

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Friday morning, March 28, 1913.

Senate called to order by the President.

Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Senate Document 557, An Act abolishing the Belfast Municipal Court and establishing a police court in the city of Belfast.

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

On motion by Mr. Conant of Waldo, the Senate insisted upon its former action and asked for a committee of conference.

The Chair announced the senate members of the committee of conference on the disagreeing action of the two branches, as follows: Senator from Waldo, Senator Conant, senator from Penobscot, Senator Smith, senator from Franklin, Senator Wing.

From the House: An Act to amend Section 1 of Chapter 7 of the Revised Statutes relating to the appointment of land agent.

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

On motion by Mr. Colby of Somerset, the Senate insisted upon its former action, and asked for a committee of conference.

The Chair announced senator members of the committee of conference on the disagreeing action of the two branches, as follows: Senator from Somerset, Senator Colby, senator from Piscataquis, Senator Chase and the senator from Kennebec, Senator Reynolds.

From the House: Senate Document 583, An Act to establish a close time on lobsters in certain waters of Hancock county.

This bill was passed to be engrossed in the Senate. It came back from the

House indefinitely postponed by that branch.

On motion by Mr. Patten of Hancock, the Senate voted to adhere.

From the House: Report of the committee on legal affairs, "ought not to pass," on an Act granting the Knox County Power Company the right to generate and sell electricity in the municipalities of Thomaston and Rockland, together with pole rights therein.

In the House the bill was substituted for the report of the committee.

On motion by Mr. Packard of Knox, pending action in concurrence with the House, the report and bill were tabled and assigned for this afternoon.

**House Bills in First Reading.**

An Act to incorporate the Kingfield Telephone Company. (In the House, House Amendment A was adopted. On motion by Mr. Dutton of Kennebec, tabled pending acceptance of House Amendment A in concurrence, and assigned for this afternoon.)

An Act to amend Section 69 of the Revised Statutes, as amended by Chapter 41 of the Public Laws of 1905, relating to non feasnancy of duty by sheriffs, deputy sheriffs and county attorneys. (On motion by Mr. Bailey of Penobscot, tabled and assigned for next Tuesday pending first reading.)

An Act to incorporate the Hampden Water Company.

Resolve in favor of the Central Maine General Hospital.

Resolve in favor of Bar Harbor Medical and Surgical Hospital, located at Bar Harbor.

Resolve in favor of the St. Elizabeth's Roman Catholic Orphan Asylum of Portland.

Resolve in favor of Waldo County General Hospital, Belfast.

Resolve in favor of the Children's Protective Society, Portland.

Resolve in favor of the York County Children's Aid Society, Saco.

An Act relating to the disbursement of appropriations to institutions receiving State aid.

A communication was received from the secretary of State transmitting

Senate joint resolution No. 12 of the 48th general assembly of Illinois.

The communication was placed on file.

The following resolve was presented and referred:

**Appropriations and Financial Affairs.**

By Mr. Colby of Somerset: Resolve in favor of C. M. Conant.

**Senate Bills in First Reading.**

Resolve in favor of stenographer to the committee on military affairs.

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

Resolve in favor of providing suitable storehouses for military property.

An Act to incorporate the Sanford Investment Company.

Resolve providing for an epidemic or emergency fund.

Resolve to provide for indexing House and Senate papers in Senate office for session of 1913.

Resolve to provide for reindexing House and Senate papers now on file in the Senate office.

An Act authorizing the secretary of State to prepare and publish a list of corporations delinquent in payment of their franchise taxes.

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.

An Act to amend Chapter 256 of the Private and Special Laws of 1907, in relation to the Cumberland County Power and Light Company.

An Act to amend Section 71 of Chapter 79 of the Revised Statutes, as amended by Chapter 196 of the Public Laws of 1911, relating to the jurisdiction of the superior court for Cumberland county.

**Reports of Committees.**

Mr. Conant from the committee on ways and bridges, on bill, An Act to provide for the appointment of road commissioners by select men, reported same in a new draft, under the same title, and that it "ought to pass."

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

The following joint standing committees submitted their final reports:

Committee on Ways and Bridges.

Committee on Indian Affairs.

The reports were accepted.

**Passed to Be Engrossed.**

An Act to amend Section 5 of Chapter 113 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.

An Act for the improvement of streets in the thickly settled portions of cities and towns.

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 86 of the Public Laws of 1909.

An Act amending Section 37, Chapter 28, of the Revised Statutes relating to the protection of life in buildings used for public purposes.

An Act to amend Section 1 of Chapter 198 of the Public Laws of 1909 as amended, relating to the school equalization fund.

An Act to provide for the reconstruction of Portland Bridge.

An Act prohibiting marriages in certain cases.

The PRESIDENT: The Chair will call attention to the fact that this bill in relation to prohibiting marriages in certain cases was yesterday assigned for second reading this morning.

Mr. HERSEY of Aroostook: Mr. President, when this bill came up on the report of the committee, I had the honor of presiding over the Senate, and by being in that place and my attention being distracted by the honors of the situation, and also somewhat by the eloquence of the genial senator from Penobscot, Senator Bailey, who brought before the Senate such a beautiful picture of the human race when it had been purified from all weakness of the flesh and when the fittest had survived and only they were allowed to marry, in that beautiful dream, I didn't interfere, but voted with the Senator from Penobscot that the report of the committee should be adopted.

But after I had left the chair, Mr. President, and had a chance to get back to the duties of a senator, and

had looked over the bill, for the first time, I began to study how the thing would work, and it seemed to me that while all due regard should be had to the senator from Penobscot for the fine and eloquent speech that he made to the Senate and the sentiments therein expressed, that I ought not, as one member of this Senate, to vote for the further passage of this bill and to send it to the House with our endorsement. I think before we do that the name of the act should be changed. The title which reads "An Act prohibiting marriages in certain cases" should read "An Act to prohibit any marriages in Maine."

There is nothing, Mr. President, in this act which prohibits parties, even fools, going outside of the State of Maine and getting married and coming back and doing business. Now while we all admit that sometimes fools marry, there are people, a great many people, who take the position, whether right or wrong, that all who marry are fools. And now this tries to regulate the thing.

The first paragraph says that no person authorized to unite persons in marriage shall knowingly perform a marriage ceremony uniting certain persons—takes all the degrees of fools from the feeble-minded up to the maniac, all the different degrees of mind troubles are taken care of here, and there are many of them. Some one has said that there is scarcely anybody but what is sometimes a little off. The old man said that everybody was queer but himself and his wife, and his wife was a little queer. And they put with that a man who has been in the state prison or twice convicted of felony, and then put in if he has consumption, tuberculosis, etc., and other matters which I need not mention.

Well, now, that is putting quite a burden on the parson to protect himself, and I do not believe that there is a parson in the state of Maine, if this should become a law, who would feel that he was safe.

To make him feel all right, the persons that want to get married furnish a certificate. I assume that is in addition to the one already pro-

vided by law, that the parties furnish a certificate of their nativity, their parentage, their color, their sex, their name, their mother and father, and the history of the family. All that we have now. In addition to all that they furnish a certificate—in section 2, a certificate from a physician—not an osteopath, Dr. Patten, but one of the duly registered and residing in the State. And that certificate must set forth that he has made an examination of the young man and the young woman, a physical examination, and a pretty thorough one under this law—no getting around that—and in addition to that he has to examine the mind.

Now while we have in the Senate some as able physicians as we have in the State, they are not mind specialists, and I submit to the genial doctor from Hancock, Dr. Patten, if one of these boys and girls that want to marry—and their parents as far as they are concerned are willing, they have a proper certificate from the town clerk of their age, parentage and everything else—they go to Dr. Patten for examination, if he would feel, with all his skill at the present time, that he could "minister to the mind diseased" as Shakespeare says.

That is a special treatment that very few doctors in the State possess. What are they going to do? When you go to your country doctor to get a certificate to get married about your mind, why he has got to say "Consult a specialist," and they have got to come down here to the insane asylum, or to Portland, or Boston, or somewhere, if they can—I presume they can't go out of the State for that—and get a certificate from some mind specialist that their mind is all right.

And I fear, Mr. President, if we should pass this bill through the Senate, that there is no senator here who has a daughter at marriageable age that she ever could get married. Why? by the mere passage of the bill through the Senate, if you should vote for it, if you have a daughter—why you look how it reads here—"or person who has heretofore been afflicted with hereditary insanity"—hereditary insanity—why, wouldn't

you say that if a member of this Senate has a daughter of marriageable age, and you pass this bill, that that child couldn't get married because she is afflicted with hereditary insanity? (Laughter.)

And then there is a fine. Why this physician that does his best and makes 'a mistake because of some hereditary insanity he didn't catch on to, something in this mind that looked all right but he didn't see it, lots of people afflicted with mind disease deceive you—I don't suppose a physician examining knows everybody that comes to him, about their family history—but if he should make a mistake, be a little careless about the examination, why he shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year.

In addition thereto he forfeits his right to practice medicine in the State and is put on the same footing as an osteopath. (Laughter.)

Mr. President, in behalf of the doctors in the Senate, whom I respect and admire, to protect them from a greater injury than can possibly come from organizing osteopaths, I move this bill be indefinitely postponed.

Mr. MOREY of Androscoggin: Mr. President, I think perhaps the matter of the bill was not fully considered the other day when the Senate voted upon it. It takes but a reading of the bill to see that it is very objectionable in many ways; that if this bill were enacted and became a law of the State and were followed, it would be a very complicated piece of machinery which would not, I believe, result in any direct good to the State.

The senator from Aroostook has described the heavy burdens imposed upon the physician in arriving at a diagnosis of the case. And then if he should decide for any reason that the marriage should not take place, the party aggrieved on examination could appeal to the medical examiner of the county where such person resides or is commorant.

Directly after the doctor, for instance, passes upon mind diseases; and we know without any reflection on the physicians here, that when a case comes into court the ordinary

physician is not accepted as an expert in mind matters, and I question if he could qualify under the provisions of this act in the detection of mental diseases.

"Any party examined by said physician who is aggrieved by his finding may appeal to the county medical examiner of the county where such person resides or is commorant. If the decision of said medical examiner is against said person, an appeal may be taken to the supreme judicial court by a petition stating the facts, which shall be served upon the said medical examiner fourteen days before the same can be entered in court and hearing demanded."

Now you think of the three tribunals to go through—where now it is a simple matter, a system that has been in vogue here in the State these many years and is quite conservative—where all of this machinery may be exhausted in filing the intentions of marriage or getting ready to perform the marriage ceremony.

Now then it gets up to the supreme judicial court through these different appeals. "The justice so hearing the case, may if he deems the questions presented of sufficient importance, report the case or any part thereof to the law court."

There will be four tribunals to go through in regard to obtaining a marriage certificate if for any reason the appeals contemplated by this act go through. That is, unless it were supposed that these contingencies would arise, they certainly would not have been incorporated into the law.

Now I ask if it is wise to put, in the way of obstructing marriages, all this legal machinery—first the physician, then the county medical examiner, then the appeal within fourteen days to the judge of the supreme court, and then the law court. "The county attorney of the county having jurisdiction shall appear in behalf of said medical examiner." Now it provides that in these different proceedings through the court the county attorney shall be called into the case, go along as a part of this machinery for the performance of the marriage ceremony.

"Said petition may be entered in court either in term time or vacation,

and any justice may hear the same in term time or in vacation." Then when this is all done, "the above described certificates shall be returned by the person issuing the marriage licenses to the register of vital statistics and filed and recorded in his office. The secretary of State shall prepare and furnish proper blanks to all physicians residing and practicing in this State for the certificates required by this act."

The penalty has been read.

Where now is the evidence that any such an act as this is demanded? Point out the specific instances in this state where an act of this kind would be beneficial or prevent the occurrences, if any, that now exist. If it is said that it is not desired to join in marriage insane persons—what minister of the gospel or justice of the peace today would join in marriage an insane person? You cannot find one within the borders of the state. What minister of the gospel or justice of the peace would do it. What one, a feeble-minded person,—think over the list, each one of you, of the pastors of this state, and feeble-minded persons coming up to him to be joined in marriage, do you think that he would do it?

Now then this provides for a physical examination of the parties about to contract marriage, that each one of the contracting parties must go to the clergyman officiating, carrying in his hand or presenting to him before the marriage ceremony can be performed a certificate comprehending the following:

Each party desiring to marry shall present a certificate of a physician duly registered and residing in this state, to the city or town clerk or other official issuing marriage licenses, stating that such party desiring to marry is not an epileptic, imbecile, feeble-minded person, idiot, insane person, or person who has heretofore been afflicted with hereditary insanity, or person afflicted with pulmonary tuberculosis in its advanced stages, and apparently is not afflicted with any contagious venereal disease.

Think of that! That the splendid young women of the state and the noble young men should be obliged to

have a certificate of that sort to present to the city or town clerk, to be filed and kept on file. The senator from Penobscot, on the day of his speech in favor of this measure, cited the instance of a man who was afflicted with locomotor ataxia cursing himself and cursing his parents who had brought him into the world. Is there anything in this act that would prevent the bringing of persons into the world with locomotor ataxia. But it is said that you prohibit the marriage of idiots. Does that prohibit the bringing into the world of persons who are idiots, persons afflicted with locomotor ataxia, or other diseases?

I think you can trust safely to the state as you have for all these years, to the conscientious pastor, to the justice of the peace, who very rarely officiates in comparison with the whole number of marriages in this state; it is only an inconsequential number, and that it would be better by far to let the marriages continue as they are than to impose this piece of cumbersome machinery which will have the deterrent effect of causing the marriages of the respectable young people of the state to take place outside of the borders of the state.

I do not know whether a motion has been made or not; if not, Mr. President, I move that the enacting clause be stricken out of this bill.

The PRESIDENT: The Chair will state the question is on the motion of the senator from Aroostook, that the bill be indefinitely postponed.

Mr. DUTTON of Kennebec: Mr. President, I do not desire to speak to any extent upon this measure. Good and sufficient reasons have been given why it should not become a law.

It strikes me that this is the most outrageous and obnoxious piece of legislation which any legislature could put upon its statute books. It is a direct affront to any young man or any young woman who has tried to live a decent and proper life. Why, a man's manhood and a woman's womanhood rises up to resent the suggestion that our pure and decent young men in Maine and our pure young women in Maine must put such a certificate as

called for here upon the public records of Maine where the curious can go and examine it. Think of it, senators, who have sons and daughters, senators who hope to have sons and daughters. Do you want your sons and your daughters, however pure you may believe them to be, and however pure they may be, to be compelled before they can be united in the holy bonds of wedlock to spread upon the public records of the State of Maine, any such outrageous certificate as this? Why, a man, an American, who loves freedom, who loves virtue, cannot help feeling his whole system aroused in indignation at such an outrageous proposition.

Nor will the good effects which gentlemen desire to accomplish be accomplished by legislation like this. These unfortunate persons afflicted by hereditary insanity, by imbecility or by epilepsy in their family or in themselves, will not only have to curse the parents who brought them into existence with this palsy upon them, but with the additional disgrace that they were brought into this world illegitimately. Every man who loves manhood, every man who loves womanhood, and their joint virtue, repels such a proposition. And I second the motion of the Senator from Aroostook.

Mr. COLE of York: Mr. President, in order that I may rise to the flights of the oratory of the senator from Kennebec, who has just spoken, I wish it were appropriate for me to stand on my desk, because only in that way could I get up to that sublime height.

It seems to me that the senator from Aroostook, the senator from Androscoggin and the senator from Kennebec, are unduly concerned. They got by years ago. I do not stand here in defense of this bill, but the bill came before the committee of which I am a member, and we believed that it contained a great moral principle which is being recognized more and more. And it was to bring it to the attention of this Legislature, not perhaps to have it passed and enacted into law, but in order that the spirit of the times might be emphasized upon

the floor of this house at least, that we are in favor of something that is within the spirit of the times and a higher degree of moral life.

The gentlemen, I say, are unduly exercised, but I call their attention to Chapter 61, Section 2: "No insane person or idiot is capable of contracting marriage." I ask the gentlemen who are so unduly concerned upon that class of people, why they do not put in an amendment because of the injustice to manhood and womanhood that is being done by our statutes.

Mr. President, the degrees of consanguinity that are prohibited within our statutes are along the same lines that this bill calls for. It is to keep clear our asylums and our homes for feeble-minded, that all these laws are enacted, and every one knows that inbreeding as it is called within the degrees of consanguinity tends to produce idiots and imbeciles. This Legislature, and every session, has given more or less time to the discussion of the better breeding of animals, and I call your attention to Senate Document 545, An Act to license stallions for public service, which has received some consideration at the hands of certain gentlemen in this Legislature. I ask you if the human family is not worthy of some consideration. And when the gentleman from Aroostook stands here and ridicules this thing and says "Why! (clapping his hands) I want you to know, Mr. President, that that is not argument. It is simply ridicule. And ridicule carries with it nothing by way of force or effect.

This bill is along the lines of legislation that you and I are just as sure to see as we live to our three score years and ten. I do not know but the provisions of the act before us are too drastic. I do not know that they do not go too far, that they are not years ahead of the day in which we are living, but just so sure will society rise up and demand protection at the hand of some law.

It is all right to stand here and talk about the freedom of the human race, and the great rights that we have, and that you would not circumscribe the rights of man or woman. Mr. Pres-



ident, these statutes which I hold in my hand are nothing but the descriptions which are written around every one of us. We are not free men and free women to do as we please, if we live within the law. And this law, or the spirit of this law which is proposed is not out of keeping with all other regulations under which we live. It is a part of the police power of the State to protect society.

So far as all of the appeals are concerned for a person to get married, I presume that town clerks are men of common sense; I presume that physicians do not have to be alienists in order to tell whether a person comes within the provisions of this bill.

And I presume that county attorneys would not expect to prosecute or carry up every case that might be referred to them, because I do not believe that the person who would find it necessary to appeal would ever have the backing, financially, morally or mentally, to carry it to that extent. But you and I, if we will look over our experience and observation of human life, can find a great many marriages that ought not to have been contracted. Our poorhouses are filled with the results of it. Our asylum across the river is filled with the results of it. And, Mr. President, this law is a law that is attempting to stop the progress of that line of work. It is no more drastic, in its way, I presume, than the law against marriage within certain degrees of consanguinity was considered drastic when it was enacted into law. Because in foreign countries there is no law against marriage within certain degrees of consanguinity. The father may marry his daughter, the son may marry his mother, the brother may marry his sister. And what do we find? Look at the royal families of Europe and where are they going? and where have they gone?

I do not believe this bill should be subject to ridicule.

I think it should be subject to the serious consideration of every member of this body, and if we feel that it is too far advanced beyond the day in which we live, defeat it. But I be-

lieve it is entitled to our respectful consideration, and that we shall live to see the day when it will seem strange that men in our day could not have looked forward and seen the day when it would be enacted and be absolutely necessary, Mr. President.

The PRESIDENT: The question is upon the motion of the senator from Aroostook that the bill be indefinitely postponed.

Mr. BAILEY of Penobscot: Mr. President, the senator from Aroostook in the beginning of his arguments, and also in the beginning of his minstrel show performance, said that there was no provision in the bill whereby feeble-minded could not go out of the State and get married and come back and live in the State. There is also no provision in our laws whereby people who cannot get a divorce in the State of Maine cannot go to Reno or some other place, get divorced, come back and marry some one else and live in the State of Maine. I might cite several other cases to the same effect, but I do not think it is necessary because every one can see that that argument might apply to many relations in life.

You see I am not going to get so excited as the gentleman who has spoken before me. I could raise my voice and perhaps make these things ring, if I wished to, but I think it will be a contrast to what has been already said if I talk in a sort of reasonable way, in just a conversational tone.

He also says that the physician would have to be an alienist to tell whether a man was insane or not, or feeble-minded. Well, we commit people to our insane hospitals and the home for feeble-minded probably two or three times a week. A couple of good, respectable doctors, who live in our country towns, say that in their opinion a person is insane or feeble-minded, and the board of selectmen or the municipal officers of the city commit those persons on their recommendations. If personal rights can be taken away from them, if they can be shut within the walls of an insane hospital, if—as I might go on and right here make a good speech, just the same as the senator from Kennebec, on the rights of liberty of the human being, and dwell upon those ancient days of barbarism when mad-houses used to

flourish in England and if a man wanted to get rid of his relatives, he had them committed to a madhouse—but as I said before, I am just going to talk about this in a conversational way.

A person is committed to an insane asylum on the certificate of two doctors. They are not alienists, but good, common-sense, every-day, respectable physicians, whom people in the town where they practice are glad to call upon. Now there is no reason why under the provisions of this bill those same doctors could not, or one of them, pass upon a person who sought to be married.

The senator from Androscoggin, in his eloquent, biting, and sometimes sarcastic way, spoke of the different courts through which anybody would have to pass in order to a marriage. Well, in my city there was a man who wanted to get a license to run a pawnshop. He had to apply to the municipal officers; then he went to the municipal court; then he went to the supreme court; and then he went to the law court. And he didn't get his license. The process of the courts—like a good many others just the same way—the process of the courts in those cases are just as cumbersome as they are in this; but it probably would not go that far. It probably would not take more than the medical examination and the other physician to tell whether a man would come under this bill or not. This was simply to preserve his rights in case that it was needed, just the same as in a good many other cases.

A man's right of appeal is left to him in our public utilities bill. I think the evidence was before the committee on public utilities, that in Wisconsin there was only, out of thousands of cases which the Public Utilities Commission has passed—there were only six of them that were taken to the supreme court. Simply the right of appeal was left to them, as it is and ought to be.

The senator from Androscoggin, Senator Morey, also asked some one to point out where such a law is demanded. If the senator from Androscoggin was not so much engrossed in politics, and perhaps looked along through the highways and byways of our cities and towns, went across the river to the Insane asylum, down to Pownal to the

home for feeble-minded, looked into our county jails, and went, to say nothing further, into some of our most respectable homes, he would see the most powerful, the most cogent reasons for the passage of this act exemplified in living form. He would not have to use a microscope to find in the common walks of life, the most prominent, conspicuous examples where such a law as this is demanded.

The senator from Androscoggin further said: "Will any minister or justice of the peace marry the feeble-minded?" Perhaps some of the senators here have seen in their own towns feeble-minded joined together, and what has been the result of the union? Paupers, criminals, degenerates, deteriorates, insane, those who are a charge upon society, those whose hand is against the laws of society, the dregs of society, worthless to themselves, a rebuke to the parents who bore them, and a burden upon the whole of us.

And yet with these living examples staring us in the face, the three learned senators stand up in this Senate and ridicule such a measure as that. I say to them, go back into the caverns where the owls and bats of ignorance, of superstition, and of gangrenous prejudice still inhabit, and where no ray of human enlightenment still penetrates. (Applause)

We read in Holy Writ that when St. Paul of Tarsus explained the mighty religion of which he was a glowing example, the Roman barbarian said: "Much learning hath made thee mad." And when the learned doctors of this State, and of all states, and of the world, scientists, criminologists, sociologists, demand the passage of some kind of law like this, the three senators rise up and say "Mad doctors!" Yet if St. Paul had lived to last Sunday, when the throngs were upon our streets attending the worship of that religion which St. Paul preached at that time, when thousands in glad acclaim gave their support and their belief in that religion, would he have said: "Much learning hath made thee mad?"

In my argument the other day I

spoke of the public utilities bill. I happened to be in Augusta when that was introduced in the Legislature. A learned senator said: "That is a fool bill," and the stolid, thickheaded face of ignorance relaxed into an approving smile and said: "Them is my sentiments, too."

And so I say that what may seem to benighted ignorance, to indifference, to be a fool bill, may in some years to come be a law which the people, and scientists, and every man of intelligence will say is a proper law. Times change. You cannot make conditions to fit laws. You must make laws to fit conditions. And I hope that this Senate will go on record as approving a law which is up with the column of knowledge and civilization.

You can talk about these things happening without marriage. So you can within the degrees of consanguinity. Children are brought forth, illegitimate children. But they are not legal. The hand of the law is upon them. They are illegal. The face of society is turned against them. But now they are legal. They do meet with the approval of the law. But if this bill takes effect they are illegal. Society is against it by the laws that they put upon the books, and it will surely have a deterrent effect upon such proceedings.

The senator from Kennebec has made an eloquent plea in regard to human rights and human liberties. I could almost think that I heard the voice of one whom we used to see so many years here, the venerable and ancient senator from Knox. (Laughter) He has made a mountain out of a molehill. It is no unusual procedure for physical examinations to be required. And if our beautiful and virtuous young ladies should see fit to want to be married, or to have the opportunity, what hardships, what very arduous and unreasonable burden would be placed upon her if she called her family physician, the one whom her father and her mother perhaps had so much confidence in, the one who perhaps brought her into the world, the one who has watched her growth into budding and blooming womanhood, if she should ask him to come to her chamber, and ask if she was physically

fit to be married? Would there be anything unreasonable, anything improper, or anything that would greatly infringe on or endanger human life, liberties or privileges, in that?

These objections, when you come to analyze them and sift them out, are largely in the shape of a balloon. They are large at the top because full of wind but down at the bottom they come to a fine point, and that is, are they reasonable? or are they unreasonable?

As I said before, gentlemen, this bill is something which is surely going to come. You may laugh at it, today. You may sneer it. You may ridicule it. But just as sure as you are sitting in your chairs, today—it may not come two years from now, it may not come four years from now, but such a law will be placed on our statute books. Because you cannot stand in the way of the advance of science, and of progress, and of civilization, and the man who sees fit to do so is going to get trampled under feet.

Mr. PACKARD of Knox: Mr. President, I rise with tears in my eyes as he speaks of the venerable senator from Knox. I am going to say if this bill passes you are going to hear the tramp of 10,000 cowhide boots at the polls, next September. You are going to hear from home. And I am going to say for the first time in this session I am going to vote with the senator from Aroostook, Senator Hersey.

Mr. HERSEY: I feel at least complimented, and I thank the senator from Knox.

I am sorry that the senator from Penobscot could not control his voice after he started in with the conversational tone—had hard work to start it, it missed fire and he went into the air.

Now I do not think, Mr. President, that either myself, or the senator from Androscoggin, or the senator from Kennebec, were discussing this question in any way but a common sense way of looking at it. There are some matters you cannot treat seriously. And when the senator from Penobscot stands in his place and says he don't expect this bill to be enacted—we will all in some future generation, as a matter of science

we will come up to this, and wants to take the time of the Senate in indulging in experiments in science—why, I think the senator from Androscoggin and myself, and even the senator from Kennebec, can be excused if we do not endorse such a project.

And Senator Cole read from the present statutes, which we all know, that the insane cannot legally marry. We all know that if a couple across the river here should escape from the madhouse and go down before a justice of the peace and have a marriage ceremony, it would not be any good. Or if the Home for Feeble-minded should let down the bars, and they go off and get married and pair off, it would not amount to anything under the laws of the State.

Haven't we got law enough now on that matter? When the State prohibits those marriages and says they are void, why do we want a new board of examiners to examine into the human race and say where the line shall be drawn? It seems to me that the senators from York and from Penobscot by reading the statutes have answered all their arguments. I believe the present law is good enough.

Mr. MOREY: Mr. President, if we are to look ahead into the future and decide this case as we are asked to do by the senator from Penobscot from an advanced viewpoint years hence, of course if we cannot legislate with our ideas in the future we should be excused. If he is serious in his prophecy to the Senate, then I submit that when he says the future will come to it that it is an admission upon his part that the people of the present day and generation, the senators who sit here in this body, greatly inferior to the distinguished senator from Penobscot, only view this thing in the passing hours of the day. What right has the modern Jeremiah to rise before us and claim to be the prophet of the future.

Examine the bill, read it carefully in connection with the statutes of the State, and these little flings and digs which to some seem to be the acme of great argument had better be suspended and we get to business and vote upon the bill.

Mr. COLE: Mr. President, it seems to me that the consideration of this bill should have been referred to the com-

mittee on State lands and forest preservation. The gentlemen who have opposed it have been using up a great deal of wood pulp, and if the committee on state lands and forest preservation had had charge of it, they would have saved the record, and the conservation of our forest industries would have been preserved.

The pending question being the indefinite postponement of the bill, a viva voce vote was taken, and the bill was indefinitely postponed.

#### Passed to Be Enacted.

An Act in relation to the title to islands belonging to the State.

An Act to provide for the conducting of investigations in animal husbandry by the Maine Agricultural Experiment Station.

An Act to authorize the Bangor Railway and Electric Company to take water from Chemo Lake and its tributaries.

An Act relating to the enforcement of the laws regulating the sale and analysis of agricultural seeds, commercial feeding stuffs, commercial fertilizers, dairy products, drugs, foods, fungicides and insecticides.

An Act relating to the fees payable upon an increase of the capital stock of corporations organized under special acts or under general laws for the performance of a public service.

An Act additional to Chapter 84 of the Revised Statutes, relating to the proceedings in certain civil actions in court.

An Act to amend Section 4 of Chapter 54 of the Revised Statutes, relating to the inspection of power boats and vessels engaged in transporting passengers for hire on inland waters.

An Act relating to inter-insurers and authorizing the business transacted thereby.

An Act to prevent the use of the name of the State by private or semi-public corporations or associations.

An Act requiring dealers to register the sale of other transfer of firearms.

An Act to incorporate the Sandy Stream Log Driving Company. (On motion by Mr. Colby of Somerset, tabled and assigned for this afternoon.)

An Act to amend Section 3 of Chapter 229 of the Public Laws of 1909, relating

to the State Board of Arbitration and Conciliation.

An Act relating to the protection of deer in the town of Isle au Haut in Hancock county.

An Act to amend Section 51 of Chapter 28 of the Revised Statutes, relating to the investigations of fires and the inspection of buildings.

An Act to amend Chapter 217 of the Private and Special Laws of 1911, increasing the corporate limits of the Porter-Kezar Falls Village Corporation of Porter.

An Act to repeal Chapter 315 of the Private and Special Laws of 1903, entitled "An Act to incorporate the Madunkeunk Dam and Improvement Company."

An Act relating to the election of assessors of the city of Portland.

An Act additional to Section 41 of Chapter 49 of the Revised Statutes, relating to the organization of insurance companies.

An Act to amend Section 67 of Chapter 206 of the Public Laws of 1909, relating to re-enlistment in the National Guard.

An Act to provide for the safe keeping of all bonds indemnifying the State.

An Act to amend Chapter 122 of the Public Laws of 1911, relating to corrupt practices at elections.

An Act for the abolishment of the grade crossings of railroads.

An Act to incorporate the Machias Valley Light & Power Company.

An Act to amend Section 5 of Chapter 184 of the Private and Special Laws of 1891, relating to drains and sewers in the city of Portland.

An Act authorizing the city of Bath to levy assessments for street improvements.

An Act to amend Section 2 of Chapter 15 of the Revised Statutes as amended in relation to the continuance of schools failing to maintain an average attendance of at least eight pupils.

An Act to regulate the practice of professional public accounting and establish the Maine Board of Accountancy.

#### Finally Passed.

Resolve, to aid in repairing the Springfield Normal Academy building.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of Law Reporting Company for material furnished the State librarian.

Resolve providing for certain repairs and improvements of the Capitol building and grounds.

Resolve in favor of screening Allen pond in Greene in the county of Androscoggin.

Resolve in favor of the Eastern Maine Insane hospital for money expended.

Resolve for further public instruction in forestry.

#### Orders of the Day.

The PRESIDENT: The Chair lays before the Senate the first matter for consideration, report of the committee on legal affairs "ought not to pass" on An Act granting to Hollis M. Shaw poic rights in the streets and highways in the towns of Union and Knox.

Mr. PACKARD of Knox: Mr. President, in view of the fact that the court has just handed down a decision granting to Mr. Shaw the same rights that this bill calls for, I move that the report of the committee be accepted.

The motion was agreed to, and the report was accepted.

The PRESIDENT: The next matter is An Act creating a State board of charities and corrections, House Document 588.

The pending question is the second reading of the bill.

Mr. FLAHERTY of Cumberland: Mr. President, I offer Senate Amendment A to House Document 588. "Amend by adding Section 13: 'Section 13. The secretary of said board shall have been a resident of the State of Maine for at least five years.'" I move the adoption of the amendment.

The amendment was adopted.

On motion by Mr. Cole of York, the bill was tabled pending second reading, as amended, and assigned for next Tuesday.

The PRESIDENT. The next matter is House Document 630, An Act to permit the town of Pittsfield to obtain a pure water supply.

Mr. RICHARDSON of Penobscot: Mr. President, I move that the bill be tabled and re-assigned for next Tuesday morning.

Mr. DUTTON of Kennebec: Mr. President, this is a matter that we all consented to have introduced under suspension of the rules, and I see no reason why it should be further delayed. If it is a matter important enough so that all senators here were willing to consent to the suspension of the rules in order that the town of Pittsfield might secure a pure water supply, it seems to me that we ought to act upon the matter without further delay.

If the senator has any special reason for asking this, I shall not object.

Mr. RICHARDSON: Mr. President, I have a reason that I consider good, and I will say that the matter will not be delayed, and I think the senator should be willing to give me that privilege.

Mr. DUTTON: Mr. President, I unfortunately could not hear a single word the senator said in giving his reason for delay.

Mr. RICHARDSON: I simply said that the matter will not suffer if it is tabled till next Tuesday, and I have a very good reason for making the request. I trust the Senate will grant me the courtesy.

Mr. DUTTON: Mr. President, if the senator has a personal reason, I am willing to grant him the privilege.

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

The PRESIDENT: The next matter for consideration is Senate Document 622, Resolve in favor of the State highway department, covering expenditures for repairs and maintenance of the State bridge at Old Town.

The pending question is the second reading of the bill.

Mr. CONANT of Waldo: Mr. President, I move that the bill take its second reading.

Mr. MOREY of Androscoggin: Mr. President, since the session opened, this morning, a gentleman came to me and wanted to have something to say in regard to this matter. He thought that there was something wrong with the bill, and if it should go over until the afternoon session, it will give him

a chance to see what he wants to do. I assure the senator that the matter will be taken up, this afternoon.

The motion of the senator from Waldo was withdrawn, the bill was tabled and assigned for this afternoon.

The PRESIDENT: The next matter is an Act to legalize the doings of the stockholders of the Aberthaw Construction Company, House Document 170.

Mr. STEARNS of Oxford: Mr. President, on consultation with parties interested in this measure, I am asked to have it re-assigned for this afternoon. I move that the bill be tabled and assigned, this afternoon.

The motion was agreed to.

The PRESIDENT: The next matter is Senate Document 329, An Act to establish a reformatory for women.

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

Mr. MURPHY of Cumberland: Mr. President, the members of the Senate who have served on committees during the last three weeks, know that we have had many measures similar to this before us asking for an appropriation for money. This is An Act that came to our attention. It seems to me that this is something that is going to call for an appropriation, and another institution to come here year after year, and make great demand upon the State treasury. I have noticed the appropriations that have been made to the various institutions similar to this during the past few weeks, the various homes for boys and young women, etc. I believe this should be investigated thoroughly before it is put up to any Legislature.

I do not know as I want to make much talk upon this matter. If other gentlemen here can give good and sufficient reasons for this appropriation and are willing to stand behind it, and thus pave the way for future trouble, it is agreeable to me. I want to make this motion, that this bill be referred to the committee that Mr. Allen was appointed upon, some weeks ago, and that they report to the next Legislature. I make that as a motion.

The PRESIDENT: The Chair will state that the committee referred to by the senator from Cumberland, has not been appointed, but the order has been accepted in concurrence by the House, and in the opinion of the Chair, the motion of the senator is in order.

The senator moves that the bill be referred to the committee to be appointed to investigate these matters, and report to the next Legislature.

Mr. Boynton: Mr. President, I believe there is a present need for just such an institution as this, and that it should be built as soon as it can be done.

There is, as I said the other day, money absolutely available to do this, and I hope the motion of the senator from Cumberland will not prevail.

Mr. BAILEY of Penobscot: Mr. President, this bill came before the legal affairs committee, and there is no question of doubt that there is need for such an institution, but I think on the whole that it will be more advisable to refer this bill to this special committee that they may advise the best situation, perhaps, and location for the institution, the proper means for its government and of course we all know after an institution is founded there must be some provision for its maintenance. I think it is advisable that it be referred to this committee and let them give it such careful investigation as is required by a measure of this importance. I second the motion of the senator from Cumberland, Senator Murphy.

The motion was agreed to.

The PRESIDENT: The next matter on the calendar is Senate Document 432, An Act to amend Section 4 of Chapter 87 of the Laws of 1911, in relation to employment agencies. This matter was on the table under the name of Senator Bailey and was retabled in the absence of Senator Bailey by Senator Richardson.

The PRESIDENT: The pending question is the indefinite postponement of the bill in concurrence with the House.

On motion by Mr. Bailey of Penobscot, the bill was indefinitely postponed in concurrence.

The PRESIDENT: The next on the calendar is the 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," Senate Document No. 150.

The pending question is the acceptance of either report. The House accepted the majority report "ought to pass."

Mr. WING of Franklin: Mr. President, I find myself in the position again of asking the Senate to adopt a minority report of the committee on taxation. This bill provides for a decrease in the tax on savings banks. To my mind all matters relating to taxation are important. At this stage of the Legislature, it seems to me is an exceedingly important one. The reduction asked for in the bill amounts to about \$50,000 a year, and in the next two years, before any further change could be made, it would deprive the State of an income of a little more than \$100,000.

This Legislature has made a great many appropriations, and it impressed me that we were not in a position to do away with any of the revenue of the State at this time.

Four years ago the committee on taxation made a general revision of all taxation laws, and increased materially the revenue of the State. Two years ago further increases were made. This Legislature has made no increases in the way of additional revenues, while the calls and demands upon the treasury have constantly increasing.

I call your attention for a moment to the method of taxing savings banks. We have what is known as a franchise tax, and under Section 54 is a provision for assessing that tax. We start by taking all of the deposits in savings banks, including undivided profits and reserve funds, and then make certain deductions. The first is United States bonds held by banks and not subject to ordinary taxation, and therefore they are exempt. And then all kinds of municipal bonds not subject to State taxation are deducted, and stock that is not taxed where the property itself is taxed, is also exempt.

Then we have a provision that two-fifths of all investments in the State of Maine are exempt. This bill provides that three-fifths of all investments in

the State of Maine shall be exempt. That is, it cuts out one-third of all taxes on investments in the State of Maine, a reduction of 33 1-3 per cent. on every investment in the State of Maine made by savings banks.

Personally, I have no objection to the passage of this bill. I am treasurer of a savings bank, and I am interested in savings banks. The bill would cut out one-third of all the taxes that we pay on savings banks in Kingfield, because every investment that we have is in the State of Maine.

It seems to me that the State is not in a position to make this reduction at the present time. There is another reason which I would urge why it should not be made. We have presented a resolve providing for the classification of intangible property. If that resolve receives a passage, and it is now passed to be engrossed in both branches, then the Legislature will have authority to impose a tax upon all intangible property at a lower rate, and I maintain if that becomes law we should be in a position so that we can tax all intangible property at the same rate, whether we find it in the hands of individuals, savings banks or trust companies.

If you make a different rate for savings banks and trust companies than you do for individual, there will always be trouble. This exemption of mortgages has grown out of that very fact. We have taxed individuals at the municipal rates, while we have taxed savings banks and trust companies at a low rate, and if this resolve for amendment of the Constitution is passed, we shall be in a position so that we can place all intangible property in one class and make a uniform rate. And I believe that the savings banks are not suffering, which are paying only three-eighths of one per cent. It is an exceedingly low rate. No savings bank is suffering by the imposition of that tax. I have asked the bank commissioner to figure it out and include the figures for 1912, and he states that the reduction on the basis for the tax of 1912, will amount to \$49,677.06. There is a material increase in the deposits, each year, so that if this bill passes, it deprives the State of more than \$100,000 in the next two years.

I move you, Mr. President, that the minority report be accepted.

The PRESIDENT: The Chair will state that the majority report carries with it a bill, and it has been accepted in the House, the bill was read twice and passed to be engrossed.

Mr. WING: Mr. President, I withdraw my motion and move that the bill be indefinitely postponed.

Mr. WALKER of Somerset: Mr. President, as we all know, one-half of the tax on savings banks is for the common schools of our State. As a member of the committee on education, I am somewhat interested that the motion of Senator Wing shall prevail, as in our consideration of the school matters in the State, we reckoned that this tax should be forthcoming, in the next two years. Therefore, as one interested in the educational interests of the State, I hope the motion of the senator from Franklin will prevail.

Mr. Murphy of Cumberland: Mr. President, I want to endorse the word of my friend, Senator Walker. As I understand, it will be \$25,000 a year less for the school mill fund, as the school mill fund is distributed entirely on the census. I wish to voice my protest against this measure.

Mr. REYNOLDS of Kennebec: Mr. President, I have talked with some of the bank people and many of them claim if this law remains as it is, they must cut down the interest rate. I do not know many of them but I do quite a lot of business with them. I believe some of the money we have invested outside of Maine we had better have here invested in Maine. There is any amount of money that has gone to Massachusetts and has not come back. We had better keep some of this money here and let it be taxed a little less. If a man has \$500 and puts it in the savings bank he gets only \$20 for it if this tax keeps along. Some of the directors and presidents of these savings banks say that they will have to cut down to three and a half per cent. Many of the savings banks now are only paying three per cent. It seems that



it comes right back to the poor man, the man who saves up \$500 or \$600.

The savings banks do not want to pay this tax. I believe that we should take care of our savings banks for they are pretty good institutions. While I have no money in any of them, I believe in them and have to go there for relief.

Mr. RICHARDSON of Penobscot: It seems that when this whole matter in regard to intangibles will be adjusted within a short time that it is very unwise to pass this law now. The reduction in the tax would be felt very seriously by some of our important departments. And we cannot afford to lose the income.

As a member of the committee on financial affairs, I have seen many worthy requests cut down because we did not have the money. We know that we must largely increase our tax rate and I do not believe that this is a wise movement, this year.

Mr. MOREY: Mr. President, the report on the savings banks tax came in, eight signing the majority report and two signing the minority report. A hearing was had before our committee and a strong plea was made for the savings banks of the State. It was claimed that they are being discriminated against in regard to taxation, and that relief must come if it is desired at all to maintain the rate of dividends at four per cent.; that it will be practically impossible to maintain that rate unless relief comes in the form of a diminution of taxes. As is well known, the trust companies of the State have developed largely and are in a great state of progress. The liberality of their charters and their opportunity to do business makes it apparent that they are institutions which are forcing ahead to the detriment of the savings banks.

Some of those before our committee stated that savings banks would practically cease to do business unless something was done, and they thought as an act of justice to these institutions and in order that the savings banks should be maintained, that this tax should be included in the law.

It all figures out in this way, in

the bank examiner's report, Page 21: The deposits in savings banks during 1912 were \$93,505,528.43. The tax paid during the year was \$465,881.78. The trust companies of the State for 1912, their savings deposits, were \$27,944,585.32. The total deposit bearing three per cent. interest or more was \$27,978,123.01. The tax on these trust companies was \$124,145.93. In the same proportion if the savings banks were assessed by a tax in the same proportion that the trust companies were, their tax would \$59,000 less than now. By reducing this rate, it would make the amount that would be taken from the savings banks \$49,600 less, as stated by the senator from Franklin. So that if you wish to put the savings banks on a equality with trust companies, so far as taxation is concerned, why then this reduction is absolutely correct. It gives the savings banks an opportunity to go ahead and do business on equal terms with the trust companies of the State. There is no question but what that is the way the matter figures out. There should be no discrimination against the savings bank as it has a part in the State's affairs and is an institution that should be maintained.

The evidence showed that there was great difficulty in maintaining a 4 per cent. dividend. This reduction of \$49,000 would not go to the stockholders, as in the case of trust companies where they get the benefits of a corporation, but it would go directly to the depositors so that they would reap the direct benefit. And it was thought that if these institutions could go along and keep up the rate of interest to 4 per cent. it would attract depositors. That is the reason made this report.

Mr. WING: Mr. President, this matter is ismply a second act in a drama. The first one took place, two years ago, when real estate mortgages were exempted from taxation. After that act took effect, the savings banks complained that they were not exempt, and the trust companies also complained that they were not exempt, and they came to the committees at this session asking an exemption on ac-

count of the exemption that was made, two years ago. They said that they were being discriminated against and they asked for exemption covering their investments in real estate mortgages.

This bill was presented as one of the measures to equalize that matter, and another bill asked for a direct exemption of investments in mortgages. Both had the same practical effect. Now I want to say to this Senate that if you make this exemption, if you exempt your savings banks and your trust companies in accordance with the exemption which you made, two years ago, are you going to be able to stop there? The third act will come in two years from now and you will be asked to exempt money invested in mortgages on personal property and all money at interest, and if you want to be consistent and fair, you will have to do it, for there is no argument that any man could advance why real estate mortgages should be exempt and personal property mortgages not exempt. What will the fourth act be? Two years later the savings banks and trust companies will come back again and ask you to wipe out all taxes on savings banks and trust companies in order to be on a par with the exemption formerly made. And then you will have to grant their request in order to be consistent.

What will be the result? \$600,000 of the revenue of the State will be wiped out. That is the way you will end if you keep on with this method of exemption. The only thing you can do to protect the interests of the State is to stop now. Pass that resolve and in two years from now, come back and put all intangible property into one class, under one rate, and you have then solved the question.

The PRESIDENT: The question is upon the motion of the senator from Franklin, that the bill and report be indefinitely postponed.

Mr. WING: 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, and the secretary called the roll.

Those voting yea were: Messrs. Al-

lan, Bailey, Boynton, Burleigh, Chase, Colby, Cole, Conant, Emery, Hersey, Mansfield, Maxwell Murphy, Patten, Richardson, Smith, Stearns, Walker, Wing—19. Those voting nay were: Messrs. Allen, Dutton, Flaherty, Jilison, Morey, Moulton, Packard, Reynolds—8. Absentees: Messrs. Clark, Hagerthy, Hastings—3.

Nineteen having voted in the affirmative and eight in the negative, the motion of the senator from Franklin prevailed, and the bill and report were indefinitely postponed.

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

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

On motion by Mr. Cole of York, the bill was passed to be enacted.

The PRESIDENT: The next matter is Senate Document 299, An Act for the better protection of automobile garage keepers and owners.

The pending question is on the action of non-concurrent action of the two branches.

Mr. BAILEY of Penobscot: Mr. President, I want to say that I seem to be in a position of putting in bills that infringe upon the rights of one person or another.

The marriage law discussed, this morning, seems to be regarded by the senators as infringing upon the rights of individuals. The garage bill to protect the garage keepers seemed to be held to be an infringement upon the property rights guaranteed by the Constitution. I want to put myself in the right. I am a stockholder in a garage in Bangor, but I did not put this bill in upon my own initiative. Why I discuss this thing is perhaps more of an apology than anything else, because the discussion in the House showed that they had little conception of the scope of the bill.

The bill reads: "Whoever puts an automobile in a public garage or any other place where automobiles are stored for hire, and without having an express agreement for credit, pro-

zures supplies, accessories or accommodation for himself or said automobile, and with intent to defraud the owner or keeper of said garage, removes or causes to be removed any such automobile from such garage without paying the proper charges due for repairs, supplies, accessories and accommodation furnished thereon shall be punished by imprisonment not exceeding three months or by fine not exceeding \$100."

The courts in this country have held that a public automobile garage is obliged to put up any person who comes there with his automobile for accommodation. They are practically in the same position as a public inn keeper and on the laws of this State there is a similar provision in regard to inn or hotel keepers.

The necessity of such a law arose from the following fact: We have in this State, and we are reaching out for them to come, a good many transients who come to us from other states. It is not so important for the business in Bangor as it is in Cumberland and York counties that this law should take effect. Take for instance a man with an automobile who comes to a public garage. Under the laws of Michigan, the supreme court says that they must receive him, the same as a tavern or an inn keeper must receive a man. He puts his automobile in there, and he receives supplies to a good amount. When he takes his automobile in the morning, you cannot say that he must pay his bill before he takes the machine out. The man may intend to come back at the noon hour or not and he has to assume that he is honest and is coming back to pay his charges. It sometimes happens that they do not come back. An automobile is a swiftly moving piece of machinery and can get beyond the confines of our State and the jurisdiction of our courts very quickly.

There was brought to my attention by other garage keepers the case of two young men who came to the city of Bangor and put up their automobile at a garage. They secured supplies and accessories to the amount of about \$60. They took their automobile out in the morning and the garage keeper supposed

they were coming back to pay their bill, but they did not, and the only way they could be apprehended by any process was by a special writ on the ground that they were about to leave the State with money sufficient to pay their bill. Through some good luck, they were apprehended within the borders of the State, and when they were arrested it was found that they had over \$400 in money on their person, but they intended to defraud the garage keeper.

If this statute goes into effect it does not prevent a man from taking his automobile out of the garage, as some gentleman in the House stated. The idea is that if he does take his automobile out of the garage, with intent to defraud the owner or keeper of such garage, and starts out to go beyond the confines of the State or in fact to any place in the State, it is very easy to procure a warrant, and telephone perhaps along the line of the road he has taken and have him apprehended. As the law is now, it is absolutely impossible for a garage keeper to collect that money which was due him, and it was simply along these lines, and this was no new and strange bill, for the same law is applied to tavern keepers and inn keepers.

If I were the only person affected, I would be the last one to ask for this bill, but it is of interest to all garage keepers in the State, and I move that the Senate insist and ask for a committee of conference.

The motion was agreed to.

The Chair announced the members of the committee of conference on the disagreeing action of the two branches on the part of the Senate, the senator from Penobscot, Senator Bailey, the senator from Hancock, Senator Patten, and the senator from Kennebec, Senator Allen.

The PRESIDENT: The next matter for consideration is the majority report "ought to pass" and minority report "ought not to pass," from the committee on judiciary, on an Act relating to the powers of the board of prison and jail inspectors.

On motion by Mr. Stearns of Oxford, pending acceptance of either report the bill and report were tabled and assigned for consideration next Tuesday.

Mr. STEARNS of Oxford: Mr. President, I desire unanimous consent to introduce an order, out of order, at this time, in relation to the pay roll of the members of the House and Senate.

Unanimous consent was given, and the senator presented the following order and moved its passage.

Ordered, the House concurring, that the committee on appropriations and financial affairs be directed to make up the pay roll of the officers, employes and chaplains of the Senate and House the same as the last session.

The order was given a passage and sent down for concurrence.

Mr. MOREY of Androscoggin: Mr. President, I ask for information as to the matter in relation to the proceedings that arose in the House and that may require action this morning.

The PRESIDENT: There are papers that have arrived from the House that will be naturally taken up this afternoon unless the Senate wishes to take them up earlier.

Mr. MOREY: I was informed, Mr. President, that they came forthwith, and I did not know but they required immediate action.

The PRESIDENT: Under the ordinary procedure they would come up under House papers this afternoon.

On motion by Mr. Dutton of Kennebec, Adjourned until half past three this afternoon.

### SENATE.

Friday Afternoon, March 28, 1913.

Senate called to order by the President. Prayer by Isaiah F. Lusk of Gardiner. Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Ordered, the Senate concurring, that when the Senate and House adjourn, they adjourn to meet Monday afternoon, March 31, at half past four o'clock.

On motion by Mr. Stearns, the order was tabled, pending passage in concurrence, to be taken up later in the session.

An order was received from the representatives, passed by that branch, requesting the Governor of the State to furnish forthwith to the Legislature the names of sheriffs and others who have failed to enforce the provisions of the prohibitory law, and also such evidence as he may have in relation to the same.

Mr. STEARNS of Oxford: Mr. President, I move that the order have a passage, and that the secretary transmit the order to the Governor, and report to this Senate.

The motion was agreed to, and the secretary conveyed the order to the Executive department.

Subsequently the secretary reported that he had delivered the order to the Governor, and that with his compliments the Governor presented the following data:

To the Senate and House of Representatives:

Gentlemen:

In compliance with House order relative to the non-enforcement of the prohibitory law by sheriffs and county attorneys in the different counties of the State, I herewith submit to you all that I have bearing upon this subject with reference to any county.

#### ANDROSCOGGIN COUNTY.

1. Three bulletins No. 1, No. 2 and No. 3, naming places where liquor is sold in that county.

2. The following names of persons given to me as witnesses who will testify relative to the alleged failure of the county attorney, W. H. Hines, to prosecute violators of the so-called prohibitory law, namely:

Rev. C. E. Owen, Waterville.

F. X. Belleau, Auburn.

Clerk of courts of Androscoggin county with the criminal dockets of said county for the April and September terms, 1912, and the January term, 1913.

John L. Reade, Esq., Lewiston.

Rev. F. A. Leitch, Auburn.

Rev. George F. Kenney, Auburn.

3. The following names of persons given to me as witnesses, who will testify relative to the alleged failure of the sheriff, H. M. Lowe, to prosecute violators of the so-called prohibitory law, namely:

John L. Reade, Lewiston.  
Capt. Wood of the Salvation Army,  
168 Holland street, Lewiston.

Rev. F. A. Leitch, Auburn.  
Rev. H. L. Whitney, freight agent, M.  
C. R. R., Bates street, Lewiston.  
Mr. E. H. Emery, Sanford.  
Mr. F. X. Belleau, clerk of courts,  
Auburn.

Rev. C. E. Owen, Waterville.  
Rev. W. F. Berry, Waterville.  
4. Two letters hereto attached.

This is all I have in relation to con-  
ditions in Androscoggin county.

#### PENOBSCOT COUNTY.

1. I have had presented to me as  
witnesses who will testify against Sher-  
iff W. W. Emerson, with regard to his  
alleged non-enforcement of the so-called  
prohibitory law, the following named  
gentlemen:

Rev. C. J. Brown, Bangor.  
Rev. C. E. Owen, Waterville.  
W. A. Danforth, treasurer of the Ban-  
gor & Aroostook Railroad Co., Bangor.  
E. H. Emery, Sanford.  
F. W. Phelps, Old Town.  
J. E. Gibbons, freight agent, M. C.  
R. R., Bangor.  
A. H. Bennett, agent American Ex-  
press Co., Bangor.  
R. J. Plummer, freight agent, M. C.  
R. R. Co., Old Town.

F. J. Stowe, agent American Express  
Co., Old Town.

Rev. W. F. Berry, Waterville.

2. Two letters which I have received  
from Penobscot county relative to this  
matter.

This is all I have with reference to  
conditions in Penobscot county.

#### KNOX COUNTY.

With reference to Knox county, I  
herewith enclose petitions, letters, etc.,  
which I have received regarding both  
county attorney and sheriff of said  
county.

This is all I have received with refer-  
ence to the non-enforcement of the so-  
called prohibitory law in Knox county.

I have received no evidence, petitions  
or statements in my official capacity  
with reference to the enforcement of the  
so-called prohibitory law in any other  
county of the State.

(Signed) WILLIAM T. HAINES.

Mr. STEARNS of Oxford: Mr. Presi-  
dent, I move that the communication of

the Governor be received and lie on the  
table.

The motion was agreed to.

From the House: Resolve in favor of  
the adoption of an address to the Gov-  
ernor for the removal of Lewis W.  
Moulton, sheriff for the county of Cum-  
berland.

This resolve came from the House  
amended by the adoption of House  
Amendment A.

Mr. STEARNS of Oxford: Mr. Presi-  
dent, inasmuch as the information re-  
ceived from the Governor includes infor-  
mation regarding certain other officials  
in addition to those mentioned herein,  
I move that the resolve and their  
amendments lie on the table and be  
taken up later.

The motion was agreed to.

From the House: The joint order  
adopted by the Senate yesterday, in re-  
lation to the appointment of a committee  
to consider and report the order of pro-  
ceedings to be observed upon the hear-  
ing proposed by the resolve of the two  
branches upon the alleged causes of re-  
moval in the case of Lewis W. Moulton,  
sheriff for the county of Cumberland,  
was amended in the House as follows:

#### "House Amendment A.

Amendment to House Document No.  
666, by adding thereto after the word  
Cumberland in the sixth line the words  
"and all other sheriffs or county attor-  
neys included in the Resolve as amend-  
ed," and after the word hearing in the  
ninth line thereof the words "or hear-  
ings," and by striking out all after the  
word defence in the ninth line and be-  
fore the word committee and substitut-  
ing therefor the following: "and the at-  
torney general be required to present  
the case of the State against said Lew-  
is W. Moulton and all others included in  
the Resolve as amended, so that said  
order shall read as follows:

Ordered, that a committee of three, on  
the part of the Senate, with such as the  
House may join, be appointed to con-  
sider and to report the order of proceed-  
ings to be observed upon the hearing pro-  
posed 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 all oth-

er sheriffs or county attorneys included in the Resolve as amended, and that the secretary of the Senate be directed to issue subpoenas for the summoning of witnesses to be present and testify at such hearing or hearings upon application of either prosecution or defence and that the attorney general be required to present the case of the State against Lewis W. Moulton and all others included in the resolve as amended.

Committee on the part of the Senate: Stearns of Oxford, Cole of York, Boynton of Lincoln.

Committee on the part of the House: Smith of Patten, Smith of Presque Isle, Wheeler, Dunton, Sanborn, Thombs, Connors.

Mr. STEARNS: Mr. President, in order to have these matters all together and taken up together, I move that these amendments lie on the table pending adoption.

The motion was agreed to.

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

#### **Appropriations and Financial Affairs.**

By Mr. Smith of Penobscot: Resolve in favor of the clerk of the Committee on Labor.

By Mr. Conant of Waldo: Resolve in favor of Loui O. Haskell, clerk of Committee on Agriculture for committee trip expenses.

By Mr. Conant of Waldo: Resolve in favor of Louis O. Haskell, clerk to the Committee on Agriculture.

#### **Reports of Committees.**

Mr. Smith from the Committee on Labor on bill, An Act to compel the printing of all State Papers and Documents under proper sanitary conditions, reported that "legislation thereon is inexpedient." The report was accepted.

Mr. Emery from the Committee on Appropriations and Financial Affairs on Resolve in favor of Mary H. Perkins for services as stenographer to the President of the Senate and Speaker of the House, and for clerical assistance in the office of the secretary of the Senate, reported same "ought to pass."

Mr. Colby from the Committee on State Lands and Forest Preservation, on bill, An Act to amend Chapter 193 of the Public Laws of 1909, creating the

Maine Forestry District, and providing for protection against forest fires therein, submitted same in a new draft under the same title, and that it "ought to pass."

Mr. Wing from the Committee on Salaries and Fees on bill, An Act to amend Chapter 117 of the Public Laws of 1905, relating to the compensation of county commissioners, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Wing from the committee on salaries and fees on bill, An Act fixing the compensation of the clerk of the municipal court for the city of Lewiston, reported same in a new draft under title of "An Act providing temporary clerk hire for the municipal court of the city of Lewiston," and that it "ought to pass."

Mr. Wing from the same committee on bill, An Act to amend Section 5 of Chapter 117 of the Revised Statutes, relating to salary of officer to attend superior court, Cumberland county, reported same "ought to pass." (This being a private bill was given its first reading.)

Mr. Wing from the same committee on bill, An Act to amend Chapter 113 of the Laws of 1905, relative to the clerk hire of the clerk of court in York county, submitted same in a new draft under title of "An Act providing temporary clerk hire for the clerk of courts in York county," and that it "ought to pass."

Mr. Wing from the same committee on bill An Act to amend Chapter 151 of the Public Laws of 1905, relating to the compensation of registers of probate, submitted the same in a new draft under title of "An Act to provide temporary clerk hire for the register of probate in Aroostook county," 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 joint standing committees presented their final reports:

Committee on State lands and forest preservation.

Committee on labor.

The reports were accepted.

**Passed to Be Engrossed.**

A Resolve in favor of the Central Maine General Hospital for maintenance.

A Resolve in favor of Bar Harbor Medical and Surgical Hospital, for maintenance.

Resolve in favor of Saint Elizabeth's Roman Catholic Orphan Asylum at Portland.

Resolve in favor of Waldo County General Hospital, for maintenance.

Resolve in favor of The Children's Protective Society for maintenance.

Resolve in favor of York County Children's Aid Society, for maintenance.

An Act relating to the disbursement of appropriations to institutions receiving state aid.

An Act to amend Section 71 of Chapter 79 of the Revised Statutes as amended by Chapter 196 of the Public Laws of 1911 relating to the jurisdiction of the Superior Court of Cumberland County.

Resolve in favor of the stenographer to the Committee on Military Affairs.

Resolve in favor of the Clerk to Committee on Railroad and Expresses.

Resolve in favor of providing a suitable store-house for military property in Augusta.

Resolve providing for an epidemic or emergency fund.

Resolve to provide for indexing House and Senate Papers in Senate Office for 1913.

Resolve to provide for re-indexing House and Senate Papers now on file in Senate office.

An Act authorizing the Secretary of State to prepare and publish a list of corporations delinquent in payment of their franchise taxes.

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.

An Act to amend Chapter 256 of the Private and Special Laws of the year 1907 in relation to the Cumberland County Power and Light Company.

**Passed to Be Enacted.**

An Act to amend Section 12 of Chapter 4 of the Revised Statutes as amend-

ed, relating to the choice of town officers.

An Act to incorporate the Ogunquit Village Corporation.

An Act to authorize cities and towns to appropriate and expend money for advertising purposes.

An Act to provide for the care and administration of funds and property donated for moral, religious, benevolent or educational purposes in accordance with the intention of the donor.

An Act to amend Section 8 of Chapter 18 of the Revised Statutes, as amended by Chapter 48 of the Public Laws of 1909 relating to the State Board of Health.

An Act to amend sections 40 and 43 of Chapter 15 of the Revised Statutes as amended, relating to the continuance of unions of towns formed for the employment of a superintendent for schools.

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

**Finally Passed.**

Resolve in favor of National aid for the improvement of postal roads.

**Orders of the Day.**

The PRESIDENT: The Chair lays before the Senate for consideration the first assignment for this afternoon, Report from committee on legal affairs, "ought not to pass," on bill "An Act granting to the Knox County Power Company the right to generate and sell electricity in the municipalities of Thomaston and Rockland, together with pole rights therein. House Document No. 141. The report of the committee is "ought not to pass." It comes from the House with the bill substituted for the report, read three times and passed to be engrossed.

Mr. Packard of Knox: Mr. President, this bill is to give the Knox County Power Company, which has a water power in the town of Union, the right to come down into the town of Thomaston and city of Rockland and do a lighting and power business.

It is something that Knox County needs. We have got to have something done down there. The city of Rockland the last twenty years has

remained stationary in population. The only thing we need is cheap power. We have got to have it. We cannot get it from the present company. They have been there twenty years and we are paying more now for power than we did twenty years ago. They told us that they had cheaper rates. They may be cheaper to some people, and to some people they are not.

The manager of the Thorndike hotel in Rockland told me that it cost him \$15 a month more to run his elevator by electricity under the new rates, that they call the cheap rates, than it did under the old.

Now this bill was laid before the committee, a committee composed of lawyers, and turned down. The counsel for the Knox Power Company was ill and it was not a fair hearing in my estimation. It came into the House. It was opposed by the most influential Democrat in the House, Newbert, the man that says the Senate is no good. He tried to kill this in the House but he did not do it. It went through the House 91 to 45.

Now the Senate has had the name of working for the corporations. Now it seems to me this time that we want to show the people of the State of Maine that we are for the under dog, that we are for the little company, that we believe in competition. We do not want that name to go out all the time, if it has gone out in times past.

Now the street railway company claim that the Knox Power Company has no power in the little water privilege up in the town of Union, claim we have got only somewhere 150 horsepower. Now if we have not got any power, what in the world are they afraid of? We can not do any damage. And they claim the finances of it are not right. If the finances are not right, we cannot do any damage.

Now we have petitions here from the business men—from business men on Main street in the city of Rockland and on all other streets; they all want it. I also have petitions from every ward in the city of Rockland in favor of it: Ward one, 112; ward two, 182; ward three, about 200 voters, ex-Governor Cobb's ward, 181 in favor of it; ward

four, 132; ward five, 184; ward six, 196; ward seven, 143. Also a petition from Thomaston.

Now the company that is there doing business today say that the Knox Power Company is not organized properly. Now I will show you how they started in doing business.

The Rockland, Thomaston & Camden Railway was organized about 20 years ago. Up to 1902 the total capital stock of \$250,000, did not cost the originators one cent. In 1905 a stock dividend of \$150,000, was declared making \$400,000 total.

They have declared over \$200,000 of dividends, and are paying five per cent or \$20,000 on pure water. They have a surplus of nearly \$100,000. They have refused \$125 a share for their stock, making a total grand value of about \$800,000, they have obtained from the public of Rockland and vicinity that cost them absolutely nothing.

Now the Rockland board of trade appointed a committee to help get this Knox power bill through. To show that there was no politics in this committee, I will say there were 12 Republicans, eight Democrats and two Progressives. Now if this bill is passed, the Knox Power Company, will be under a board of trustees to protect the bondholders and municipalities. The board of trustees is as follows: David Talbot, Charles E. Bicknell, C. M. Walker, A. S. Black, M. A. Johnson, our leading citizens of Rockland.

Now I hope that the bill will pass, and I move that we concur with the House.

Mr. HERSEY of Aroostook: Mr. President, I want to assure the senator from Knox that although the Senate may be in favor of corporations, I do not think it is. I have not any criticism to make of my fellow members in the Senate. I do not believe there is anything of that kind here. But I want to assure the senator that I am not standing for corporations in the Senate of Maine. I never have. I never shall. I am here simply as the humble representative from my county of the people of my county, and I will recognize the people wherever I find them, whether in Knox county, or Aroostook, or anywhere else.

I do not stand in my place today here against this measure because any cor-



poration has any string on me, or because any other power company has any hold on me, I stand in my place today because the laws of this State oblige me to, and because the laws of eternal justice between the corporation and those whom they serve oblige me to.

Now to my mind it is a very simple matter. Before the committee, of which I was a member at this session, appeared this same question. It was divided, so to speak, into two bills. One bill was put into the legal affairs committee, and the other bill before the judiciary committee. But the same witnesses appeared in both. The same hearing was had. The same straw was threshed over. The same things were gone into by witnesses from Knox county. And after a long and patient, I might say tiresome hearing as well as tireless, the committee decided that the bill before them, involving this same question, ought not to pass. The bill came into the Senate and the House, and here it was referred back again to our committee. We took the bill and sent it into the legal affairs—they had not had any hearing on theirs—and said, "Here is the whole matter, thresh it out. We have heard it once. Now you hear it. Perhaps we are mistaken in some way. Let the ten lawyers settle it." And they had a hearing, if I know anything about it, and I watched them and had a good deal of sympathy for them.

It was a long hearing, day and night; a great deal of loud talk, a great many witnesses on one side and the other. It was all threshed over and heard, the whole evidence there, and they decided unanimously by this report that this bill "ought not to pass."

I don't know—I sometimes think if I come to the Legislature again—I don't expect to—that I shall advocate at the beginning of the session that we have no committees. But if we do have a committee, senators, I feel that I ought, in justice to the people of the State of Maine—I ought to every time sign the minority report, and I think the committee, to get a bill through, ought to report it "ought not to pass," and then it will be almost sure, for one house or the other will take and adopt the minority report.

Now seriously, after this matter has been before two of the legal committees of the Legislature and they have heard all the witnesses and all the evidence, where there is one company in that place admitted to be doing good service to the people—I do not care what you get from the here and there, the evidence before the committees was conclusive that there was good service and reasonable service, and plenty of power, doing well for the people, no faultfinding; another company that at the present time is unable to do anything practically, to come in there and compete with the ones who have been there for years and have established their place and their business, well now, when this report comes into the Legislature, I submit to you gentlemen, that after twenty lawyers have sat upon this question that they have been sitting there as a court.

Now I have some pride in the dignity of the judiciary committee of which I am a member. I believe, as a lawyer, that in sitting upon that committee, I am sitting there as a court, as a judge; that I am to hear the evidence, I am to weigh the evidence, I am to make up my verdict, I am to make that as a report of my finding, and then I am to leave my committee-room with my report, and go out into the world and meet the members of both Houses, and meet the people that come to this capitol, without being influenced any more than a judge of the supreme court of Maine should be influenced. No man has any right to approach me after I have made up my verdict in committee, hearing the evidence, to thrust into my hand some document containing figures which I know are not so, or take me and buttonhole me one side and say, "This matter is coming up in the Senate, now I want you to stand for this." No lobbyist has any right, after I have made up my verdict as a member of that committee, to approach me and attempt to influence me.

And yet what do you find? There is not a senator sitting in this room today, upon either one of those two legal committees, but has been ap-

proached about this matter, and received letters.

Why I came here from my dinner and on my desk is laid this long communication with figures, figures which the evidence before our committee showed were not so, to influence my vote, a member of that committee, today.

Now you senators who have not heard the evidence, what are you going to do? Are you going to take any stock in this committee that has said that the present company should not be disturbed at the present time by somebody else coming in there and taking their rights away from them by competition? Now it seems to me that that ought to be conclusive.

But that does not seem to be all. The Legislature a few days ago enacted the public utilities bill. It has gone through both houses. I understand it has been signed by our Governor. There is no question of invoking the referendum. It will be the law of the State in ninety days from the adjournment of this Legislature. We all admit that. And lest you forget, I want to read to you one section of that law. I will read section 27, which amends the Revised Statutes today:

"Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity or both for lighting, heating, manufacturing or mechanical purposes, in any city or town, or two or more adjoining cities or towns within the State, or for either or any of such purposes, may be organized under the provisions of sections five to ten inclusive of chapter forty-seven, but no corporation so organized, person or association shall have authority, without the consent of said public utilities commission to furnish its service in or to any city or town in or to which another corporation, person or association is furnishing or is authorized to furnish a similar service.

"Sect. 28. No such consent shall be granted to any person, association or corporation to operate, manage or control any public utility in any city or town where there is in operation a public utility engaged in similar service or authorized therefor until said commission has made a declaration after a public hearing of all parties interested that public convenience and necessity require such second public utility."

If you are not satisfied, senators, with the report of these two committees that have heard the evidence and decided the matter, what ought you to do? Why, any measure contemplated by this bill passing this Legislature would not be a law until ninety days after the Legislature adjourns. It would become a law the same time as this utility commission has authority to act, and they would both become laws together. And at that very moment the utilities commission has a right to hold a public hearing down there in Knox county, to call the people together, to call these two utilities together, the one that is already there and the one that contemplates to come in, and have a hearing and hear all the witnesses; and all these men mentioned by the senator from Knox could come and present their case as to whether public necessity and convenience require another utility to come in and compete. And if the present utility are not giving the service they ought, are not furnishing the people what they ought, another utility would do the work better, they could allow them to come in. If the present company is charging too high rates to the people, they can say, "You must lower your rates to meet the service."

Now isn't that a better course? Will not the three commissioners to be appointed by the governor be in better shape to regulate that utility, to regulate the rates of service, than this Legislature at the present time?

Do you not think you would get better information from that commission as to the rights of the case than you would from the lobby back of you senators?

What is the idea of this bill going

through now? Is it not to get behind the utilities commission? Is it not to organize here a corporation, and give them rights and privileges that no other corporation can have from this time forth? that they shall be separated out, given special privileges, so the Knox Power Company can come in and compete, through the authority of this Legislature? But after this Legislature adjourns, you cannot get in without the utilities commission giving them the special privileges.

Who are the Know Power Company that they are entitled to these special privileges in the State of Maine? Why should they not come under the utilities commission and obtain their authority there? Now that is just justice. I am not standing for one or the other. I do not know anything about that. I only know the evidence I heard satisfies my mind that the company that is there on the spot and giving service, there is no fault found, ought to be treated fairly and squarely. They may in the past have made dividends. That is nothing against them. They may have spent millions there. I think they have. They may have a great big plant. I hope they have.

But the people are the ones that are asking for service, and if they do not get it the utilities commission can give it to them and allow another one to come in, even the Knox Power Company.

Now I say you should do justice between these parties. Nothing but justice. Well, I don't know. I have some friends down in Knox county. Knox county has been Democratic for a great many years, but I kind of like the folks down there. I have a good many warm friends down in Knox county, down in the city of Rockland, among the Democrats, you know, and I got a telegram last night from one of my friends in Knox county. I am not going to tell you who it was. There are some things in it that amuse me. He is a member of the Bar, and he is interested of course as a member of the Bar, as a great many members of the Bar of Knox county are, by being employed

this matter through, and so he sends me a telegram.

He first calls my attention to what I already know, that I am a great man. (Laughter) And then he says: "A favorable attitude towards this Knox Power Company—and my vote he means, of course—would make you very strong with many friends in Knox county. It would be a good political move for you when you come up for Governor." (Laughter and applause.)

Well, now, you don't know how hard it has been this afternoon for me to stand in my place, senators, and take this position. I came to the Legislature in 1909 and worked awfully hard to be speaker the next term, you know! I came in 1911, no, I didn't contest the chair then. And I have been here this session, and some of you know how hard I have worked to get political place. I know the Sentinel—it is very kind to me at times—boomed me for the Bench. I didn't know anything about it, it was a surprise to me, but I read it in the Sentinel, and like the old New York Sun, when you see it in the Sentinel it is so. But this is the first time that to my knowledge I have been boomed for governor, and you don't know how hard it was to read that telegram and then stand up here, and know that when I come up for governor—against the present incumbent, of course—don't tell him across the hall that I am a candidate—if I should speak here in favor of the Knox Power Company, I am to have the great Democratic county of Knox, Brother Packard's county, and the county of my old friend who has been so many years in the Senate, who has held it for so many years, and the senator from Knox here now, Senator Packard has not held it for so many years—but they are going to lose it if I should vote for the Knox Power Company. I should have the Democratic vote of Knox for governor, and having that of course I should win.

Now you do not know how hard it is for me to stand here and say what I do. But after all that I must give away my chances, my ambition to be

governor of the old State of Maine, and vote as my conscience says I must.

I say that the Knox Power Company should come under the laws of the State of Maine, and when the utilities commission comes into force it can present its case to that utilities commission, and whatever they do I, and you, ought to be content. (Applause.)

Mr. COLE of York: Mr. President, as one member of the legal affairs committee who heard the case, I simply want to correct an impression that may have gone out from the senator from Knox, that a fair hearing was not given, because one of the attorneys on that case was sick at the time. I am very sorry that any member of the bar was sick, but I am awfully glad he was not here, for we sat nine long hours and heard the testimony upon this case, and if any matter ever had a fair hearing in the Maine Legislature, the Knox County Power Company had a fair hearing. We sat in this chamber one night until exactly midnight, and everything that could be said in favor of it by everybody who could say a word was said, and listened to with attention.

The committee considered the matter thoroughly. It was not decided in a moment. The ground was carefully gone over. We felt that there was a law in the State of Maine and that we were bound not only to know the law but to follow it; we were bound to make no exception of the Knox County Power Company, and we treated the Knox County Power Company as we have treated every other company of like nature that has come before us, and every company of the same kind or character that has come before us with the same conditions and surrounding circumstances has been treated exactly the same as this company in our reports.

This company originally was formed under the general law, and under the general law it had absolutely no rights to go in and compete in the territory occupied by any company which preceded it or which had secured its charter privileges from the Legislature. Therefore it came to the

Legislature to get those charter privileges. But, Mr. President, it left out one section that we require of every company to which we give the right to go into a municipality where a private concern is operating—they did not ask to purchase the franchise and the property of the company that was doing business in that territory. They simply wanted to go in and compete and confiscate, and the underlying principle of law would have been violated if we had reported "ought to pass."

Furthermore, members of that committee were considering the public utilities bill, and knowing the principles that would underlie that bill, they felt that they could not violate a law which is a fundamental law of the State of Maine. And therefore, for a second reason, they were obliged to vote unanimously "ought not to pass."

So far as the cost of electricity to the people of Rockland is concerned, the evidence given here very fully in this Senate chamber showed that Rockland is getting its electricity today cheaper than any other city in this section, almost as cheap as the city of Boston and the surrounding cities. There is not a city, except Augusta, and Waterville, perhaps, anywhere in the State of Maine, that is getting the rates that the city of Rockland is getting today. And when they tell you that the city of Rockland hasn't any power, let me tell you that it has all of the developed and the undeveloped power of the Central Maine Power Company today being transported into that town under an annual contract it has to carry there thirty-three hundred horse power for the use of any person who wants to buy it. Where today only a thousand is being used, this same company that they would confiscate is paying for twenty-three hundred excess which they are willing to sell to any one who wants to purchase.

Two companies were involved in this matter. The existing company, which was doing business in the city of Rockland, and which my friend, the senator from Knox, says cost them nothing but which stands them \$80,-

000, according to the testimony which was given here—for you cannot build railroads for nothing, you cannot buy gas plants and reorganize them for nothing, you cannot build electric plants for nothing, and if it cost them nothing they found a new way of developing business. But they found that the old method of generating electricity themselves was out of date. They could not generate enough by their old steam power plant, and consequently the Central Maine Power Company run its wires and its cables from here clear into the city of Rockland, and a new contract was made for a period of twenty years to furnish it thirty-three hundred horse power, at every minute of every single day in the year that any person in Rockland or vicinity wanted to purchase it. Two companies therefore are to be injured.

And it is the policy of the State of Maine to absolutely protect not only the individual corporation which is doing business in a locality, but the stockholders and the bondholders who have put their money into that corporation and made the corporation possible.

So that this committee was bound to look after the rights not only of two corporations who were jointly interested in furnishing service to this section, but they were also bound to protect the interests of all those people who had put their money into these corporations and made investments on the income of which they expected to get a livelihood. There was nothing else to do, absolutely nothing.

So far as the action of the House is concerned, Mr. President, this Senate has no criticism. I can see how one hundred and fifty-one members of the House, with about two hundred and fifty lobbyists at their elbow every minute for the last four weeks, could be turned around. For if there was ever a bill that has been lobbied, it is this same bill, and there is no other measure that has been before the Legislature this session that has felt the force of personal influence in its behalf as this bill has had behind it. There has been no member of this Legislature who has not been talked to, who has

not been cornered, who has not been urged, who has not been begged to give this measure his support. So far as the people of Knox County are concerned, this committee was entirely friendly to them, hadn't one word against any of them, the kindest of feelings. So far as the lawyers connected with this bill were concerned, if the funds have held out, I welcome every lobbyist who can come here and get his fee and I have no criticism to make on them.

But that does not make right. That does not make justice. That is not in conformity with the law of the state of Maine. And it is our duty, if we know the law, to vote in accordance with the law as it exists. Personal sympathy, the weight of the multitude, and all those things, Mr. President, have no bearing upon the subject whatever. It is the question in its pure, cold-blooded, legal aspect, and if every senator in this chamber votes according to the law, he must vote in accordance with the report of this committee.

They tell you how many petitions have been brought here and how many signers. But I tell you, Mr. President, if the same pressure was brought to bear by the promoters of this upon the citizens of Rockland, I don't know but each one of them would have signed three times. No man, woman or child could have been skipped. So that it does not seem to me that petition has anything to do with it. Ofttimes a petition carries weight. But you and I know that in every community popular sympathy can be changed from one side to the other. You and I remember a celebrated murder case in the State of Massachusetts, one of the most cold-blooded that ever happened. You and I remember the petitions that went in to the governor of the State of Massachusetts to commute the sentence of the man who was condemned to die. Popular clamor arose everywhere against his execution. "But the law must be enforced," said the governor of the State of Massachusetts, and against that popular clamor the law was enforced and the dignity of the law was sustained.

In a smaller degree this case is the

same. The citizens of Knox County may rise in their might and say that we will have what we will have, but the law of the State of Maine says that you shall have what the law allows you to have, and we, as members of the law making body of the State of Maine, have no right to make one law for Knox County and another law for Kennebec County. We should treat every one alike. And every time that we vote in favor of a measure of this kind, after we have voted against every other measure of the same kind under similar conditions, we are violating the oath that we took here to uphold the laws of the State of Maine.

Mr. President, I move the indefinite postponement of the bill.

Mr. PACKARD: Mr. President, both senators who have spoken have laid great stress on the lobby and every member of the Senate being approached. I want it understood that I do not think that I have approached any fellow member. I have let him take his own course.

I move when the vote is taken, it be taken by the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered.

Mr. WALKER of Somerset: Mr. President, when my attention was first called to this measure a number of days ago, I felt inclined to support the measure, as I was told that the entire County of Knox was behind it, that it was fair and equitable, and the gentleman who informed me in relation to this matter had a letter of introduction from one of the dearest friends of my life, one of my old school teachers.

Since that time a public utilities bill has been passed, and it has seemed to me that if the rates in Knox County and the city of Rockland are too high, as was claimed by those gentlemen, that the public utilities commission would make them lower, as that commission is designed to be a commission of absolute fairness, a commission which is intended to be placed on an equal footing with the justices of our supreme court.

A number of years ago there was a measure which came up in the Legislature of Maine, of which I was a member, in relation to the extension of a

telephone charter known as the North-eastern Telephone Line. They had this line in Knox County. They asked that their charter be made state wide, giving as their reason that the competition would be for the benefit of all the people of Maine. I voted for that charter. I never saw the benefit to the people of Maine which was advocated by the proponents of the charter. Those who got the charter I presume received the benefits.

Now, Mr. President, I wish to say that I am in no way interested in the Central Maine Power Company, in any way, shape or manner, but I do wish to say a word in relation to the president of that company, Harvey D. Eaton, and I feel it is appropriate for me to say this as I live in the vicinity of the country where Harvey Eaton was born, where now is located his summer home, and, by the way, he is the largest farmer in that entire community. I know something about what Harvey Eaton has done and how he stands with the people who have known him ever since he was a boy. Harvey Eaton has been the power which has made the Central Maine Power Company what it is today. He is a gentleman of ability, of education, of indefatigable industry and perseverance, and absolutely honest. Now I know what I am talking about because I have heard the neighbors of Harvey Eaton who knew him as a boy, who have watched his career as a man, and he has the entire confidence of the people of that town of Cornville, of the people of my town of Skowhegan, and of all the people who know him, and if there were more men like Harvey Eaton in the State of Maine, it would be better for its business interests and for the future development and prosperity of our State.

I trust that the motion will not prevail.

The PRESIDENT: The question is upon the motion of the senator from Knox that the bill be substituted for the report of the committee in concurrence with the House. So many as are in favor of the motion of the senator from Knox that the bill be substituted for the report will vote "Yes," when their names are called. So

many as are opposed to the motion of the senator from Knox will vote "no."

The secretary called the roll. Those voting "Yes" were Messrs. Boynton, Hastings, Jillson, Mansfield, Morey, Moulton, Murphy, Packard—8. Those voting "No" were Messrs. Allan, Allen, Bailey, Burleigh, Chase, Colby, Cole, Conant, Dutton, Emery, Hersey, Maxwell, Fatten, Reynolds, Richardson, Smith, Walker, Wing—18.

The following pairs were announced: Senator Flaherty was paired with Senator Clark. Senator Flaherty would vote yes and Senator Clark, if present, would vote no.

Senator Stearns was paired with Senator Hagerthy. Senator Stearns would vote no, and Senator Hagerthy, if present, would vote yes.

Eight having voted in the affirmative and eighteen having voted in the negative, the motion to substitute the bill for the report was lost.

The report of the committee was then accepted in non-concurrence with the House.

The PRESIDENT: The Chair lays before the Senate for consideration the second assignment for this afternoon, Report from committee on judiciary, "ought to pass in new draft," on bill "An Act to incorporate the Kingman Telephone Company," House Document No. 550. The pending question is the acceptance of the report.

Mr. DUTTON of Kennebec: Mr. President, I asked to have this matter tabled this morning in order that I might examine an amendment that had been attached to it in the House. I have not had an opportunity to do so and I will ask the indulgence of the Senate for a reassignment of it. I move that it be tabled and re-assigned for Monday afternoon.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate for consideration the third assignment for this afternoon. Report in favor of the State highway department covering expenditures for repairs and maintenance of the State bridge at Old Town, Senate Document No. 622. The pending question is the second reading.

On motion by Mr. Morey of Andros-coggin, the bill received its second reading and was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate for consideration the fourth assignment for this afternoon, House Document No. 622, an Act to legalize the doings of the stockholders of the Aberthaw Construction Company. The pending question is the second reading.

Mr. STEARNS of Oxford: Mr. President, I yield to the senator from Cumberland, Senator Murphy, who desires to make a motion.

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

The PRESIDENT: The Chair lays before the Senate for consideration the fifth assignment for this afternoon, an Act to incorporate the Sandy Stream Log Driving Company, the pending question being its passage to be enacted.

Mr. COLBY of Somerset: Mr. President, I move that the rules be suspended and that the vote whereby the Senate passed this bill to be engrossed be reconsidered.

The motion was agreed to.

Mr. COLBY: Mr. President, I now move that we reconsider the vote whereby this bill took its second reading.

The PRESIDENT: The Chair will state that motion is not necessary if the senator desires to offer an amendment.

Mr. COLBY: Mr. President, I was going to recommit to committee on bills in second reading. There is just one little mistake in it. Would that be just as well?

The PRESIDENT: The Chair will state that if the error is a clerical error it may be corrected upon suggestion.

Mr. COLBY: Mr. President, in the first section where it says George D. Goodwin, it should be George B. Goodwin.

The PRESIDENT: The Chair will state for the information of the senator that this error being a clerical error may be corrected now by the

secretary substituting the letter "B" for the letter "D."

The bill was passed to be engrossed, and then was passed to be enacted.

#### Passed to Be Engrossed.

An Act entitled "An Act to incorporate the Sanford Investment Company."

An Act to incorporate the Hampden Water Company.

#### Orders of the Day.

Mr. BAILEY of Penobscot: Mr. President, I ask unanimous consent to introduce out of order a resolve in favor of the clerk, stenographer and messenger of the legal affairs committee.

The resolve was received, and on further motion by the same senator, was referred to the committee on appropriations and financial affairs.

The PRESIDENT: House Document No. 510, An Act to incorporate the Interurban Ferry Company.

The attention of the Chair has been called to the fact that this bill was passed to be engrossed in the Senate without action being taken upon House Amendment A.

The vote whereby the bill was passed to be engrossed was then reconsidered.

Mr. MURPHY of Cumberland: Mr. President, I would like to have House Amendment A read.

House Amendment A was read by the Chair.

Mr. MURPHY: Mr. President, was that bill amended in the House?

The PRESIDENT: This amendment was adopted in the House and it was overlooked when the bill was passed to be engrossed in the Senate.

On motion by Mr. Murphy, House amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

Mr. STEARNS of Oxford: Mr. President, before taking up the Resolution on address to the Governor for the removal of various officers named in the Resolution and in the accompanying amendment and the other papers connected therewith, I move that the Senate take a recess of fifteen minutes,

during which time further resolutions may be prepared.

The motion was agreed to.

#### After Recess.

Senate called to order by the President.

Mr. COLE of York: Mr. President, I desire to ask unanimous consent to present at this time a resolve in favor of the stenographer to the public utilities committee.

Unanimous consent was given, the resolve was presented, and on further motion by the same senator, was referred to the committee on appropriations and financial affairs.

Mr. STEARNS of Oxford: Mr. President, I move to take from the table Resolution on the address to the Governor for the removal of Lewis W. Moulton, together with the amendments.

The motion was agreed to.

Mr. STEARNS: Mr. President, yesterday a message was received from the Governor in which he gave the Legislature information in relation to the enforcement of the prohibitory law, and particularly in relation to the duties of the sheriffs, and the enforcement of law by the sheriff in the county of Cumberland, and he asked the Legislature to take action therein.

Upon that information a resolution was adopted in the Senate and address to the Governor, and sent down to the House for concurrence.

The House adopted amendments including the sheriffs of two other counties, the counties of Penobscot and Sagadahoc, and it comes back to us in this form, being an amendment to the resolution which was introduced here in the Senate. They also introduced an order in the House asking the Governor to furnish the information which he suggests in his message, in relation to the enforcement of law in other counties. This order has had a passage in this body, the Governor has been informed and has returned to us information which he has in his possession, which includes the county of Androscoggin, giving information in relation to the enforcement of the law



there by the sheriff and the county attorney, also including the county of Penobscot and the county of Knox.

I propose, Mr. President, to introduce, after action upon this resolution and the amendments now before the Senate, resolution upon the same officers which I suggested in the information which we received from the Governor, and in addition thereto a resolution for an address to the Governor upon the sheriff of the county of Sagadahoc, which is not included in any information received from the Governor for the reason that the House by one of its amendments has asked to have that county included.

With this statement, Mr. President, I move that the Senate non-concur with the House in the adoption of House Amendment A and that it be indefinitely postponed.

Mr. MOREY of Androscoggin: Mr. President, the Governor sent a communication to this Body in which he recommended in substance that action be taken by this Legislature looking to the removal from office of the sheriff of Cumberland county, and in that same communication he said that in the cities in five counties of the State the law was not enforced. Today he has in response to a communication from the Legislature, mentioned four other counties, Penobscot, Cumberland, Knox and Androscoggin. The fifth one was not mentioned. Yesterday in his message he stated that he was in possession of the facts in regard to the fifth county in which the law was not enforced.

The House amended the resolve that was sent to that Body by the addition of the officers of Penobscot county and of Sagadahoc county. I understand that the point was ruled that it was admissible, and it came back here for concurrent action. I have no doubt in my own mind that the amendments were proper as far as the procedure is concerned, but I cannot see why there is a good reason for not concurring with the House in the passage of this resolve as amended.

If I am informed correctly, it was practically unanimous in the House on the incorporating into the original

resolve these two resolves. I am not positive of that fact, but state it upon information, and I think it is reliable. Would it not be better that we should go forward in this matter with this resolve and the amendments taking in the sheriffs of these two counties, and further amend by taking in the other two, so that the matter would be before the tribunal in one resolve? Each one of course must have his separate trial. And then when the matter comes up for action, action can be taken together on these matters by the different bodies at one time.

Suppose, for instance, that we had started in with one or two of these matters, and then a spirit of unrest should seize the members of the Legislature and they should say, "Well, we will let the others go. We will not start out with these different officials. And as long as five have been brought in by the address of the Governor, wouldn't it be fair that all should be treated alike in regard to having hearing and going through with the matter?"

I don't understand in any one of the charges that is made by the Chief Executive of this State, or by the lower branch in the amendments offered and adopted, that there is any charge of corruption. It is malfeasance in office. It is the lack of doing what the State prescribed their duties to be.

So far as the charges are concerned they seem to be all on the same plane, and when we meet as a Legislature in joint convention it seems to me that it will be the fairest way that all should stand trial upon a matter charging them with practically the same offence, same kind of offence. It is not one guilty of corruption and the other guilty of not having warrants sworn out, and one thing and another, but all being charged practically with one kind of offence, the matter should go together and all be heard together, each gentleman of course having his separate trial. I should think it would be much more expeditious, shortening the hours of the work of this Legislature, if we should agree to

the proposition of the House, and I hope that the motion of the senator from Oxford will not prevail.

Mr. HERSEY of Aroostook: Mr. President, we have to assume that there is no politics in this matter and when the order came from the House this morning, with an amendment upon it, to the Senate, I think the members of the Senate, or certain members of the Senate, treated it as not a political question whatever, but treated it in this way: That those members in the House who presented those amendments presented them in good faith, and presented them because they desired to have those officials investigated, the same as Sheriff Moulton is to be investigated.

Now it seems to some of us that Sheriff Moulton's position in this Legislature, his trial, his hearing should not be founded on prejudice along with somebody else, but that each official here, be he Republican or Democrat, should stand on his own case and have a fair and impartial hearing without being prejudiced by somebody else. Why should not the same proceedings be inaugurated in this Legislature in regard to the sheriff or county attorney of Androscoggin as is with the sheriff of Cumberland? And why should not the sheriff of Sagadahoc have the same fair proceedings inaugurated as that in regard to the sheriff or county attorney or anyone in Penobscot?

It seems to me it is not a question of politics in this Legislature. The Governor has had certain evidence presented to him in such a way, in something. This Senate did not in such a manner that he has had to do augurate any proceedings against the sheriff of Sagadahoc, for the Governor had no evidence against Sagadahoc. The House says that they have some evidence, and they have added that county as an amendment. We say that we here in the Senate will make a resolution against the sheriff of Sagadahoc and send it to the House and keep it by itself. Why should the House insist upon its amendments by taking two other sheriffs on to Sheriff Moulton's case? If there is an

indictment pending in court, how absurd it would be, if that indictment were against John Brown, that an indictment against Jim Smith should be taken on with it. Both cases are different. The evidence is different, and the trials should be separate.

It seems to me there is no merit in the claim of the senator of Androscoggin that the House should insist upon these amendments, when we give every opportunity we can for a full and a fair hearing in this matter.

I firmly believe that every senator will see that these amendments should matter, but we do not want one man's case prejudiced by another. Just try the sheriff of Sagadahoc and the sheriff of Penobscot as though there had been no accusation against Sheriff Moulton whatever. And only in that way can we get free and impartial justice. I say that it is our duty as senators to insist that these amendments shall not be allowed, and when the House looks at it that way, they will see that these amendments should not be there for the purpose of hindering the Legislature at this late hour.

Mr. STEARNS: Mr. President, just a word in regard to this matter. It seems to me that it is purely a question of procedure. It is not with any intention of in any way hampering the desire of the House to have an investigation into the conduct of the two sheriffs which they desire to have included by their amendments, that we take issue with them upon this question of procedure. They have asked that the sheriffs of Penobscot and Sagadahoc be included. We have granted it. They present an order asking for the Governor to present evidence and we have concurred in that. The Governor has given the evidence. He has given us what he had and it did not include Sagadahoc.

Now the senator from Androscoggin certainly cannot say that there is any spirit on the part of this Senate to take any advantage, or get away from any investigation of anybody. We have granted them what they asked. It is purely a question of procedure, and our desire is that they

proceed in an orderly manner. And we believe that it is much better, it is far better, to let each case stand by itself upon a separate resolution upon which we can act without being in any way confounded with any other case. I do not feel that the senator from Androscoggin will insist that there is any attempt whatsoever to prejudice the rights of any one. While the senator from Aroostook is making perhaps somewhat of a wild statement when he assumes that there is no politics in this question yet I suppose when the resolution in the House was offered for an investigation, or for the removal of the sheriff in Cumberland county, and the leader of the Democratic party in the House asked for amendment to be made to that resolution including two Republican officials, I presume that perhaps somebody might imagine that there might be a very little politics mixed up in it. We will, however, hope that there is very little, and the least the better.

Mr. President, I renew my motion that House Amendment A be indefinitely postponed in non-concurrence with the House.

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, and the secretary called the roll.

Those voting yea were: Messrs. Allen, Bailey, Burleigh, Chase, Colby, Cole, Conant, Dutton Emery, Hersey, Maxwell, Patten, Reynolds, Richardson, Smith, Stearns, Walker, Wing—18. Those voting nay were: Messrs. Allan, Boynton, Flaherty, Hastings, Jillson, Mansfield, Morey, Moulton, Murphy, Packard—10. Absentees: Messrs. Clark, Hagerthy—2.

Eighteen having voted in the affirmative and ten in the negative, the motion prevailed and the amendment was indefinitely postponed.

Mr. STEARNS: Mr. President, I now present a resolution in favor of an address to the Governor for the removal of Hewitt M. Lowe, sheriff of the county of Androscoggin.

The PRESIDENT: If there is no

objection, the senator may present the four together.

There was no objection and the senator presented further resolves in favor of the adoption of an address to the Governor for the removal of the following officials:

William H. Hines, county attorney of Androscoggin; Wilbert W. Emerson, sheriff of Penobscot county; Adelbert J. Tolman, sheriff of Knox county; John W. Ballou, sheriff of Sagadahoc county.

The PRESIDENT: Is there any objection to the vote being taken upon all of these resolves at once? If any senator desires to vote upon them separately, he can do so.

Mr. MOREY: Mr. President, I move that unanimous consent be granted and that all of the resolves be voted upon together.

The motion was agreed to.

A viva voce vote was then taken, and the resolves were adopted.

Mr. STEARNS of Oxford: Mr. President, I desire to introduce at this time, out of order, orders upon each of these resolutions for the appointment of the committee on rules.

Unanimous consent was given, and the senator introduced the following order and moved its passage:

#### STATE OF MAINE.

In Senate, March 28, 1913.

Ordered, that a committee of three on the part of the Senate with such as the House may join, be appointed to consider and 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 John W. Ballou, sheriff for the county of Sagadahoc; 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 the application of either prosecution or defense, and that counsel be furnished either party.

Similar orders were then offered by the same senator who moved their adoption, for the appointment of a committee to consider and report the order of proceedings to be observed upon the hearings in the following cases: Herbert W.

Lowe, sheriff of Androscoggin, Adalbert J. Tolman, sheriff of Knox, Wilbert W. Emerson, Sheriff of Penobscot, and William H. Hines, county attorney of Androscoggin.

The orders were then adopted and sent down for concurrence.

Mr. MOREY: Mr. President, I will ask if the order has been acted upon in concurrence with the House in relation to amending the order of the committee on rules appointed by the presiding officer.

Mr. STEARNS: Mr. President, I move to take from the table the amended order providing that the attorney general shall conduct the proceedings in the case of Sheriff Moulton together with House amendment A.

The motion was agreed to.

Mr. STEARNS: Mr. President, inasmuch as the amendment, as I understand it, relates to the cases included in the amendment which we have indefinitely postponed, I move that the amendment be indefinitely postponed in non-concurrence with the House.

Mr. MOREY: I understand the amendment, Mr. President and gentlemen, to be this, that the attorney general be instructed to appear in the prosecution of these matters and that the order stop there, as the orders introduced by the senator from Oxford now read that counsel may be employed both for the prosecution and for the defense at the expense of the State. Now it seems that the attorney general should conduct the prosecution against the different officers, and the House amended the order so instructing the attorney general to do the prosecuting. I fail to see why the official prosecutor of the State should not represent the State in the prosecution of these matters.

Mr. STEARNS: Mr. President, the order gives the attorney general the right and the authority to engage such assistance as he may deem necessary, if I remember the order correctly, the wording of the order. And it seemed to me that it was very wise at that time, and now that there have been included four other cases, yes, five other cases, I am wondering if the senator from Androscoggin thinks that the attorney general will be able between now and next Tuesday to look into the evidence in each one of

these cases and be prepared to present them to the satisfaction of the State of Maine. It seems to me that if we had included in the order that he should have an able assistant for each separate case, that we would have been entirely justified. I feel that the order is right, proper, and ought to be passed as it is.

Mr. MOREY: Mr. President, I do not think the order, either one of them, provides that the attorney general shall have anything to do with this matter. I think he ought to have.

Mr. STEARNS: Mr. President, the language in the order relating to this matter is as follows: "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 the application of either prosecution or defense, and that counsel be furnished either party."

Mr. MOREY: Mr. President, the attorney general isn't recognized at all in either of these provisions. He should be. If he wants assistance, there is no objection to that. He should be the designated prosecuting officer, the attorney general of the State.

Mr. STEARNS: I think I must have misunderstood the order as it now appears. It was understood that the attorney general should have assistance and that he should be authorized to prosecute in these cases. The order which has already been drawn and I have seen myself, has perhaps not been introduced. I assumed that this was the order that I had seen this morning, which I supposed had been introduced and had been passed. I think that such an order should be prepared and will be prepared.

Mr. MOREY: Mr. President, I think that such an order should be introduced and then lie on the table. I think the senator should make such changes as he thinks is proper. I will leave it entirely with him.

The PRESIDENT: The parliamentary situation is this: The other orders have been adopted. The order adopted yesterday is now pending. The question is upon House Amendment A.

Mr. MOREY: Mr. President, I move that we reconsider the action so that the attorney general with such assistance as

he may deem suitable and proper conduct the prosecution and that they be amended to that effect.

Mr. STEARNS: Mr. President, I think I owe an apology to the Senate and to the senator from Androscoggin. I find now in my desk the order I supposed had been introduced and it reads as follows:

“STATE OF MAINE.

In Senate, March 28th, 1913.

ORDERED, The House concurring, that the attorney general of the State be and hereby is requested to present the evidence and conduct the hearing for the State in proceedings now pending for the removal from office of Lewis W. Moulton, sheriff of the county of Cumberland, and that the said attorney general be authorized to engage such legal assistance as he may deem necessary.”

I supposed this was the order that was under discussion. I trust the senator will understand my motive. I ask to introduce this order, under suspension of the rules.

The PRESIDENT: Does the senator desire to have this added as an amendment to each order?

Mr. STEARNS: Mr. President, my intention was to introduce it at this time as applied to the case of Sheriff Moulton, and that a similar order be introduced upon each of the other cases, when we have an opportunity to prepare them.

The PRESIDENT: The vote having been reconsidered whereby the other orders were adopted, there are now pending for adoption all the orders. What disposition will the Senate make of them?

Mr. MOREY: I move that they be amended in conformity with the tenor of the order just passed, that the attorney general conduct these cases with such legal assistance as he may deem necessary to carry out the purposes of the hearings.

I move, Mr. President, that the Senate non-concur with the House in the adoption of Amendment A and that the order in regard to Sheriff Moulton be amended, and that each order be amended to conform to the tenor of the order introduced by the senator from Oxford.

Mr. BAILEY of Penobscot: Mr. President, I do not wish to oppose the matter in spirit. It seems to me that we could get at this in a simpler way than by amending the original order. As long as we have passed these orders, it would seem to be rather encumbering the record to amend all of them, when by putting an amendment on the order just introduced by the senator from Oxford, regarding the attorney general prosecuting Sheriff Moulton, we could arrive at the same result.

Mr. STEARNS: Mr. President, I think that the order which I have just introduced could be amended by including the names of the other officers in which proceedings have been introduced this afternoon, if I could have an opportunity to prepare an amendment.

Mr. MOREY: Mr. President, that is perfectly satisfactory. Let him do it at his leisure.

The PRESIDENT: The senator from Androscoggin moves that the Senate non-concur with the House in the adoption of House Amendment A to the Senate order passed yesterday.

The motion was adopted.

On motion by Mr. Morey of Androscoggin, the orders in reference to the various officials upon which the vote was reconsidered were adopted.

On motion by the same senator the order introduced by the senator from Oxford, Senator Stearns, was taken from the table.

On further motion by the same senator, the order was amended by adding after the words “Lewis W. Moulton” the words which shall include each of the officials mentioned in the other order, the same to be filled in by the senator from Oxford.

On further motion by the same senator, the order as amended, was adopted and sent down for concurrence.

On motion by Mr. Stearns, the message from the Governor with accompanying documents were taken from the table.

On further motion by the same senator, the message and accompanying documents were transmitted to the House.

On motion by Mr. Stearns, the Senate took a recess for five minutes.

**After Recess.**

Senate called to order by the President.

Mr. STEARNS of Oxford: Mr. President, the House having adjourned until tomorrow morning, I move that the

order for adjournment be taken from the table.

The motion was agreed to.

On further motion by the same senator, the order was then indefinitely postponed in non-concurrence.

On motion by Mr. Stearns of Oxford, Adjourned until tomorrow morning at nine o'clock.