendment I.

The CHAIRMAN: The senator from Franklin offers an amendment to Senate Amendment I. "Amend Senate Amendment I by striking out the words 'five hundred' in the second and third lines thereof and inserting in place thereof the words 'one thousand,' so that said section, as amended shall read as follows: "In line five, strike out the words 'three thousand' and substitute in place thereof the words 'one thousand'; and in line 6 strike out the words 'two years' and insert in place thereof the words 'sixty days.' "

On motion by Mr. Wing, Senate Amendment I, as amended, was adopted.

The CHAIRMAN: The Chair lays before the committee Senate Document 613, Senate Amendment J to Senate Document 514.

Mr. BAILEY: Mr. Chairman, this amendment excepts trust companies organized under the laws of the State to do a business in said State.

This amendment was presented and argued before the committee at the time of the hearing. But your committee could see no reason why a trust company which was engaged in the business of selling stocks and bonds should not be licensed just the same as any other dealers. There are some small trust companies in our State which do a small business in the sale of securities and bonds which would not have the standing in the financial world that some of our larger bond houses would, and they are in the same business and we would see no good reason why they should not be registered and come under this act. If they offer for sale stocks and bonds, and a person wants to know about those stocks and bonds, if they are exempted there is no way in which the bank commissioner could get information from them in regard to their offerings. But all other dealers in stocks and bonds would

come under the provisions of the act, and we believe that trust companies, who are engaged as a part of their business in the sale of securities, should be registered under the act. And therefore I move that the amendment be rejected.

The motion was agreed to and Senate Amendment J was rejected.

The CHAIRMAN: The Chair now lays before the committee Senate Amendment K to Senate Document 541, presented by the senator from Franklin.

Mr. BAILEY: Mr. Chairman, this amendment is seeking to take from the operation of the law the stocks of national banks and trust companies. The same question was presented before the committee, but we could see no reason why the public should not be protected in the stocks of trust companies and national banks, as well as they should be in the purchase of any other security. If a man wished to invest in the stock of a national bank or the stock of a trust company offered for sale, the committee could not see why he could not make inquiry of the bank commissioner, and the bank commissioner could make the trust company present evidence showing the value of that stock. For that reason, we move that Senate Amendment K be rejected.

The motion was agreed to and the amendment was rejected.

The Chairman now lays before the committee Senate Amendment L, being Senate Document 615.

Mr. BAILEY: Mr. Chairman, this provision is that the words "knowingly" and "wilfully" be inserted in the act in Section 12. If these words are inserted in the act, it will take in a large degree from its effectiveness, because the bill will cease to place the responsibility on the parties who wilfully,—if you will, because I think the court would probably read that word in anyway to a certain extent—violate this act.

A man is supposed to know the law and the words "knowingly" or "wilfully" would have no effect if the court should see fit to read them in, and if they are put in there with the intention of making the knowledge the essential feature of the crime, they detract very

much from its effectiveness. Therefore, I move the rejection of Senate Amendment L.

The motion was agreed to, and Senate Amendment L was rejected.

Mr. BAILEY: Mr. Chairman, if there is no other business to come before the committee, I move that the committee now rise and the chairman report to the Senate the recommendations of the committee.

The motion was agreed to and the committee of the whole arose.

IN SENATE.

Senate called to order by the President.

Mr. DUTTON of Kennebec: Mr. President, the committee of the whole to which was referred bill, An Act regulating the business of dealing in securities, Senate Document 541, with proposed amendments thereto, have had the same under consideration and ask leave to recommend to the Senate that Senate Amendment A, Senate Document 604; Senate Amendment B, Senate Document 605; Senate Amendment C, Senate Document 606; Senate Amendment F, Senate Document 609; Senate Amendment I, Senate Document 612, as amended, be accepted; and that Senate Amendment D, Senate Document E; Senate Amendment G, Senate Amendment G, Senate Amendment H, Senate Amendment J, Senate Amendment K and Senate Amendment L were rejected.

The report was accepted, and Senate Amendments A, B, C, F and I, as amended, were adopted in accordance with the recommendation of the committee. And Senate Amendments D, E, G, H, J, K, and L were indefinitely postponed in accordance with the recommendation of the committee.

The second reading of the bill was assigned for this afternoon.

The PRESIDENT: The Chair lays before the Senate for consideration the next matter on the calendar, majority report "ought to pass" and minority report, "ought not to pass" from the committee on judiciary on bill, An Act relating to the powers of the board of prison and jail inspectors.

The pending question is the acceptance of either report. In the House the minority report "ought not to pass" was accepted.

On motion by Mr. Hersey of Aroostock, the minority report "ought not to pass" was accepted in concurrence.

The PRESIDENT: The next matter for consideration is the report of the committee on Maine School for Feeble Minded, "ought not to pass" on Resolve relating to the appointment of a committee to investigate the property and management of the Home for Feeble Minded.

The pending question is the acceptance of the report of the committee.

On motion by Mr. Hersey of Aroostock, the report of the committee was accepted.

On motion by Mr. Cole of York, the vote was reconsidered whereby the Senate accepted the report of the committee, on Resolve relating to the appointment of a committee to investigate the property and management of the Home for Feeble Minded.

On further motion by the same senator, the resolve was tabled and assigned for consideration, this afternoon.

The PRESIDENT: The next matter on the calendar is An Act relating to the assistant assessors of the city of Portland, House Document No. 145.

Mr. COLE of York: Mr. President, there are two bills before the Legislature, one is a Senate bill and the other a House bill. The Senate bill has already passed, providing for the election of assessors of the city of Portland by the city, to hold office for the term of three years or until their successors are chosen and qualified. The bill provides:

Section 1. The assessors of the city of Portland shall appoint annually an assistant assessor in each ward, whose duty it shall be to furnish them with all the necessary information relative to persons and property taxable in his ward; he shall be sworn or affirmed to the faithful performance of his duty. Assistant assessors so appointed shall act under the direction of the assessor and according to the rules prescribed by them, and the said assessor

sors shall have full control in appointing and removing such assistants and filling all vacancies.

I cannot believe that that is a good law to enact into our statutes, either under a general law or under a private law, Mr. President. It seems to me that the assessors, and the assistant assessors who are subject in this bill to the approval of the assessors, have certain stated duties to perform in accordance with the general laws of the State of Maine. They are to all intents officials of our cities and towns, and it does not seem to me that any official having to do with the taxation of property, or having to do with the valuation of property upon which taxes are levied, should be subject to the appointment of individuals and subject to removal by those same individuals. I cannot believe that the Senate will sanction such a law.

It has been customary for the assistant assessors of Portland to be elected by the city government, which is a representative government of the people, and while perhaps that has not been the best way in all instances, yet it is more in accord with the principles of our government than such offices as this should be filled by the people themselves or by their representatives. I can conceive how abuses would arise under conditions where assistant assessors were appointed by the assessors themselves and subject to removal by those assessors if they refused to do their duty, or do the bidding of the assessors themselves.

It seems to me, Mr. President, that this bill should not pass this Senate.

If these assistant assessors had been elected by the people then it would have had the same merit that the election of the assessors by the people have. But they have duties to perform according to the act that creates them, they have duties to perform under the general law of the State of Maine, and to make a municipal officer, if you please, subject to removal at the will of some other officer seems to me against the policy of the law of our State.

I move the indefinite postponement of the act.

Mr. FLAHERTY of Cumberland: Mr. President, in regard to the assistant assessors, I wish to make a brief talk in regard to this matter so that the senators may know why the Portland Delegation voted favorably upon this bill. The assistant assessors in Portland are a body of men selected one in each of the nine wards. They are not responsible to anyone, for they are elected in the City Government and selected one from each ward.

It has been the custom in the past that the assistant assessors in Portland do not do their work as they ought. Some have been good men, and others have not been good men. In the majority of cases an assistant assessor would go and merely take a directory and make a report of names from it to the assessors and put in the amount for them to pay. There is absolutely no politics in this at all, but we wish to make the assistant assessors of Portland responsible to some one where they are now responsible to no one. This is merely a case of some one with a friend who wants to get \$150 or \$175 a year and that is all there is to it. This bill provides that the assistant assessors shall be under the jurisdiction of the principal assessors to bring in the number of polls and the amount of personal property, and if they do not bring in a report, which is a good report, then they shall be responsible to the principal assessors and be made to do their work as they ought to do it.

In one ward we had a man who was very capable and brought in one of the best reports that the principal assessors got. In that ward there was no representative of the majority party and someone in another part of the city moved to substitute another young man for this man who did his work to the satisfaction of the assessors. The young man who was substituted was elected, and he brought in one of the worst reports that they ever had. It is merely to correct this wrong and make these assistant assessors responsible to someone, and

also that we may get good and efficient work out of them, that we ask for this bill.

Mr. HERSEY of Aroostook: Mr. President, I would like to ask the senator a question—I do not quite understand how the present assistant assessors are appointed.

Mr. FLAHERTY: By the City Government.

Mr. HERSEY: And they report to the City Government?

Mr. FLAHERTY: They report to no one; they report to the principal assessors, and the principal assessors have no responsibility in their selection.

Mr. HERSEY: But the city government of Portland is responsible for the assistant assessors?

Mr. FLAHERTY: They report to the assessors.

Mr. HERSEY: You want to take their appointment away from the City Government and put it in the hands of the assessors?

Mr. FLAHERTY: Yes, so that they will be responsible to the assessors. It does not make a particle of difference to us, but we wanted to get an efficient force of men there to do this work. I do not care which way the Senate votes, but we thought after the trouble we have had in the last ten years that there should be something done so that they will know what they are doing.

Mr. HERSEY: I understand you think the City Government would not be as careful in whom they appoint as the assessors would be?

Mr. FLAHERTY: I can merely state this: That the city is governed by different representatives in different wards, and in order to reward some friend, irrespective of his ability to do the work, they get them these positions. I do not think the city would make as good a selection as the assessors would make themselves.

Mr. HERSEY: I think, Mr. President, it would be a piece of vicious legislation to put into the hands of the assessors of Portland. It would seem some better if the City Government have the power rather than delegate it

to the assessors. I cannot imagine of a more vicious piece of legislation than this.

Mr. MURPHY of Cumberland: Mr. President, I suppose I have the advantage of the senator from Aroostook as I served in the City Government 15 years, and I know very well, I will not say abuses, but the troubles that occur in relation to these city assessors and assistant city assessors. It seems to me from experience that this bill provides the best way that they can be appointed, and that is by the assessors themselves. We now have the assessors elected by the City Council, that is, the Board of Aldermen and the Common Council in joint session. They elect and the majority, five wards, can elect whom they see fit. It has been known that men have been elected to that position who did not know much about the city, were unfitted for the position and had to have others take their places. All the assessors have more or less trouble with the assistant assessors, for the assistant assessors are not responsible to them and they can say to them: "You did not elect me. I was elected by the City Government. If you don't like it, what can you do?"

In taking the names in the wards they have trouble, and in taking the census of the schools they have trouble. The assessors are interested in getting an accurate account of the property and the Board of Registration is interested in getting an accurate report of the voters in the wards. It comes around to election and a man goes in to vote, finds his name is not on the list and what can he do? He goes to the city hall before the Board of Registration to see whether or not he shall vote. Most of the time they get mad and say that everybody is wrong. They cannot understand why a man's name should be left off the list. Every time we attempt to reform anything in our city, we must be reformed by people outside the city. For instance, my friend Cole, knows more about our troubles than we do ourselves. I say that we wish to reform this system of procuring a list of the voters. If the Senate sees fit to take evidence from

outside the county of Cumberland and outside the city of Portland, it is all right. We have tried to reform our system. If you do not want us to reform, why then let us go back home.

Mr. HERSEY: I have no objection to the senator from Cumberland, Senator Murphy, wishing to reform things down to Portland. I was only trying to assist him, if I could. I cannot understand his position, how a minority of the City Government is going to reform the majority of the City Government. I rather think it had better be left in the hands of the majority to do the reforming.

Mr. MURPHY: Mr. President, we advertised properly the fact that we were to have a hearing in Portland commencing at ten o'clock in the morning. We did have it and stayed there right through the noon hour and stayed until five o'clock. Everyone was given ample opportunity to appear, and no one, to my knowledge, appeared. I think one man appeared, possibly, but not more than one. Any objection that has come up has come since then, as they do on other measures. People want to get at you privately, or get someone to influence your vote, but they do not appear in opposition to these measures.

Mr. FLAHERTY: Mr. President, I would like to say that this bill putting assistant assessors of Portland under the principal assessors, meets the approval of nine-tenths of Portland.

The PRESIDENT: The question is on the motion of the senator from York, Senator Cole, that the bill be indefinitely postponed.

A viva voce vote was taken, and the Chair being in doubt, a rising vote was had, and sixteen voting in the affirmative and thirteen in the negative, the motion prevailed, and the bill was indefinitely postponed.

The PRESIDENT: The next matter is House Document 527, Resolve in favor of screening Squaw Pond lake, so called, in Aroostook county.

This resolve was tabled for correction of title.

The title having been corrected, on motion by Mr. Burleigh of Aroostook, the resolve was finally passed.

On motion by Mr. Morey of Androscoggin, the vote was reconsidered whereby the Act relating to the entry of nolle prosequi in criminal cases was passed to be engrossed yesterday afternoon.

Mr. MOREY: Mr. President, I have just a few words to say in regard to this bill. It is a matter that has been here in the Senate some considerable time, and I thought after all as far as I was concerned I would consent to the matter going along without any registration of my views upon the matter. But I have been talking with some of the members of the Senate in regard to it, and it is a matter that reaches quite a little to procedure in our state, taking away the rights of certain officers entrusted by law with the management of affairs in our court, placing them where they are not intended to be placed by the people in the make-up of the constitution of the state.

This bill has received careful consideration at the hands of the judiciary committee. Upon its coming in here with a report of "ought to pass" I read the bill, and afterwards consulted with the different gentlemen on the judiciary committee, and I showed them the opinion of an eminent a jurist as there is in this state. And the matter lay here on the table for some two or three weeks and went back to the judiciary committee, and after all they have decided to report the bill. And I have come to the conclusion, as far as I am concerned that I want my position registered in regard to this matter.

This bill provides substantially that the county attorney in the different counties in the state shall not be allowed to enter a nol pros in matters that are on the criminal docket, but that this must be done with the consent of the presiding justice. Now the bill takes away the right of the prosecuting attorneys of the state. It is one that they have enjoyed a great many years, undoubtedly since the formation of our State, though I am not in a position to state that exactly,—but certainly as long as I can remember anything about courts and procedure, and the county attorneys all through this

state have had these matters entrusted to their discretion.

Now it may be once in a while that there is an error done and a wrong done, but is that going to be a reason for taking this power away from the executive? Judges have their part in the administration of affairs; they have their judicial functions; but they are not executive officers. They have no right with the duties of executive officers. Theirs are plainly judicial and are not executive, and are so held of course as we all well understand.

Now Judge Emery has played quite a little part in the history of this legislation. He was a judge, being now retired from the bench, where matters cannot possibly come before him. I do not mean to say that he is any better jurist than the other judges upon the bench, but of course they could not pass any opinion, one way or the other, upon the bill because the matter might come before them for determination.

But Judge Emery had passed out of the course of procedure as a member of the Bench and so he felt free to express opinion on many matters. It was sought and obtained and given to the Legislature in the post office matter. A few days ago the senator from Aroostook paid the highest tribute to Judge Emery and his ability as a jurist.

Well, Judge Emery has expressed himself in this matter, in the *Maine Law Review*, February number, 1913, and here is what he says:

"In some states statutes have been enacted and sustained by the courts, requiring the consent of the court to an entry of nolle prosequi by the prosecuting officer, thus requiring the court to judge of the propriety or expediency of the entry. In this State is a somewhat similar statute as to prosecutions for violation of our liquor laws. Whatever may be the power of the legislature and of the courts in other states, I submit that under the constitution of Maine the legislature cannot require the courts to pass upon the propriety or expediency of dismissing a criminal prosecution by a nolle prosequi, and that the courts, notwithstanding such statutes

have not the power nor right to pass upon those questions. Art III of the Maine Constitution is as follows:

'Sec. 1. The powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial.

'Sec. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.'

Under this explicit language courts and judges in Maine have no authority, and cannot be given authority by the legislature, to exercise any other than a judicial function, to decide any other than a judicial question, that is, a question of law or fact. Whether a criminal prosecution shall be pressed to final judgment, or be discontinued before final judgment, is clearly not a judicial question, but purely one of propriety or expediency, to be determined by some officer of that department charged with the duty of taking 'care that the laws be faithfully executed,' viz., the executive department. In *State v. Tufts* 56 N. H. 137, it was said, (Smith J. p 138). 'For obvious reasons the functions of the court and the prosecuting officer are entirely distinct. The court cannot usurp the duties of his office and say what cases shall and what shall not be prosecuted.'

Now that is his position in regard to this law, the determination of an eminent jurist of the State of Maine that it is unconstitutional, that the Legislature have no authority to pass it. And that is my reason for laying this matter before the Senate.

Mr. HERSEY of Aroostook: Mr. President, the bill came before the judiciary committee and was carefully considered by the ten men of the committee and reported "ought to pass." On some objection being made after it was in here by the senator from Androscoggin, Senator Morey, that there might be some legal questions involved that we had not considered and after his calling the attention of the committee to the article, from which he has been quoting, by Judge Emery, he moved that it be referred

back to our committee, and the committee again gave it careful consideration, with all the authorities and citations that the senator from Androscoggin was able to give the committee, and we again reported that in our opinion that bill "ought to pass."

We found nothing in any of the articles quoted by the senator from Androscoggin, nothing in the decisions of the court, that would deny this Legislature the authority to enact a law directing the duties of a county attorney. The county attorney is a creature of the statutes of the State. He is not a constitutional officer. The statutes define the duties at the present time of the county attorney, what he shall do and what he shall not do, what are his duties and his obligations, in what cases he shall appear, and how he shall conduct the business of his office, and we are simply adding a new duty.

We are simply saying by this bill that before he makes or attempts to make this entry of nolle prosequi in a case, which means that the county attorney becomes non suited on behalf of the State, or abandons the case—before he does that he should have the consent of the justice presiding to do it.

The law at the present time gives the county attorney the authority, the absolute authority, to enter nolle prosequi in any criminal case. No matter what evidence he has, no matter what the status of the case is before the court standing between the people and the accused, he has now the absolute authority to make that entry. No matter what evidence may appear to the presiding justice, no matter what the people may say or want, he has the absolute authority to defeat the will of the people, to defeat the opinion of the court, by making that entry upon the docket.

Now it is well known that that absolute authority of the county attorney has been abused in matters of liquor prosecutions more than in any other cases. It is rarely, Mr. President, entered in any other criminal matter. It is entered in other matters only where for some reason the county attorney has lost his evidence.

or because of some circumstances arising that call for that entry.

But in liquor prosecutions there has grown up a custom, I might say, among certain county attorneys who have been influenced by violators of the prohibitory law of Maine, to use that absolute authority that they have to defeat the enforcement of law and defeat the will of the people.

It is alarming, it is startling to go into certain counties in this State and sit there during a term of the criminal court, and see the nol pros entered in a hundred cases in which it ought not to be entered. The municipal courts send up to the Supreme Court hundreds of cases where they have convicted men of violating the law. The grand jury report hundreds of indictments for the violation of the law, and that same county attorney goes before the grand jury with his evidence, and there is evidence enough to satisfy them of a violation of the law, and he comes from the grand jury, with twenty-five, fifty, a hundred indictments against the violators of the liquor law, and fresh from the grand jury room, and within twenty-four hours after the grand jury have left and gone home, he makes this entry upon the records of the court. And the State has been to this great expense of summoning witnesses for the grand jury, of obtaining witnesses, of obtaining evidence, and after he has got the evidence and has a prima facie case made out, and has an indictment upon that evidence, and while his witnesses are waiting there to be heard, he goes to the court and says, the State abandons its prosecution and the criminals go free.

And the fault in the past of such disgraceful proceedings has been too often laid at the door of the Supreme Court of Maine. People do not understand, outside of the bar, and when this nol pros is entered in court they say the judge on the bench is not doing his duty, and I say, what you and I know to be true, that the judges of the Supreme Court of Maine today do not want longer to rest under that imputation. They want the people to understand that they are not a party

to those disgraceful proceedings. They do not consent to it. They cannot consent to it under the present law. It is not their fault. They see the county attorney violating his duty before their eyes and they are helpless.

Why, if I had time, Mr. President, I could recite to you the most disgraceful proceedings in this State under this act of power of the county attorney. I remember of a case less than a year ago over in the county of Androscoggin, the county represented by the senator from Androscoggin, Senator Morey, where the county attorney went to his grand jury, obtained an indictment against a liquor seller of Lewiston, a notorious liquor seller, tried him, convicted him and the court sentenced him to jail. He appealed to the law court. The law court sustained the lower court. He appealed to the United States Court. The United States Court sustained the law court of Maine.

It seemed as though there was no chance but for that man to go to jail. And the county attorney of Androscoggin county, after he had done all that and put the county of Androscoggin to all that expense, went into court and not crossed the action. And you know it is true.

Now such a proceeding as that ought to be rebuked by the Legislature of Maine, and I say that our judges, sitting upon the bench and hearing these cases, ought to have a little something to say about it, and I say the county attorney should consult with the judge on the bench and get his consent before he throws aside his evidence, abandons the prosecution and lets the criminal go free.

Now he is a creature of the statute and we are simply adding to his duties, and I say that we have a right to say to the county attorney, before you do this thing you shall consult with the judge upon the bench.

Talk about the unconstitutionality of this law. Let the court settle the constitutionality of the matter. We of the judiciary committee believe it is constitutional. If you want to overrule our opinion in this matter, do it

by the Supreme Court of Maine and see how far you will go.

Mr. BAILEY of Penobscot: Mr. President, apart from any legal considerations in this matter, I have very serious doubts whether the bill as reported will accomplish the end desired. It seems after the discourse of the senator from Aroostook on the matter that this is another law to help enforce the prohibitory law. I have some knowledge of the workings of that law in Penobscot county, and I am very glad to say that at the present time we have a county attorney who will not abuse this privilege. The tendency of the times is to fix responsibility. If this law goes into effect, the county attorney can evade the responsibility that is now placed upon him. We have introduced into this very Senate this morning a resolve looking to the removal of a sheriff for malfeasance or non-feasance in office. If this law goes into effect, a county attorney can escape the responsibility of his action and place it upon the court. What would be the practice under this act? A matter comes up and the county attorney says to the court, "I do not think I have sufficient evidence to convict under this indictment," or in an appeal case, "And I ask the approval of the court for not pressing it." I will venture to say that in nine cases out of ten, the court will grant the motion of the prosecuting attorney. So that if there are any abuses that would come up under this privilege, the county attorney can simply say "I put it up to the court, it is not my fault." So that he escapes the responsibility.

It seems to me that a movement has been started in this State to make our sheriffs and our county attorneys responsible for the enforcement of the law, and if we take this law and put it upon the statute books, it will help the county attorney evade the enforcement of the law.

It seems to me that there are so many laws looking to the enforcement of this prohibitory law that we do not get ahead at all, but we get right back to the same place. We want mere law, but we do not get ahead in the enforcement of it. I believe that we

should enforce existing laws and not try to make more because we are encumbering our statute books and befogging our officials. I do not believe that this law will have any efficacy in the enforcement of this law or any other.

Mr. MOREY: Mr. President, I ask that when the vote is taken, it be taken by the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered. The question being upon the passage of the bill to be engrossed, the secretary called the roll.

Those voting yea were: Messrs. Allen, Burleigh, Chase, Colby, Conant, Dutton, Hersey, Milliken, Reynolds, Richardson, Stearns, Walker, Wing—12. Those voting nay were: Messrs. Allan, Bailey, Boynton, Clark, Cole, Emery, Flaherty, Hastings, Jillson, Mansfield, Maxwell, Morey, Murphy, Packard, Patten, Smith—16. Absentee: Mr. Hagerthy.

Twelve having voted yes, and sixteen having voted no, the bill failed in its passage to be engrossed.

Mr. BAILEY: Mr. President, I move that the bill be indefinitely postponed.

The PRESIDENT: The Chair will state that the vote just passed is subject to reconsideration at the next session which would be the afternoon session, on motion of any senator who at this session voted with the prevailing side, as shown by the record.

On motion by Mr. Boynton of Lincoln,

Adjourned until half past three o'clock this afternoon.

SENATE.

Thursday Afternoon, March 27, 1913.
Senate called to order by the President.

Prayer by Rev. John Evans of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Senate Document 224, An Act authorizing the Atlantic Shore Railway to increase its capital stock.

In the House the bill was amended by the adoption by House Amendments A and B.

In the Senate after the adoption of House Amendments A and B in concurrence, the bill was indefinitely postponed.

It came from the House, that branch insisting upon its former action and asking for a committee of conference.

On motion by Mr. Stearns of Oxford, the Senate insisted and joined a committee of conference.

The House appointed as its conference committee Messrs. Mitchell of Kittery, Gordon and Marston.

The Chair appointed as members of the committee of conference, on the part of the Senate, the senator from Oxford, Senator Stearns, the senator from Kennebec, Senator Dutton and the senator from Somerset, Senator Walker.

House Bills in First Reading.

An Act to amend section 13, paragraph 2 of chapter 9 of the Revised Statutes, relating to the taxation of personal property, as amended by chapter 80 of the Public Laws of 1900.

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

Appropriations and Financial Affairs.

By Mr. Clark of York: Resolve in favor of T. W. Prince for services rendered as clerk of the Senate committee on bills in the second reading.

By Mr. Walker of Somerset: Resolve in favor of Louis O. Haskell, clerk to the committee on education.

Reports of Committees.

Mr. Emery from the committee on appropriations and financial affairs on "Resolve to provide for re-indexing and indexing House and Senate papers in Senate Office," submitted the same in new drafts under title of "Resolve to provide for re-indexing House and Senate papers now on file in the Senate office," and "Resolve to provide for indexing House and Senate papers in Senate Office, for the session of 1913," and that it ought to pass.

The report was accepted and the resolve tabled for printing under the joint rules.

The following joint standing committees presented their final reports: Committee on Telegraphs and Telephones.

Committee on Banks and Banking.
Committee on Military Affairs.
Committee on Public Buildings.
The reports were accepted.

Passed to Be Engrossed.

Resolve in favor of People's Ferry Company, Bath.

Resolve in favor of the Bangor Anti-Tuberculosis Association.

Resolve in favor of Central Maine Association for the Relief and Control of Tuberculosis.

Resolve in favor of Maine Anti-Tuberculosis Association.

Resolve in favor of North Yarmouth Academy.

An Act to amend Section 1 of Chapter 93 of the Revised Statutes, relating to mortgages of personal property.

An Act to amend section 20 of chapter 67 of the Revised Statutes as amended by chapter 134 of the Public Laws of 1911, relating to the distribution of personal estate.

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

An Act to amend section 61 of chapter 7 of the Revised Statutes relating to the prevention of fires from locomotives run through forest lands.

Resolve authorizing the land agent to investigate the cutting of lumber on the public lots in the county of Aroostook.

Resolve appropriating money to reimburse Charles M. Conant, chairman of the committee on ways and bridges, for certain committee expenses.

Resolve in favor of Marion B. Holway, stenographer to the recording officer of the Senate.

Resolve in favor of the State highway department covering expenditures for repairs and maintenance of the State bridge at Old Town. (On motion by Mr. Conant of Waldo, and assigned for tomorrow morning.)

An Act to amend section 15 of chapter 8 of the Revised Statutes relating to the Board of State Assessors.

Resolve in favor of William H.

Mitchell, secretary of the committee of the 76th Legislature for investigation into the causes of the high price of coal.

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

Resolve authorizing the State Treasurer and State Auditor to ascertain and adjust the accounts in the State Treasurer's office.

Resolve in favor of the superintendent of public buildings to provide for a rail in the Senate chamber.

An Act to regulate the business of dealing in securities.

The PRESIDENT: The Chair announces the appointment of the following members of the conference committee on the disagreeing action of the two branches on the State paper upon which this morning the Senate voted to insist: The senator from York, Senator Cole, the senator from Aroostook, Senator Hersey, and the senator from Somerset, Senator Colby.

Special Assignments.

The Chair lays before the Senate for consideration the first matter assigned for this afternoon: An Act to amend Section 71 of Chapter 79 of the Revised Statutes, as amended by Chapter 196 of the Public Laws of 1911.

Mr. STEARNS of Oxford: Mr. President, if that can be passed for the present, I think I can have the title amended so that it can be corrected this afternoon. I move that it be laid upon the table.

The motion was agreed to.

Mr. DUTTON of Kennebec: Mr. President, I ask unanimous consent to introduce a resolve out of order. This is the usual resolve authorizing the secretary of State to prepare and publish the list of corporation delinquent in paying their franchise taxes.

I move that the rules be suspended and the resolve lie on the table for printing pending first reading without reference to a committee.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is House Document 541, An Act to incorporate the Sheep-

scot Valley Conservation Power Company.

Mr. BOYNTON of Lincoln: Mr. President, I desire to take up in connection with Senate Document 584, An Act to enlarge the powers of the Sheepscot Valley Power Company. We can consider this one and then take the other from the table.

The PRESIDENT: The two matters will have to be considered separately, but it may be understood that the second matter, An Act to enlarge the powers of the Sheepscot Valley Power Company would be taken from the table as soon as No. 541 is disposed of.

Mr. BOYNTON: Mr. President, the Sheepscot river runs the entire length of Lincoln county, commencing in the town of Somerville, a distance of thirty-five miles. Our people there are not only willing but they are very desirous that this power should be developed, but they do object to the charters being granted to people who cannot show a financial ability to develop the power.

These matters were both referred to the committee in judiciary, who gave them a full hearing and reported two bills which ought to pass, after having made them equal by striking out the rights of eminent domain from one and cutting out the right of conveying power to outside towns from the other, giving them both a charter.

Now the people of our county in the vicinity would very much rather that neither should have a charter, that the water power be left free, left as it is, so that if at any time in the future capital should present itself that is willing to develop this power, these two charters which are practically valueless should not be in the way.

Now the parties concerned themselves, Mr. Herbert Weeks for one, Mr. Halpin for the other, have agreed that they will be entirely satisfied if these matters are both indefinitely postponed, and I believe that that is the proper way to dispose of these things. It seems now to be to the satisfaction of all, and I will move the indefinite postponement of both, but I will ask the Senate that if they should indefinitely postpone them both, and the two bills should go to the House and the House should concur in one and non-concur in

the other, that when that other does come back the Senate will adhere to their action.

I move, Mr. President, that this act incorporating the Sheepscot Valley Conservation Power Company, House Document No. 541, be definitely postponed, the report of the committee together with the bill.

The motion was agreed to.

On motion by the same senator, Senate Document, No. 584, An Act to enlarge the powers of the Sheepscot Valley Power Company, was taken from the table.

On further motion by the same senator the bill was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate, the next matter for consideration this afternoon, An Act relating to the Portland Gas Light Company, the pending question being the second reading.

On motion by Mr. Murphy of Cumberland, the bill received its second reading and was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate, the next matter for consideration this afternoon, Report from the committee on Maine School for Feeble-Minded "ought not to pass," on resolve relating to the appointment of a committee to investigate the property and management of the Home for Feeble-Minded.

This was tabled this morning on motion of the senator from York, Senator Cole, who is absent at this moment. Is any senator familiar with Senator Cole's wishes in regard to this matter?

On motion by Senator Morey of Androscoggin, the report was tabled.

The PRESIDENT: The Chair will recall to the recollection of senators that at the session yesterday afternoon an order was passed placing upon the assigned list for this afternoon, all matters tabled and unassigned, if not sooner disposed of.

The first matter is House Document No. 116, an Act to amend chapter two hundred and fifty-six of the Private and Special Laws of nineteen hundred and seven.

Mr. MURPHY of Cumberland: Mr. President, I move that House Document No. 116 be referred to a committee.

The PRESIDENT: The attention of the Chair has been called to the fact that Senate amendment A has been adopted in the Senate, the papers never having been in the House since the amendment was adopted.

The Chair will state that the committee to which reference was sought is the committee on judiciary, which has filed its final report. Therefore this matter cannot now be referred to the committee.

Mr. MURPHY: Mr. President, I will ask what would be the proper action to take in this case.

The PRESIDENT: The Chair cannot answer that inquiry unless he knows what the wishes of the senator from Cumberland are, whether he wishes the bill to pass or not to pass.

Mr. MURPHY: Mr. President, I am in favor of passage.

The PRESIDENT: The senator from Cumberland, Senator Murphy moves that the rules be suspended and that House Document No. 116, as amended by Senate amendment A, lie upon the table for printing, pending its first reading, without reference to any committee.

The motion was agreed to.

The PRESIDENT: The next matter to come before the Senate is House Document No. 170, an Act to legalize the doings of the stockholders of the Aberthaw Construction Company.

Mr. MURPHY of Cumberland: Mr. President, I move the indefinite postponement of the bill.

Mr. STEARNS of Oxford: Mr. President, I am not prepared this afternoon to discuss this matter, and I have a recollection that there were some things in relation to this which it would be an injustice for the Senate to take such action as is suggested by the senator from Cumberland.

I move that it lie on the table and be assigned for tomorrow morning.

The motion was agreed to and the bill was so assigned.

On motion by Mr. Emery of York.

Report from the committee on Maine School for Feeble-minded "ought not to pass," on resolve relating to the appointment of a committee to investigate the property and management of the Home for Feeble-minded, was taken from the table, and on further motion by the same senator the report of the committee was accepted.

The PRESIDENT: The next matter for consideration is House Document No. 169, an Act to establish a Board of State Park Commissioners and to define its powers and duties.

On motion by Mr. Murphy of Cumberland, the bill was passed to be engrossed.

The PRESIDENT: The next matter for consideration is Senate Document No. 329, an Act to establish a reformatory for women, the pending question being commitment to committee on bills in second reading.

Mr. MURPHY of Cumberland: Mr. President, for certain reasons I prefer to have this matter brought up in one or two days. I am not ready yet to discuss the matter. I move that the matter lie upon the table and be assigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is Senate Document No. 437, an Act amending section thirty-seven, chapter twenty-eight, of the Revised Statutes relating to the protection of life in buildings used for public purposes. The pending question is commitment to committee on bills in second reading.

Mr. MURPHY of Cumberland: Mr. President, section 37 is the part that is interesting: "Every building intended temporarily or permanently for public use, and every schoolhouse of more than one story in height, and every schoolroom therein, shall have all doors, intended for egress, open outwards."

It seems to me that we have laws enough already in relation to this matter, but I will yield the floor to my friend, Senator Wing, as he is on the same committee and may be interested in this matter.

The PRESIDENT: The Chair will call the attention of the Senator from Cumberland to the fact that section 37 as quoted at the end of the resolve is a part of the existing law and the amendment is contained in section one and strikes out a part of the existing law.

Mr. WING of Franklin: Mr. President, this is a bill that was reported from the committee on mercantile affairs and insurance. It makes but a slight change in the law, and, as I remember the matter, was a unanimous report from that committee. The present law provides that all doors not opening outward shall be fastened open when any meeting is being held in the building, and this bill amends it by making a provision that all doors shall open outward.

The object of this law is to prevent trouble in case of fire. If an alarm of fire is given and these doors open inward, and the crowd jams at the foot of the stairs where the doors open inward, it would stop the people from going out, and the idea of the committee was that the law should provide for doors opening outward to prevent any accident of that kind in case of fire. I believe it is a good provision and that it ought to pass. I move that the bill be committed to the committee on bills in second reading.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is House Document No. 424, An Act to amend section five, chapter one hundred and thirteen, of the Revised Statutes of the State of Maine, relating to personal property bargained and delivered to another, which shall remain the property of the seller till paid for.

Mr. MURPHY of Cumberland: I move that it be committed to committee on bills in second reading.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is Resolution directing the commissioner of labor and industry to inform the governor as to the weekly payment of wages by the State, the pending question being the passage of the resolve in concurrence.

Mr. DUTTON of Kennebec: Mr. Presi-

dent, perhaps the Senate would have a better understanding of this if the resolution was read.

The resolution was read by the secretary.

Mr. DUTTON: Mr. President, I have no doubt of the very worthy intentions of the gentleman who introduced this resolution. It no doubt refers to a previous resolution calling upon the state treasurer to furnish information as to whether the law was being complied with by the State of Maine.

Now the situation is this in regard to this matter. As everybody well knows, the Governor and Council meet once a month during the recess of the Legislature, and the constitution of the State provides that the state treasurer shall not pay out any moneys except upon the warrant of the Governor and Council.

Now if it were made absolutely mandatory—and this law referred to in the resolve does not make it mandatory but allows all the employees of these state institutions to waive in writing the privilege of receiving their wages weekly. But if this law is made mandatory as to the state, taking in all the departments of the state and institutions of the state, it would involve not only great inconvenience but a very large expense. It would necessitate a meeting of the governor and council at least once a week in order to pass warrants for all these payments, and the expense of those meetings would amount—these additional meetings would amount in the course of a year to probably \$2500.

Nor is that all. It would necessitate the employment of an additional clerk, if not two additional clerks, in the office of the State treasury. It would also necessitate the employment of an additional clerk in the insane hospital here at Augusta. It would necessitate the employment of an additional clerk at the Bangor hospital. It would involve probably an annual expenditure of in the neighborhood of eight or ten thousand dollars, if made mandatory upon the State departments and institutions.

The question arises as to whether that is at all desirable. Whether the State wants to go to that additional expense to do it.

The proponent of this measure, in discussing it with me a day or two ago, said that he only intended it to apply to the State House, the employes and mechanics in the State House. But it is drawn broad enough so that it would apply to all public institutions, I think.

Now as to the situation here, the practical situation in the state departments. I understand that it has been the custom for a great many years here for a regular employee of the state to draw on his wages an advancement, a small advancement to take care of any current expenses he might have, and that has been, I am informed, eminently satisfactory to the employes of the State. I cannot conceive of there being any general dissatisfaction on the part of the employes of the State, because when the new superintendent of buildings was appointed he received persistent applications from some two to three hundred men who wanted a half a dozen positions. And I am inclined to think, while the intention is no doubt good in this matter, I am inclined to think that it was entirely gratuitous on the part of the gentleman whose intentions were so humanitarian. I do not think, if it is true, as he said, that he only intended this to apply to the employes at the State House,—I do not think that they are suffering any hardship now, because the state treasurer informs me that any regular employes of the State may get an advancement at any time upon his wages or upon his salary.

The order is not intended to apply to regular salaried officers.

Now I do not like to be discourteous to a measure so well-meaning as this is. Neither do I like to give anybody else an opportunity to be discourteous, and this resolve practically, if it should receive a passage in both branches of this Legislature will be a sort of a permission to the commissioner of labor to go to the chief executive of the State of Maine and direct him what to do in the matter. Now I cannot conceive of the Legislature doing anything that would have upon its face such an apparent discourtesy. The labor commissioner is an appointee of the chief executive. The chief executive of the State is

supposed to know what the laws of the State are, and it seems to me almost absurd for an appointee of the chief executive to be given permission by the Legislature to go and direct the chief executive what to do. And I think the Legislature ought not to do anything that would savor so much of a discourtesy, especially when there is no necessity for it.

And if it is proper, Mr. President, I move that we non-concur with the House in the passage of this resolve.

The motion was agreed to and the resolve was indefinitely postponed in non-concurrence with the House.

The PRESIDENT: The next matter on the calendar is House Document 441, An Act for the improvement of streets. The pending question is the commitment of the bill to the committee on bills in the second reading.

Mr. MURPHY of Cumberland: Mr. President, this is a short bill and I will read it so that all may understand it. I am not particularly opposed to the bill and still I do not care about it.

Section 1. Whenever a majority of the abutters in number and value upon any street or road in the thickly settled portion of any city or town, shall in writing petition the city or town officers to improve said street, highway, avenue or alley, by grading, parking, curbing, gravelling, macadamizing, paving or in any other way making a permanent street of the same, or any part thereof, and to provide for the making and reconstructing of such street improvements, said city or town shall have the power to assess two-thirds of the cost on the abutting property. The assessment shall be made in the same manner and form and be subject to the same rights and methods of appeal as are provided in case of sewers in chapter 21 of the Revised Statutes of Maine. In determining the number and value of the abutters on said street, the last assessors' valuation shall be used."

Mr. President, as I said before, I haven't any particular interest in this bill; I simply want it understood. I will now yield the floor to any other

senator who wishes to speak upon it and can give any sufficient reasons for it.

Mr. COLBY of Somerset: Mr. President, this bill was heard before the committee on ways and bridges and had an extended hearing. The committee considered it very carefully, and we found in some instances from the hearing that people were willing to put their hands in their pockets and pay the major part of fixing the streets in front of their houses, residences and lawns, and it seemed to the committee—it was a unanimous report—a matter of no great moment, and that perhaps it might be well to have the law when such people want it to do such a thing.

On motion by Mr. Murphy, the bill was committed to the committee on bills in the second reading and assigned for tomorrow.

The PRESIDENT: The next matter for consideration is the report of the committee on education, "ought to pass," on an Act to amend section 16 of chapter 15 of the Revised Statutes, as amended, relating to the withholding of State school funds from delinquent towns.

The pending question is the acceptance of the report of the committee.

On motion by Mr. Murphy of Cumberland, the bill having been read by the secretary, the report of the committee was accepted, and the bill was tabled for printing under the joint

The PRESIDENT: The next matter for consideration is the report of the committee on education, "ought not to pass" on an Act to provide for the payment of State aid to free high schools out of State school funds.

The pending question is the acceptance of the report of the committee.

Mr. MURPHY of Cumberland: Mr. President, this is a bill that came over from the last Legislature. That Legislature passed this law to take the pay for free high schools from the State school funds, but a few weeks afterward, it was reconsidered and was referred to this Legislature. The committee on education of this

Legislature has passed upon this bill and reported that it "ought not to pass."

I simply wish to call your attention to the fact that this bill came over from the last Legislature.

I move that the report of the committee be accepted.

The motion was agreed to.

The PRESIDENT: The next matter is House Document 157, Report of the committee on education "legislation inexpedient" on an Act to amend Chapter 177 of the Public Laws of 1909, relating to common school fund.

Mr. MURPHY of Cumberland: Mr. President, the committee unanimously reported this bill "ought not to pass." I move that the report be accepted.

The motion was agreed to.

The PRESIDENT: The next matter is Senate Document 471, An Act to amend section 1 of chapter 198 of the Public Laws of 1909, as amended, relating to the school equalization fund.

The pending question is the first reading of the bill.

Mr. MURPHY of Cumberland: Mr. President, the committee voted unanimously in favor of this bill. I move that we accept the report of the committee.

The motion was agreed to and the bill was given its first reading.

The PRESIDENT: The next matter is the report of the committee on education "ought not to pass" on an Act to amend Section 3 of Chapter 177 of the Public Laws of 1909, relating to the common school fund and the means of providing for and distributing the same.

The question is upon the acceptance of the report of the committee "ought not to pass."

On motion by Mr. Murphy, the report of the committee was accepted.

The PRESIDENT: The next matter is the report of the committee on education "legislation inexpedient," on an Act to amend Section 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 education institutions within the State.

The pending question is the acceptance of the report.

On motion by Mr. Murphy, the report of the committee was accepted.

The PRESIDENT: The next matter for consideration is House Document 468, an Act to amend Section 24 of Chapter 5 of the Revised Statutes, relating to boards of registration.

The pending question is the second reading of the bill.

Mr. MURPHY: Mr. President, I haven't anything to say on this bill, I tabled the bill that we might read it. We discussed a question similar to this, this morning, and it was the majority vote of the Senate that we needed reform. Whether we need reform in this case, I do not know, but I am perfectly willing to accept anything that is satisfactory to the Senate.

Mr. FLAHERTY of Cumberland: Mr. President, I wish to say to the senators here that if we had passed the assistant assessors bill, it would have obviated a lot of work here.

Mr. MURPHY: Mr. President, I wish to call your attention to this bill. I will read the amendment:

"Section 1. Section twenty-four of chapter five of the Revised Statutes is hereby amended by adding the words, 'But before permitting a person so challenged to vote the warden shall cause him to state his place and date of birth; occupation; place of business; whether married or single; if married, the name and residence of his wife; how long a resident of the city, and where his last vote was cast, which answers shall be reduced to writing on blanks furnished for that purpose by the city clerk, and signed by the voter, whose signature shall be witnessed by two election officers representing two different parties. The warden shall promptly return all such records to the city clerk who shall keep them on file for public inspection for one year. Any failure to comply with the provisions of this section shall be a misdemeanor and be punishable as provided in section twenty-nine of this chapter.'"

Mr. President, if any senator wishes to give a good and sufficient reason for the passage of this act, I should like to hear from him. I have no reason for objecting to it or for voting for it.

On motion by Mr. Hersey of Aroostook, the bill was given its second reading and was passed to be engrossed.

The PRESIDENT: The next matter for consideration is Senate Document No. 411, an Act to amend section sixty-seven of chapter fifty-two of the Revised Statutes, relating to accidents on railroads. The pending question is the second reading.

Mr. HERSEY of Aroostook: Mr. President, on examination of this bill, I find it amends the present railroad law in regard to accidents. Now the senators will remember that in the utilities bill that has passed both houses, there is a provision for accidents on railroads as to reports to the commission, as to the investigation, as to the whole procedure, and also a repeal of that section of the statutes which relates to accidents. Now if we should enact this law, it would go into effect the same day that the utilities commission would go into effect, and then this law is repealed. I do not see any object in amending a law that is to be repealed by another act of this Legislature, so I move, Mr. President, that this be indefinitely postponed.

The motion was agreed to.

The PRESIDENT: The next matter on the calendar is Report of the committee on legal affairs "ought not to pass," on bill "An Act amending Section 14 of Chapter 30 of the Revised Statutes and subsequent amendments thereof, relating to the Pharmacy law," Senate Document No. 363, the pending question being the acceptance of the report "ought not to pass."

On motion by Mr. Murphy of Cumberland, the report of the committee was accepted.

The PRESIDENT: The next matter on the calendar is Senate Document, No. 432, an Act to amend Section 4 of Chapter 87, of the Laws of Maine, 1911

in relation to employment agencies.

Mr. RICHARDSON of Penobscot: Mr. President, in the absence of Senator Bailey, I move that the bill be reassigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is House Document, No. 523, an Act relating to inspection of hotels, inns and lodging houses, the pending question being the indefinite postponement of the bill in concurrence with the House.

Mr. MOULTON of Cumberland: Mr. President, as this act was a production of the travelling men, they requested me this noon, as they have a meeting of their executive committee this afternoon, to retable this for Monday afternoon, so I may act intelligently in the matter. This act received a unanimous report of the committee and I want to act accordingly. I move to assign this bill for consideration at the Monday afternoon session.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is House Document, No. 510, An Act to incorporate the Interurban Ferry Company, the pending question being the second reading.

On motion by Mr. Murphy of Cumberland the bill received its second reading and was passed to be engrossed.

The PRESIDENT: The next matter for consideration is Senate Document, No. 340, An Act to amend Section 97 of Chapter 15 of the Revised Statutes as amended, relating to the appropriation for the schooling of children in unorganized townships, the pending question being the passage to be engrossed.

Mr. MURPHY of Cumberland: Mr. President, this is one of the bills that came before the committee on education. It increases the appropriation for schools in unorganized townships from \$18,000 to \$22,000. It relates entirely to schools in unorganized townships, sixty-three of them, for children who need it most. Some of these schools have only three, four, five, six, eight pupils. I move that it be passed to be engrossed.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is Senate Document, No. 159, Majority and minority reports of the committee on taxation on bill, "An Act to amend Section 54 of Chapter 8 of the Revised Statutes, relating to the taxation of savings banks," the majority reporting "ought to pass," and the minority reporting "ought not to pass." Pending question is the acceptance of report. The House has accepted majority report "ought to pass."

On motion by Mr. Wing of Franklin, the bill was tabled and assigned for consideration tomorrow morning.

The PRESIDENT: The next matter for consideration is Senate Document, No. 566, Resolve in favor of the Healey Asylum of Lewiston.

The pending question is the second reading.

Mr. MOREY of Androscoggin: Mr. President, I offer Senate Amendment A to Senate Document No. 566.

"Amend Senate Document No. 566 by striking out the words 'thirty-five hundred dollars' in the second line thereof, and inserting in place thereof the words 'five thousand dollars'."

"Also further amend said Resolve by striking out the words 'thirty-five hundred dollars' in the fourth line thereof, inserting in place thereof the words 'five thousand dollars.'"

The PRESIDENT: The question is upon the adoption of the amendment offered by the senator from Androscoggin.

Mr. MOREY: Mr. President, I wish to say a few words in regard to the reasons why I think the amendment should be adopted.

The Healey Asylum asked for an appropriation this year of \$5000 for the running expenses of the institution, or towards the running expenses of the institution, and \$5000 for the year 1914. They also asked for an appropriation to build a laundry. The committee awarded \$3500, which is an increase of \$500 per year over what was given two years ago.

The institution has no laundry. The laundry work is done at the laundry of the sisters who are over a mile distant. They have two or three days a month devoted to the Healey Asylum, that is,

that they can have the use of the laundry. There is no laundry at the Healey Asylum.

The Healey Asylum is a refuge for boys. They are received when they are three years of age, those that they can accommodate, and leave the institution when they are fourteen. It is a place that I think we could safely challenge comparison with anything in the State. The little boys receive training, regular class-rooms. There is passed around now the report for the year in which you will see pictures of the class-rooms and the boys at work, and the institution is crowded from top to bottom, all the bed space available. It is well worth while to go through the institution to see how economy is practiced in every way.

At the very top of the building, way up under the mansard roof, is a little room in which the cobbling is done, and the Sisters of Charity themselves do the repairing to the shoes and they repair the rubbers. They do that menial work. Everything in that institution is taken care of and conducted with the most painstaking and loving care.

By turning to pages 11 and 12 of the report, you will see the different places in the State—I think some twenty-three or four different places, from which boys are admitted during the year. You will find, for instance eighteen from Augusta, eighteen from Auburn, Portland twenty-six, and all of the different towns, making some twenty. There are one hundred and twenty-nine from Lewiston.

Now the city of Lewiston pays for the board of children that are in there \$1500 a year. That is, rather than send them to the poorhouse, believing that it is for the best interests of the community, the city every year pays from \$125 a month upward, and right around that, for the care of the children. They have been doing that for the last six years to my personal knowledge, believing that it would make better citizens, believing that the money is well expended. And the cost of maintaining at the institution is very little compared with what it would be in other places.

Now the work, as far as that is concerned, I should say there were eight or ten little girls that help do the work round there besides what the Sisters do. I understand there are twenty of the Sisters, and of course they get absolutely no kind of compensation. All they have is their trunk and a few little personal belongings, and when they are told to go from one place to another, they go; but they have no compensation, and of course their work is entirely that of charity. I understand that they have there ten or twelve young girls, I should say from fifteen to twenty, who help the Sisters with the work—twenty of them cannot do it all—for very little compensation. Some of them are working for a dollar a week and their board and expect to become sisters.

They take them in irrespective of denomination, but by far the larger percentage of them is of the Catholic persuasion. However, it is not sectarian—that is, you will find them of different creeds and religion, who enter there and are maintained and carefully cared for.

Now then, they find that the conditions are such that they must in some way increase their revenue. You will see in the amount that was given of \$3000 a year, for each year, it figures up four cents a day. There are two hundred inmates—one hundred and ninety-five, sometimes it goes over to two hundred and three, but one hundred and ninety-eight, roughly speaking two hundred, is the fair average year in and year out for them at that institution. Now at the amount of \$3000 per year which was given by the Legislature, it figures out just four cents a day, a cent for bed, for breakfast, for dinner and for supper. That takes in nothing for clothing. That takes in nothing for instruction and care or anything of that sort.

Now when we ask for \$5000 maintenance, it is seven cents a day for each child and no more. Now that is a remarkable record, when you take into consideration the way that many of the institutions in the State are run—it is a remarkable performance to

carry it down to a figure such as is asked for.

Now in regard to their laundry. The policy of the committee has been, as I understand it, not to allow anything for appropriations for new buildings. And I wanted to be absolutely within the rule—I know the difficulty that would ensue if they were to open the door to one and not to the other, although they are sorely in need of that laundry.

They asked further in their resolve which was presented here for a hearing apparatus, and at the hearing held in this room, two competent plumbers were present who had made an inspection of the boiler of that plant. I think it was some twenty-five years old if my memory serves me correctly, that they stated here, and in their judgment one of them was absolutely dangerous. Something has got to be done in regard to that. Now then that came within the ruling adopted, and it is needed terribly. And as I say, I did the best in my judgment and I ask in this amendment simply for the increased cost of maintenance which we ought to have and which will make seven cents a day.

I tried the best that I could to have the committee send a sub-committee over to inspect. I am so thoroughly convinced myself of the good work this institution is doing, so thoroughly convinced of the important place that it bears in the community, that I have not the slightest hesitancy in urging to the Senate the absolute needs of this institution.

The expenditure of the money would be, as we all understand who know about the institution, made most carefully to the last farthing. But owing to the pressure of the business, I have no doubt the committee could not send a sub-committee to investigate.

Now why should not this extra appropriation be granted, if an institution can be shown in the State that takes care of so many for that sum—four cents now at \$3000—they have increased it \$500. But if they increase it to the \$5000 a year it will be seven cents apiece for those boys.

Now how is the public benefited besides? They take them from the

courts. I think some twenty have been sent up from Cumberland county this year who would otherwise have gone to jail. A letter was read at the hearing, and I have no doubt is in the papers, from a lady in Portland who is head of their institution there, corresponding to the police matron in the city of Lewiston. It is on file with the chairman of the committee. Now you take it in our own courts, some of those who have been tried have been put in the Healey Asylum under the good influence of the sisters instead of being put in jail. Now it is found to work excellently. There are always a very few that are in the institution that way that would cost the State three times as much if they were sent to the reform school, and they are being made better citizens for the State.

There is one there now, a boy ten years old, who started two fires in the city—a little fellow ten years old and he was put in the asylum, and the reports from the institution are that they will probably be able to save the boy.

Now when there is an institution being ran so carefully, economically—they claim that there is not so much as a shoe string wasted, doing all of this menial work themselves right down to tapping the shoes and mending rubbers themselves, doing all that kind of work—I do not believe there is a spot where you could possibly put the money that would enure any more to the benefit of the State than that. I understand, of course, gentlemen, that there is a crying need from the different institutions. But when one considers the little amount that is asked for and the great way that it goes and what it does, I think—I understand the others are practically passed, through—that if you would increase the \$1500, it would help us on the cost of maintenance, and the appropriations for the laundry and the heating apparatus—we don't know. They will have to get along without the laundry, but the heating apparatus is in dire need of something being done to it.

And I think and I trust that the Legislature and this Senate will vote to increase this appropriation by the small sum asked for.

Mr. EMERY of York: Mr. President, I can understand that the senator from Androscoggin would feel interested in this institution. It is located right in his home town, but I cannot see why this Senate should make any exception of that particular institution, and treat it any differently than they should other similar institutions.

At the time we had our hearing, the people from Lewiston who were interested in this institution came here and we gave them a fair and impartial hearing. There is no man on that committee but that feels it is a worthy institution, and they wish that they might have done more for them, but you all know that economy has been the watchword all along the line ever since this Legislature convened early in January. We felt that we had been very liberal with them. Two years ago they were given \$3000, but they complained to the committee and said that they were hampered somewhat in their work. We decided to increase that \$1000 for the years 1913 and 1914, which we felt was very liberal, considering the policy which we were carrying out, and the way we were treating other institutions.

Take our own State institutions. We have denied them and have just closed our ears to them on every side, and have not given them what they asked for. I cannot see how private institutions can come in here and, knowing that it has been the policy of the committee to do nothing in the way of new construction, ask for these appropriations. We have done nothing, practically, in the way of new construction.

As far as the laundry is concerned, I see that they paid \$496 for laundry work. We went all over that at the hearing, and it was thought that in case they were given money to build a laundry, they would at least have to hire a laundry man, which would cost them at least \$15.00 a week, and that would cost them for laundry work \$730 a year. We felt that it was cheaper for them to pay \$496 for laundry work than to hire a laundry man, to say nothing about the cost of the building.

Of course, it lies in the power of the Legislature to add to or deduct from these figures, as it sees fit, but you

must bear in mind that if you disturb any of these figures, you are opening the doors on the amounts recommended by this committee to the various institutions. It seems to me that the committee was very fair.

I understand there is another resolve affecting an institution in Lewiston, which has been tabled in the House, and I presume for the same purpose. I do not know why Lewiston should be treated any differently from other cities. We have already given or recommended something over \$40,000 for the maintenance of their charitable institutions, which I understand is over 40 per cent of their State tax. If you want to make an exception of the city of Lewiston, you can do so. I state this as it appeared to the committee. If you do not see fit to accept the report of the committee, all well and good. I hope that you will accept the report of the committee.

Mr. DUTTON of Kennebec: Mr. President, I wish to make just one observation in regard to this matter. The Augusta General Hospital, formerly the Augusta City Hospital, asked for an appropriation to build a laundry, the same as the Trull Hospital at Biddeford asked for one. The Augusta General Hospital asked for \$2700 to build a laundry. The hospital cannot possibly pay its running expenses on its income. When the report of the committee came out, it gave them \$1500 more than the last Legislature. When the report came out the treasurer called me up by telephone and called my attention to the appropriation, and seemed very indignant that they had not received a larger amount, that they ought to have a larger amount and wanted me to see what I could do to get the recommendation of the committee increased.

I told the treasurer very frankly that I would do nothing to make any attack upon the general recommendation of the committee on appropriations for these various charitable institutions. He very promptly told me that the city of Augusta was very poorly represented in the Legislature. (Laughter.)

Now if this Legislature should increase the recommendation of the committee for the Lewiston Hospital, I think he would be further convinced that the city

of Augusta was very poorly represented, and as a very poor representative of my city, I propose to stand by this committee on appropriations, because if this is voted to the city of Lewiston, I assure you I shall ask you to help out the city of Augusta and help build a laundry over there.

Mr. RICHARDSON of Penobscot: Mr. President, I do not intend to enter into any argument on this matter. I appreciate very much the stand taken by the senator from Kennebec. The committee was in a hard position in passing upon all these institutions. We were obliged to cut down many beyond what we thought we ought to but we saw no other course.

I remember well the hearing on the Healey Asylum. I think the senator has very fairly stated the case. We were all deeply touched and affected by the call of this institution that is taking care of helpless children. I hope the senator from Androscoggin appreciates the fact that we in our position have had to oppose, as we saw it, not only the request of this institution that he asks help for, but all others.

Mr. MOREY: Mr. President, I want to say that I think the committee did do just exactly what they felt they could do. If I could have had the sub-committee go over there, so that they could have seen with my eyes the situation as it exists, why, that would have been all I cared for. I know the time it would have taken and they had a dozen things to do. It may be that I am asking more than I should, but I do know the great needs of this institution. I know the committee has acted fairly. If they could have been in possession of the facts, I do not think they would have had any hesitancy in going up a few hundred dollars further.

The question being on the adoption of the amendment offered by the senator from Androscoggin, a viva voce vote was taken, and the motion did not prevail.

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

The PRESIDENT: The next matter for consideration is House Document 144, An Act relative to the direct election of candidates to national conventions, and

to provide for the expression of preference for candidates for president and vice-president of the United States.

The pending question is the second reading of the bill.

Mr. DUTTON of Kennebec: Mr. President, this is a very important matter. I do not know whether this is a matter that senators have given much consideration to or not, but personally I am not entirely satisfied that if this State is to adopt a method of electing delegates to national conventions, and an expression of preference for candidates for President, that this resolve or act is in proper form for that purpose. I want to ask the indulgence of the Senate that this bill be retabled and taken up next week, and I so move.

The motion was agreed to and the bill was assigned for next Tuesday morning.

The PRESIDENT: The next matter is House Document 585, An Act to provide for the reconstruction of the Portland bridge.

The pending question is the adoption of House Amendment C.

Mr. MOREY of Androscoggin: Mr. President, I move that House Amendment C be adopted in concurrence.

The PRESIDENT: The Chair will state that this bill came up several days ago in the absence of the senator from Portland, and was tabled by the senator from Androscoggin for that reason.

The pending question being the adoption of House Amendment C in concurrence, Senator Murphy offered Senate Amendment A to House Amendment C, which was read: "Amend House Amendment C. by inserting therein after the word 'bridge' in the first line 'and upon payment by the Portland Terminal Company of the sum of \$400,000 as hereinafter provided.'"

House Amendment C as amended by Senate Amendment A was then adopted.

On motion by Mr. Murphy of Cumberland, the vote whereby House Amendment B was adopted in concurrence, was reconsidered. The same senator then offered Senate Amendment A to House Amendment B which was adopted. House Amendment B, as amended by Senate Amendment A, was adopted.

The bill was then given its first

reading, as amended, and its second reading was assigned for tomorrow morning.

The PRESIDENT: The next matter is House Document 449, An Act to regulate the sale of morphine and other hypnotic or narcotic drugs.

The pending question is the second reading of the bill

Mr. MURPHY of Cumberland: Mr. President, I wish to inquire if the bill has accompanying amendments?

The PRESIDENT: The Chair will state that the bill was amended on the motion of the senator from Cumberland on the 22nd of March, by striking out in the twenty-eighth line of Section 3 the words "one-fourth" and substituting therefor the words "one-half." The effect being to change the amount of morphine from one-fourth to one-half grain. The bill was given its first reading, as amended, and was tabled pending second reading.

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

The PRESIDENT: The next matter on the calendar is House Document 515, An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897, entitled "An Act establishing a municipal court in the city of Waterville."

The pending question is the passage of the bill to be enacted.

Mr. WING of Franklin: Mr. President, this is an act establishing a salary for the recorder of the municipal court of the city of Waterville. I find that there are no other provisions in the bill except the change in salary. The matter was heard by the committee on legal affairs, and the bill was reported from that committee. I do not intend to criticize that report, but since it has been made, a similar measure has been vetoed by the Governor and an order has been passed providing for a special committee on salaries and fees to sit during the recess of the Legislature and pass upon all salaries and fees which are determinable by the Legislature.

The committee on salaries and fees

that served during this Legislature have, on account of the passage of that order, reported about forty-five similar cases "Legislation inexpedient," and for that reason and as I believe that this is in the same class with the others that have not been granted, I move that the bill be indefinitely postponed.

Mr. MOREY of Androscoggin: Mr. President, as I understand it their recorder over there in Waterville has been in the habit of getting fees instead of a salary, and they make his salary \$400, and I understood it went through unanimously and that there was no opposition whatever. It seems as though the report of the committee—the hearing having been full and complete, and there being a unanimous report of the committee, that it ought to go along.

The question being on the motion of the senator from Franklin that the bill be indefinitely postponed, the motion was agreed to.

The PRESIDENT: The next matter is House Document 413, An Act to amend Section 1 of Chapter 41 of the Revised Statutes, as amended, relating to the duties of the commission of sea and shore fisheries.

The pending question is the passage of the bill to be enacted.

On motion by Mr. Cole of York, the bill was tabled and assigned for tomorrow morning.

The PRESIDENT: The next matter for consideration is Senate Document 469, Resolve in favor of Bridgton academy for the repair of the buildings at said institution.

The pending question is the final passage of the resolve.

On motion by Mr. Murphy of Cumberland, the resolve was finally passed.

The PRESIDENT: The next matter is Senate Document 558, An Act prohibiting marriages in certain cases.

The pending question is on the commitment to committee on bills in second reading.

Mr. HERSEY of Aroostook: Mr. President, Senator Moulton, who tabled this bill, just called my attention

to it as he had to leave. I do not know any reason at the present time why it should not pass along.

The PRESIDENT: The Chair will state that the pending question being the commitment of the bill to the committee on bills in second reading, that the matter may be assigned for second reading tomorrow without injury to parties on either side.

On motion by Mr. Hersey, the bill was committed to the committee on bills in second reading, and tomorrow was assigned for its second reading.

The PRESIDENT: The next matter is Senate Document 403, An Act to repeal Chapter 30 of the Revised Statutes, as amended by Chapter 74 of the Public Laws of 1909 and Chapter 201 of the Public Laws of 1909, relating to apothecaries.

The pending question is the first reading.

Mr. MURPHY of Cumberland, Mr. President, I yield to Senator Cole.

Mr. Cole of York: Mr. President, the representative from Bath who introduced the bill has just called my attention to the fact that if the act is printed on the calendar as the same is printed upon the bill, that the title is wrong, it does not repeal Chapter 30 of Section 9. If I am not in error, the original title was wrong and has been corrected by the committee on bills in second reading.

Mr. PRESIDENT: The Chair will state that the corrections have apparently been made by the committee on bills in second reading, so that the pending question would be the passage of the bill to be engrossed.

Mr. COLE: Mr. President, this matter came before the legal affairs committee and relates to the payment of a license by registered pharmacists of one dollar a year. Any party who fails to pay his license fee for three consecutive years loses his license, and I understand would be required to take a new examination in order to be reinstated.

The pharmacists throughout the State thought this was an unjust law, requiring them to pay a license of one dollar, not so much on account of the dollar, but if they failed to pay this dollar, they lose their license and in

order to be reinstated must take a new examination.

A man might work in Maine and then gets a position in another state and if he is gone three years and wants to come back, unless he pays his dollar, he has then lost his right without taking a new examination.

This annual license fee was brought to the attention of the committee, and it was stated that doctors and lawyers do not pay an annual license fee, and no one else is required to pay such a fee, so that the committee felt perhaps there was some discrimination against the druggists. This fee has been paid to the board of pharmacy and has been expended in the investigation of matters pertaining to the enforcement of the law. There has always been, I think, a deficiency in the board of pharmacy, at least all the money collected has been spent by them, whether much or little.

The committee felt it was unjust to the apothecaries to require this annual license and especially the loss of the license, provided the circumstances were as I have stated, that they were out of the State, and that there was no reason why any man who has once passed the examination and has continued in the work should be subjected to that misfortune if it should fall upon him. So that it was left that the committee would report that bill, as amended, or the amendment, "ought to pass," and the board of pharmacy and those interested in the measure should attempt to get through the Legislature, or by the committee on financial affairs and appropriations, an appropriation of \$1500 to take the place of this, and the matter is pending there at the present time. If this resolve carrying an appropriation of \$1500 is to be recommended by the committee and passed by the Legislature, then this law ought to pass. If that resolve is not to be recommended and to be passed, then this act ought not to be repealed, for there must be some fund from some source to allow the board of pharmacy to do its duty, and it has certain prescribed duties to perform. I do not know where the resolve is or in what shape it may be.

I thought in justice to the pharmacists that I would explain the situation so that the members would know how to vote.

On motion by Mr. Murphy of Cumberland, the bill was tabled.

The PRESIDENT: The next matter for consideration is House Document No. 643, An Act establishing a municipal court in the town of Readfield, the pending question being its first reading.

Mr. ALLEN of Kennebec: Mr. President, a few days ago, I accidentally discovered the bill going through the House with this title. I thought nothing of it especially because a few days previous to that there was an act passing through creating a chamber of commerce at Readfield and I, not being particularly interested myself, did not look at that. I know the representative from Readfield is very ambitious and I do not care to thwart him and his ambitious pursuits, but happening to see this municipal court act I discovered that he had got his arms encircled round a certain class of towns which includes the one in which I live and other towns adjoining mine, creating a municipal district for Readfield.

Now, gentlemen, I do not care what the representative creates for Readfield—the more he creates the better, nothing against that, but in creating this district I find in reading Senate Document 403 that he places us under exclusive jurisdiction. By the way, I will say that I have never been consulted in the matter. It is the first I knew of it. I believe it is reasonable for me to conclude that these other towns have not been consulted. I expect to hear from home when they read this document.

As I said before, I do not want to prevent the ambitious pursuits of the gentleman from Readfield, and I will not move to indefinitely postpone because he has come to me and seems to be willing to loosen up some of these conditions; but I move that the bill be tabled and assigned for next Tuesday forenoon.

The motion was agreed to.

The PRESIDENT: The next matter for consideration is House Document No. 299, An Act for better protection of automobile garage keepers and owners, the pending question being the consideration of the non-concurrent action of the two branches.

Mr. STEARNS: Mr. President, this act was introduced by the chairman of the legal affairs committee and it was referred to the committee on judiciary. The senator from Penobscot is absent this afternoon and asks that it be tabled and reassigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT: The next matter is Senate Document 545, An Act to license stallions for public service.

On motion by Mr. Conant of Waldo, the bill was tabled and reassigned for next Tuesday morning.

Orders of the Day.

On motion by Mr. Hersey of Aroostook, the rules were suspended, and that senator presented an order, out of order, providing for the printing of 3000 copies of Senate Document 453, An Act to create a Public Utilities Commission, prescribe its powers and duties and provide for the regulation and control of public utilities.

The order was given a passage.

On motion by Mr. Stearns of Oxford, An Act to amend Section 71 of Chapter 79 of the Revised Statutes, as amended by Chapter 196 of the Public Laws of 1911, tabled for correction of title, was taken from the table, the title having been amended by adding the words "relating to the jurisdiction of the superior court of Cumberland county."

On further motion by the same senator, under suspension of the rules, the bill was tabled for printing without reference to a committee.

On motion by Mr. Burleigh of Aroostook, unanimous consent was granted, and that senator presented out of order An Act relating to the assessment of the county tax in the several counties for the year 1913.

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

On motion by Mr. Stearns of Oxford, the vote whereby the minority report "ought not to pass" of the committee on judiciary, on An Act relating to the powers of boards of prison and jail inspectors, was accepted in concurrence, was reconsidered, and on further motion by the same senator, the bill was tabled and assigned for tomorrow morning, pending acceptance of either report.

 The PRESIDENT: The Chair will state that tomorrow it will be necessary to decide whether or not to hold a Saturday session. If members will confer with the Chair as to their preferences, the Chair will have an opportunity to confer with the presiding officers of the House. It seems to the presiding officers of the two branches that the Legislature ought to sit Monday both forenoon and afternoon, and the presiding officers are entirely willing to sit Saturday if the members are willing. If the

members of the Senate will express their preference to the Chair after adjournment, it will enable us to get an idea as to what the best course is.

Mr. MURPHY of Cumberland: Mr. President, I think it will be a pretty fair sort of an idea to know what we are going to do. Some of us do have other business that we ought to attend to. I had an idea that House and Senate were going to adjourn until next Tuesday. I am perfectly willing to express myself as in favor of such adjournment.

Mr. HERSEY of Aroostook: Mr. President, I don't want to stay around here rusting out. I think this Legislature better work a little so we can get home. I think we ought to have a Saturday morning session and a Monday afternoon session.

 On motion by Mr. Emery of York, Adjourned until Friday morning at nine o'clock.