

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

**SENATE.****Senate Chamber**

Wednesday, March 31, 1915.

Senate called to order by the President.

Prayer by Rev. B. F. Hope of Augusta.

Journal of previous session read and approved.

From the House: An Act to appropriate moneys for the expenditures of government for the year 1915.

In the Senate the bill was passed to be engrossed.

In the House, House Amendment A was adopted.

The question being on the adoption of House Amendment A in concurrence, the amendment was adopted and the bill as amended passed to be engrossed in concurrence.

An Act to amend Chapter 215 of the Private and Special Laws of 1913, relating to municipal elections in the Town of Eden.

In the House, the report ought not to pass was accepted. In the Senate, the report was accepted in concurrence. Subsequently the papers were recalled from the files of the Senate to the House. The House then reconsidered its action whereby the report ought not to pass was accepted, the bill was substituted for the report, under the suspension of the rules, received its several readings and was passed to be engrossed.

The question being on concurring with the House the vote whereby the unfavorable report of the committee was accepted was re-considered; the bill was substituted for the report under suspension of the rules, given its several readings, and passed to be engrossed in concurrence.

An act to equalize the Salaries of County Commissioners.

In the Senate this bill was passed to be engrossed after adopting Senate Amendments A and B.

In the House, Senate amendment A was rejected, and Senate amendment B adopted.

On motion by Mr. Murphy of Cum-

berland, the Senate voted to insist and ask for a committee of conference.

The Chair appointed as members of the committee on the part of the Senate Mr. Murphy of Cumberland, Mr. Walker of Somerset, and Mr. Butler of Knox.

An Act to amend Sections 54 and 55 of Chapter 8 of the Revised Statutes as amended by Chapter 49 of Public Laws of 1909, relating to taxation of mortgages on real estate in savings banks and trust and banking companies.

In the Senate this bill was passed to be engrossed.

In the House it was amended by House Amendment A.

House Amendment A: "Amend by adding the following, 'This act shall take effect July 1, 1916.'"

The question being on the adoption of the amendment in concurrence, the amendment was adopted and the bill as amended passed to be engrossed in concurrence.

An Act to amend Sections 4, 7, and 8, and add Section 12, to Chapter 65 of the Public Laws of 1911, relating to the Department of Labor and Industry.

In the Senate, this bill was passed to be engrossed as amended by Senate Amendment A.

In the House, Senate Amendment A was rejected.

Senate Amendment A to House 401: "Amend by inserting after the word 'shall' in the twenty-first line the word 'unreasonably.'"

Mr. EMERY of York: Mr. President, I move we insist and ask for a committee of conference.

Mr. SWIFT of Kennebec: Mr. President, I think Senator Scammon has something to say upon that subject, and I see he is not present.

Mr. EMERY: Mr. President, I believe that every member of this Senate, if he will read that amendment, will see that it is reasonable and should be adopted.

Mr. FLAHERTY of Cumberland: Mr. President, in regard to that, in the twenty-first line there are two

"shalls." It doesn't define where the word "unreasonable" shall be inserted.

The PRESIDENT: The Chair cannot answer the Senator, it is not a parliamentary question.

Mr. EMERY: In Section 4, line 20, it reads: "If any person or persons shall refuse to admit or shall delay the commissioner, or any authorized agent of the Labor Department in so entering, or shall refuse to give the information so desired," etc.

You will notice that the amendment simply says "unreasonably" delay.

Suppose, for instance, that an inspector comes to your office or mine, and you or I don't happen to be in, and the stenographer or assistant simply asks them to be seated until you return. That is not an unreasonable delay. It is perfectly reasonable.

But supposing he demands entrance at once, and there is some friction, and he can bring action against you and me for that delay. It simply says "unreasonable" delay. That word "unreasonable," to my mind, should be there; it is nothing more than fair.

The PRESIDENT: The Chair has opinion, in reply to the question of the Senator from Cumberland, that the word "unreasonable" would be inserted after both words "shall" in that line. That is simply his opinion as a Senator, and not upon a parliamentary question.

Mr. FLAHERTY: If that is the fact, it practically kills the bill, if that is after both "shalls."

(Mr. Scammon entered the Chamber.)

Mr. SCAMMON of Hancock: Mr. President, I don't seem to know exactly what stage this is in, or any thing in regard to the discussion.

(The Chair stated the parliamentary situation.)

Mr. SCAMMON: Mr. President, Coming from the source that this amendment does, I am very sorry to have to take the position that I do, for I believe that if there is anyone in this Senate that intends to be absolutely just, it is the Senator from York who put in this amendment, and I believe he must have good and suf-

ficient reasons; but I cannot for the life of me see, if we are to have inspectors, if we are to pass laws to enable them to inspect factories and make an inspection worth anything, this amendment should be rejected. There can be no good reason why an inspector should not be admitted at once when he comes to a factory, if he has his card which he presents, if he has his badge, and wants to go in at once, he should be admitted at once. If there is any good reason, any cause to suspect that he isn't a certified agent of the State, that is one thing; but there is no question of that sort comes up. I can see on the other hand, under this word "unreasonable" where a delay in admitting would give an opportunity, which they have taken advantage of in the past, to cover up any trouble in regard to child-labor and other things which might come up in these factories. Now if those factories are employing labor which is not amenable to the law, is there any good and sufficient reason why there should be a delay, when the time to find out these things is when the inspector arrives on the spot?

If you amend the law so as to give every opportunity for any labor employed to be spirited away, what is the use of inspection?

I am not a lawyer. I don't know what the argument has been on this question. I do know, of course, that the members of this Senate are largely employers of labor, rather than laborers themselves, but I hope there will not be any tendency in this respect to do anything to obstruct the cause of labor, something the members have said all the way through they wanted to protect.

I believe this amendment is a direct thrust in the opposite direction, and I hope the motion will not prevail.

Mr. EMERY of York: Mr. President, one might infer from the remarks of the Senator that the employers of labor were all criminals. Now it has been said—and I think truthfully said—that ninety per cent. of all business done in this country is done on the level, and that nine per cent. of the remainder are half square.

Now in order to get at the one per cent. there are men who would turn everything upside down, and in their desire to have it go out that they are a friend to the laboring men, they come here and pose as charitable, and do you know, some of these people would burn your barn to boil themselves an egg, and call that charity, taking the ground that charity begins at home.

Now the business men of the State are the same kind of men as you and I, they are honest in their intentions, and they have no desire to hinder anything; and they have no desire to keep the factory inspectors out of their factories. When they come there they try to make it as easy for them as possible.

So I don't think there should be any objection raised to this one word which they ask to have inserted there. It is a very easy thing, as has been said, for us to be liberal at someone's else expense; that is a very easy thing to do.

Just think this matter over carefully, and consider what is asked for here, and I don't think anybody who is at all fair minded can object to that one word "unreasonable." The courts can construe the meaning of that word, and I will say that I don't know any reason why that would not be proper.

Mr. DURGIN of Piscataquis: Mr. President, I suppose I ought to say just a word, because if the record is consulted it will be found that I introduced this amendment. I was not interested on the one side or the other, but this amendment was submitted to me, and I looked the bill over carefully and looked at the amendment, and it seemed to me that it was not only proper, but it was something that ought to be done, to amend that bill by introducing this amendment, and I did so.

I think the proponents of the measure are "unreasonably" alarmed at that simple word. It cannot endanger the act in any way; and I believe it is exceedingly proper that the amendment should be carried, and I hope that the bill will be amended.

Mr. SCAMMON: I would like to ask the Senator a question. I want to ask the Senator especially, as I consider his legal knowledge would be high in the matter, whether in case this amendment was adopted, the courts wouldn't have to decide a great many times what this word means, whether it wouldn't be a question for the courts to decide, and cause a great deal of difficulty?

Mr. DURGIN: I cannot see where the courts would be called upon to decide a great many cases, but I would say this to the Senator, that in consulting the statutes that word is used a great number of times in the laws, where it is applicable. It sort of applies to our sense of reason in these matters. I don't think there is any danger at all in allowing that amendment at this time; I think it is proper.

Mr. BUTLER of Knox: Mr. President, I would like to ask the Senator from Piscataquis a question.

I ask this question of the Senator as an attorney and not as a Senator. If the amendment should not be adopted, and the bill should become a law in its present form, would not the courts construe the language of the act, where it says "so refuse," wouldn't the courts put the word "unreasonable" in there? Wouldn't it mean an unreasonable refusal, the very language of it as it stands?

Mr. DURGIN: I don't pose as an instructor of law for lawyers, although perhaps the position which the Senator takes is a "reasonable" one. (Laughter.)

The question being on the motion that the Senate insist and ask for a committee of conference, the motion was agreed to. The Chair appointed as members of the committee on the part of the Senate Mr. Emery of York, Mr. Durgin of Piscataquis, and Mr. Cole of York.

From the House: Resolve to amend article 22 of the Constitution relating to the limit of municipal indebtedness of cities.

In the Senate this resolve was passed to be engrossed.

In the House it was amended by the adoption of House Amendment A.

Mr. SWIFT of Kennebec: Mr. President, I would like an opportunity to look into this matter a little, and move that it lie on the table and be assigned for this afternoon.

The motion was agreed to and the resolve was tabled.

From the House: An Act to require certain vehicles to carry lights at night on public highways and bridges.

This bill was finally indefinitely postponed in the House.

Mr. BUTLER of Knox: Mr. President, in view of the tangled situation of this matter, I move that we concur with the House.

The motion was agreed to and the bill was indefinitely postponed in concurrence.

From the House: House 962. An Act to amend Section 1 of Chapter 80 of the Revised Statutes, relating to trial justices.

In the House this bill was received under suspension of the rules, given its several readings and passed to be engrossed.

On motion by Mr. Cole of York, the rules were suspended and the bill was given its two readings and passed to be engrossed in concurrence.

From the House: An Act to establish a minimum wage for State House employees.

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

On motion by Mr. Boynton of Lincoln, tabled and assigned for two o'clock this afternoon.

From the House: An Act to amend Chapter 330 of the Private and Special Laws of 1907, relating to the salary of the recorder of the Bath municipal court.

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

Mr. PRICE of Sagadahoc: Mr. President, I would like to have that bill lie on the table until tomorrow morning.

Mr. BOYNTON of Lincoln: Mr. President, now we certainly, if we are to get through this week, we must not carry

over bills until tomorrow, or until any other day. We have got to button our stuff up or we can't expect to get through. These matters must be passed to be engrossed, come back, passed and be signed, and that all takes time. If you make legislation here tomorrow it will be way into Friday before it can get to the Governor. I cannot conceive why the matter of the Bath municipal court cannot be decided here now. If it is a matter of increase of salary I am sure we will all agree with that; there is no trouble about that.

Mr. PRICE: Mr. President, I doubt not that our distinguished friend from Lincoln cannot see the reason. If he was representing the people of Sagadahoc he would see the reason.

This matter does not call for increase of salary, and possibly my friend from Lincoln may be surprised before the bill reaches its destination. I move that it be laid on the table until tomorrow morning.

Mr. SWIFT of Kennebec: Mr. President, I dislike very much to disagree with my friend, the Senator from Lincoln, but there are other matters coming up tomorrow morning, and I think it is no more than a matter of senatorial courtesy that the request of the Senator from Sagadahoc be granted.

A rising vote was taken and 12 senators voting in favor of tabling the bill and one opposed the motion was adopted and the bill was tabled until tomorrow morning.

From the House: House 925. An Act for the better protection and preservation of the lobster fisheries, and authorizing the employment of a commission.

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

Mr. BOYNTON of Lincoln: Mr. President, it would seem that the chairman or some member of the sea and shore fisheries committee, could give us some light upon this matter.

On motion by Mr. Peacock of Washington, the bill was received, given its several readings and passed to be engrossed, in concurrence.

From the House: An Act amending Section 11 of Chapter 130 of the Public Laws of 1913.

Introduced in the House under suspension of the rules and then indefinitely postponed.

The Senate indefinitely postponed the bill in concurrence.

From the House: An Act to provide clerk hire for county officers.

This bill was introduced in the House under suspension of the rules, given its several readings, and then was indefinitely postponed.

On motion by Mr. Boynton of Lincoln the bill was tabled until 2 o'clock this afternoon.

From the House: An Act to determine the amount to be paid for clerk hire in the several counties.

In the House this was introduced under suspension of the rules, given its several readings and was passed to be engrossed.

Mr. COLE of York: Mr. President, I move that this bill be tabled until two o'clock this afternoon.

Mr. BOYNTON of Lincoln: Perhaps it might be well to have a word of explanation. The bill which I have just tabled was the old bill placing it in the hands of the county commissioners, and which has been indefinitely postponed. And it will be our duty to concur in that action. This is the bill prepared by the committee on salaries and fees to take the place of the other one if it was killed. This fixes the salaries of clerks for all county offices in the State, and fixes them on a basis that I presume will be satisfactory.

In order that senators may have an opportunity to look at the bill, as no doubt they would like to, this bill should be tabled.

The motion was agreed to and the bill was tabled.

From the House: An Act to amend Section 7 of Chapter 222 of the Public Laws of 1909, relating to the licensing of dogs.

In the Senate this bill was passed to be engrossed.

In the House the bill was indefinitely postponed.

On motion by Mr. Herrick of Hancock the Senate voted to insist and asked for a committee of conference.

The Chair appointed on such commit-

tee of the part of the Senate, Messrs. Herrick, Bartlett and Allen.

From the House: An Act relating to the assessment of county taxes for the year 1915.

In the House introduced under suspension of the rules and passed to be engrossed.

Mr. EMERY of York: Mr. President, this bill explains itself. It is an act regulating the tax rate for 1915 and is supposed to take effect tomorrow, April 1, and in order to do this it will be necessary for us to act very quickly. With that in mind I move the rules be suspended and the bill receive its several readings and be passed to be engrossed, in order to get it to the Governor as soon as possible.

The motion was agreed to and the bill was passed to be engrossed.

Mr. EMERY: Mr. President, there are two of those acts, one relating to the county tax and the other to the State tax. You will perhaps note that there are emergency clauses with both of them. I would ask if it would be possible to give them their final passage at this time?

The PRESIDENT. The bills must be first engrossed.

Mr. BUTLER of Knox: Mr. President, I have been informed that there was to be a rider attached to this resolve in regard to the county taxes so that they might be assessed by the several counties in April. Under the general law they are obliged to be assessed in the month of March. I want to be certain about that. I have no amendment to offer.

The PRESIDENT: Section 1 reads: "County taxes for the several counties for the year 1915 may be apportioned during either the months of March or April."

From the House: An Act for the assessment of a State tax for 1915.

Received and passed to be engrossed in the House under suspension of the rules.

In the Senate the act was given its several readings and was passed to be engrossed in concurrence.

An Act to fix the salaries of the agents of the Passamaquoddy and Penobscot tribes of Indians.

In the House the bill was received under suspension of the rules, given its three several readings and passed to be engrossed without reference to a committee. Subsequently the House reconsidered its action whereby the bill was passed to be engrossed, and adopted House Amendment A.

The question being on the adoption of House Amendment A, the amendment was adopted and the bill as amended passed to be engrossed in concurrence.

#### House Bills in First Reading.

House 690. Resolve authorizing Herbert L. Kimball to bring a suit at law or in equity against the State of Maine for money claimed to be due him from the State.

In the House, House amendment A was adopted.

Mr. COLBY of Somerset: Mr. President, I move the bill be indefinitely postponed.

Mr. MURPHY of Cumberland: Mr. President: I object to that motion, for the reason that that matter was considered fully by the committee and unanimously reported upon. The amendment was accepted in fairness to all concerned. The man should have an opportunity to prove his claim.

Mr. COLBY: I hate to disagree with the senator from Cumberland. I happened to be the chairman of the same committee of which he is now chairman, two years ago. We had this same matter before us, and I for one seriously object to all of these claims of any kind.

Just because a fellow don't get what he wants he should not have a right to sue for it. He has the right to come before this tribunal and put up his case. I think it is a bad precedent to establish.

Mr. MURPHY: I am delighted to have somebody relieve my conscience—

The PRESIDENT: Your what? (Laughter).

Mr. MURPHY: My conscience. As a matter of fact we unanimously believed from the evidence that this gentleman is entitled to some consideration, but I will leave it to the Senators: we have done our duty.

The question being on the motion to indefinitely postpone, a rising vote was

taken, and nineteen senators voting in the affirmative, and none in the negative, the motion was agreed to, and the resolve was indefinitely postponed.

House 691: Resolve authorizing De-Forrest Keyes to bring a suit at law or in equity against the State of Maine for money claimed to be due him from the State.

The bill was given its two several readings. Pending the adoption of House Amendments A and B in concurrence on motion by Mr. Colby of Somerset, the resolve was indefinitely postponed.

House 938: An Act additional to the charter of the city of Biddeford.

(Under suspension of the rules, the act was given its second reading and passed to be engrossed, in concurrence).

House 208: An Act to amend An Act to incorporate the Madison Water District.

(In the House this bill was indefinitely postponed. Without objection the bill was indefinitely postponed in concurrence.)

House 942: An Act to confer additional rights and powers on the East Branch Improvement Company.

(Under suspension of the rules the act was given its second reading and passed to be engrossed, in concurrence.)

House 892: An Act to incorporate the Bath Water District.

(Under suspension of the rules, the act was given its second reading and passed to be engrossed in concurrence.)

House 778. An Act to authorize the town of Lisbon to supply gas and electricity.

In the House, House Amendment A. was adopted. Without objection the Senate adopted House Amendment A in concurrence.

Mr. Walker offered Senate Amendment A and moved its adoption.

Senate Amendment A to House 778: "Amend by adding the following section:

'Section 8. Said town shall not exercise the powers and privileges conferred upon it by this act until it shall have obtained the consent of the Pub-



lic Utilities Commission, given after public hearing of all parties interested, with a declaration that public convenience and necessity require the exercise of said powers and privileges by said town."

The amendment was adopted, and the bill as amended passed to be engrossed under suspension of the rules and sent down for concurrence.

House 890: An Act to provide for the disposition of contraband liquors.

In the House this bill was indefinitely postponed.

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

House 198: An Act to provide for the destruction of dog-fish and other members of the shark species in the waters of Maine.

In the House, the report of the committee, ought to pass in new draft, was accepted, and the bill given its several readings and passed to be engrossed.

Mr. BOYNTON of Lincoln: Mr. President, I move the indefinite postponement of the bill. Perhaps, gentlemen, the most simple piece of legislation introduced this year is this bill for the State of Maine to pay \$5000 for the extermination of dog-fish on the coast of Maine. There would be just as much sense in taking a pail of water down to the wharf and emptying into the ocean and expecting a flood to result as to exterminate dog-fish with \$5000.

Mr. COLE of York: Mr. President: It might be possible to exterminate \$5000 worth.

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

From the House: Majority report "ought not to pass" of the committee on claims, on Resolve in favor of Fred R. Smith; and minority report, "ought to pass."

In the House the minority report, "ought to pass" was adopted.

Mr. WALKER: Mr. President, I move that we concur with the House.

Mr. MURPHY of Cumberland: Mr.

President, I would like to oppose that motion. I would like to hear from anyone a good reason why we should accept the minority report. The committee reported by the majority, ought not to pass. The subject under discussion is this resolve in favor of Mr. Smith, the investigation of the hospital across the river being the subject. Mr. Smith took up the matter of investigating the same, and really was told before he proceeded with the matter, by the Governor and Council—Gov. Haines I refer to—that they would not pay the expenses.

Mr. Smith proceeded and brought in a bill, and the Governor and Council paid part of it, about one-half, some three hundred odd dollars, and refused to pay the balance.

This is not the first time that some lawyer has come into the Legislature with an exorbitant bill for defending parties and has expected the state to pay for both sides. We paid part of this bill and the parties seemed to be satisfied, but they are dissatisfied now, and simply have brought in a claim for this balance of over three hundred dollars. If this bill is paid every party would be entitled to be paid. In a similar case before the committee on claims, where part of a bill was paid and the receipt was given, after a few years they come back and want the balance. Some of the members of the committee are indifferent, and through the solicitation of certain individuals in the House they kept quiet and allowed the minority report to be accepted.

When this vote is taken I move that it be taken by the yeas and nays.

Mr. COLE of York: Mr. President, this really calls for the payment to Fred R. Smith in the sum of something over three hundred dollars, and the statement of facts accompanying the resolve says that it is for a part of the expenses incurred by Fred R. Smith as a member of the hospital trustees in an investigation at the hospital, and bringing charges before the Governor and Council.

Two years ago you will remember that following the close of this Legislature charges were preferred by Mr. Smith, who was a member of the hospital trustees, to the Governor and

Council, and as a result hearings were had in this room, covering quite a period of time.

Mr. Smith was a member of the hospital trustees and did what he believed was his duty, and it was proved to the Governor and Council that he was doing his duty, because the heads of that institution were dismissed and new men put in their places.

Apparently Mr. Smith had some grounds for his charges. The result showed that he was not doing this as a matter of prejudice and not from any personal motive, but for the benefit of the state.

It is not for you or me to judge whether Mr. Smith has been paid in full or in part. This bill comes in here to reimburse him in full, and it has been the practice of the state to reimburse its officers when in the performance of official duties, for they expend their own money.

Now Mr. Smith did something, at least he proved the case and he was practically justified in his charges. We may or may not agree as to whether that was a correct verdict, but the Governor and Council did agree that it was and we must abide by their judgment.

That being the case, I see no reason why he should not be paid for any expenditures he made in behalf of the state, as well as any joint special committee of the state that junkets around the state doing the business of the state. He did this as his official duty and in an official manner, and having expended his money I believe that it is just and proper that the state should reimburse him.

If he had not substantiated his charges there might have been grounds for belief that he was prejudiced by personal motives, but having proved his case and substantiated his charges it seems to me only just and proper that he should be reimbursed.

I trust the majority report will be accepted.

Mr. MURPHY: Mr. President, I wish to call attention to the fact that this matter was before the Governor and Council and that payment was made as to what they thought was right. He now comes here for the balance, he claims due.

The question being on the motion by Senator Walker that the minority report be accepted in concurrence and the yeas and nays having been asked for, the same was ordered, and the secretary called the roll.

Those voting yea were Messrs. Allen, Ames, Bartlett, Chatto, Clark, Colby, Cole, Conant, Durgin, Emery, Fulton, Peacock, Scammon, Swift, Walker—15. Those voting nay were Messrs. Boynton, Burleigh, Butler, Dunton, Flaherty, Garcelon, Herrick, Jillson, Leary, Moulton, Murphy, Price, Thurston, Weld—14. Absentee, Mr. Hastings.

Fifteen having voted yes and 14 no the minority report, "ought to pass" was adopted in concurrence.

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

An Act to grant a new charter to the city of Bangor. The question being on the adoption of either the majority or minority report, on motion by Mr. Cole of York, the bill was tabled and specially assigned for this afternoon.

An Act to incorporate the Grindstone Boom Company.

In the House, Report B, ought not to pass, was accepted.

On motion by Mr. Walker of Somerset, the Senate adopted Report B in concurrence.

An Act to repeal Sec. 1 of Chapter 213 of the P. L. of 1913, relating to the appointment of road commissioners.

In the House the minority report, ought to pass, was accepted and the bill was read three times and passed to be engrossed.

On motion by Mr. Conant of Waldo, the Senate non-concurred with the House and accepted the majority report, ought not to pass.

An Act to define and make plain the meaning of Sections 2 and 3 of Chap. 328 of the Private and Special Laws of 1913, relating to the construction of the easterly span of the Old Town-Milford bridge.

In the House the report of the committee, ought not to pass, was accepted. The report of the committee was accepted by the Senate in concurrence.

An Act to increase the amount of exemption from taxation of musical instruments.

In the House, the bill was substituted for the adverse report of the committee, the bill was given its several readings, and passed to be engrossed.

Upon motion by Mr. Bartlett of Kennebec the report of the committee, ought not to pass, was accepted in non-concurrence, and sent down for concurrence.

Resolve in favor of Ina E. Chadbourne.

In the House the report of the committee, ought to pass, was accepted and the bill given its several readings and passed to be engrossed.

Without objection the Senate concurred in the acceptance of the report, and the resolve was given its two several readings, under suspension of the rules, and passed to be engrossed.

Resolve appropriating money to pay Irene D. Chase, stenographer and typist to the clerk of the House.

In the House the report of the committee, ought to pass, was accepted and the resolve given its several readings and passed to be engrossed in concurrence.

Without objection the Senate concurred in the acceptance of the report, and the resolve was given its several readings and passed to be engrossed, in concurrence.

Resolve in favor of P. H. Fitzgerald.

In the House the report of the committee, ought to pass, was accepted, and the resolve was given its several readings and passed to be engrossed.

Without objection the Senate concurred in the acceptance of the report, and the resolve was given its several readings and passed to be engrossed in concurrence.

Resolve in favor of William C. Hanson for services as clerk and stenograph-

er to the committee on Salaries and Fees.

In the House the report of the committee, ought to pass in new draft, was accepted and the resolve was given its several readings and passed to be engrossed.

Without objection the Senate concurred in the acceptance of the report, and the resolve was given its several readings and passed to be engrossed in concurrence.

Resolve in favor of the clerk of the Committee on Labor.

Resolve in favor of Reuel B. Soule for services as clerk and stenographer to the committee on banks and banking.

Resolve in favor of Edward S. Austin, document clerk, for preparing weekly printed index.

These resolves were favorably reported by the Committee on Appropriations and Financial Affairs to the House. In the House the report was accepted and the resolves given their several readings and passed to be engrossed.

The Senate concurred in the acceptance of the report of the committee, and under suspension of the rules the resolves were given their several readings and passed to be engrossed in concurrence.

An Act to amend Section 82 of Chapter 79 of the Revised Statutes and Sections 8, 9 and 14 of Chapter 108 of the Revised Statutes, relating to venires of grand jurors.

In the House the report of the committee, ought to pass, was accepted, and the bill was read three times and passed to be engrossed.

Without objection the Senate concurred with the House in the acceptance of the report, and the bill was given its several readings under suspension of the rules and passed to be engrossed in concurrence.

Majority and minority reports on An Act to amend Section 20 of Chapter 47 of the Revised Statutes, relating to Corporations.

In the House the majority report, ought not to pass, was accepted.

On motion by Mr. Durgin of Piscataquis, the majority report was accepted in concurrence.

Resolve in favor of the State House Employees.

In the House the report of the committee, ought not to pass, was accepted. Without objection the report of the committee was accepted in concurrence.

Resolve in favor of the Committee on Insane Hospitals.

In the House the report of the committee, ought not to pass, was accepted. Without objection the report of the committee was accepted in concurrence.

An Act to authorize the re-organization and consolidation of the railroad companies that constitute the Boston & Maine system.

In the House the report of the Committee, ought not to pass, the subject matter being considered in another bill, was accepted. Without objection the report was accepted in concurrence.

An Act to regulate the time for moving freight on railroads.

In the House the report of the committee, ought not to pass, was accepted. Without objection the report was accepted in concurrence.

From the House: Resolve relating to the distribution of the proceeds of the issue of bonds in the State highway. This bill came from the House, having been considered by a committee of conference, under whose recommendation it was referred back to the committee on ways and bridges. The committee on ways and bridges recommended that it be referred to the next legislature. The House accepted the report of the committee on ways and bridges and referred resolve to the next legislature.

In the Senate the bill was referred to the next legislature in concurrence.

#### STATE OF MAINE

Office of the Secretary of State,  
Augusta, March 30, 1915.

To the President of the Senate and  
Speaker of the House:

I have the honor to herewith transmit the 74th annual report of the Augusta State Hospital and the 14th annual report of the Bangor State Hospital.

Very respectfully,

Your obedient servant,

JOHN E. BUNKER,

Secretary of State.

Received, placed on file and sent down for concurrence.

#### Reports of Committees.

Mr. Emery from Committee on Appropriations and Financial Affairs on, Resolve in favor of Donald C. Gates, for services as messenger to the Committee on Towns, reported same ought to pass.

The same senator from the same committee on, Resolve appropriating money to pay Winifred M. Bearce, stenographer and typist to the secretary of the Senate, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of shorthand reporter to Committee on Railroads and Expresses, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of Neil S. Gray for services as clerk and stenographer to the Committee on Towns, reported same ought to pass.

Mr. Peacock from the same committee on, Resolve in favor of Neil L. Violette for services as clerk of the Committee on State Lands and Forest Preservation, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of Niles L. Perkins, secretary to Committee on Insane Hospitals, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of Claude W. Townsend, Jr., for services as messenger to the Committee on Inland Fisheries and Game, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of the clerk, stenographer and messenger to the Committee on Appropriations and Financial Affairs, reported same ought to pass.

Mr. Boynton from the same committee on, Resolve appropriating money to pay Josephine I. Cony, stenographer to the President of the Senate and for assistance rendered in the Senate office during the present

session of the Legislature, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of Louis Garcelon, clerk to the Committee on School for Feeble Minded, reported same ought to pass.

The same senator from the same committee on, Resolve in favor of M. H. Hodgdon for services as clerk and stenographer to the Committee on Inland Fisheries and Game, reported ought to pass.

The same senator from the same committee on, Resolve in favor of Charles R. Kingsbury for services as clerk, messenger and stenographer to the Committee on Indian Affairs, reported same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee on, Resolve in favor of the clerk, stenographer and the messenger to the Judiciary Committee for services rendered, reported same in a new draft under same title, and that it ought to pass.

The same senator from the same committee, on Resolve in favor of H. P. Hawes, and Constance A. Gage, clerk and stenographer to the Committee on Ways and Bridges, submitted same in a new draft under the same title, and that it ought to pass.

Mr. Peacock from the same committee, on Resolve in favor of Charles R. Kingsbury, for services as clerk, messenger and stenographer to the Committee on Interior Waters, reported same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee on Resolve in favor of Brooks Newbert for services as clerk, stenographer and messenger to the committee on taxation, reported same in a new draft under the same title, and that it ought to pass.

Mr. Emery from the same committee, on Resolve in favor of H. P. Hawes for services as clerk of the committee on insane hospitals, reported same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee, on Resolve in favor of the clerk

messenger to the committee on railroads and expresses, reported same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee, on Resolve in favor of George T. Hinchliffe for services as clerk, stenographer and typewriters of the committee on sea and shore fisheries, reported same in a new draft under the same title, and that it ought to pass.

Mr. Peacock from the same committee, on Resolve in favor of Louis Garcelon for services rendered as clerk of committee on agriculture, reported same in a new draft under the same title, and that it ought to pass.

The reports were accepted, and under suspension of the rules all of these resolves were given their several readings and were passed to be engrossed.

Majority report of the committee on judiciary on bill, "An Act to establish the State of Maine Immigration and Publicity Commission" (Senate No. 197), that the same ought to pass.

(Signed)

COLE,  
DURGIN,  
SANBORN,  
CAMPBELL,  
WATERHOUSE.

Minority report of the same committee on the same bill that the same ought not to pass.

(Signed)

McCARTY,  
PIERCE,  
CONNERS,  
BUTLER.

On motion by Mr. Durgin of Piscataquis the reports were tabled pending acceptance of either, and assigned for 2 o'clock this afternoon.

### Final Reports

Committee on commerce.  
Committee on library.  
Committee on public health.

Mr. BOYNTON of Lincoln: Mr. President, upon my motion this morning was tabled a Resolve in relation to county commissioners and clerk hire. I now ask that it be taken from the table.

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

Senate voted to concur with the House in the indefinite postponement of the bill.

Mr. COLE of York: Mr. President, I regret that I was called before the Governor and Council and have been unavoidably absent. I wish that the matter in reference to An Act to establish the State of Maine Immigration and Publicity Commission may be assigned for 2 o'clock.

**Passed to be Enacted.**

An Act to provide for semi-monthly payments on account of State contracts.

An Act to amend Section 23 of Chapter 18 of the Revised Statutes, as amended by Chapter 26 of the Public Laws of 1907 and Chapter 40 of the Public Laws of 1913, relating to the annual appropriation of the State laboratory of hygiene.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in the Kennebec river, in Somerset county.

An Act to provide for the care and treatment of tubercular persons.

An Act to extend and enlarge the powers of the Limerick Water and Electric Company.

An Act to incorporate the Southwest Harbor Water District.

An Act relating to the appointment of an agent by a non-resident testamentary trustee.

An Act to amend Section 28 of Chapter 6 of the Revised Statutes, as amended by Chapter 98 of the Public Laws of 1911, relating to the time of opening and closing of polls at elections, and also to repeal Section 35 of Chapter 6 of the Revised Statutes.

An Act to amend Section 1 of Chapter 21 of the Public Laws of 1909, relative to the use of the cinematograph.

An Act to amend Section 75 of Chapter 4 of the Revised Statutes, relating to loans in anticipation of issue of bonds or notes.

An Act to amend Sections 2, 3 and 5 of Chapter 21 of the Public Laws of 1909, relating to the use of cine-

matograph, cinematograph, kenetoscops and moving picture machine.

An Act to amend the charter of the city of South Portland, thereby providing for the election of assessors by the citizens.

An Act to provide for the systematic maintenance of the principal thoroughfare in each municipality in the State.

An Act to amend Section 2 of Chapter 158 of the Public Laws of 1911, relating to the verification of savings deposits in savings banks, institutions for savings, trust and banking companies.

An Act to regulate the shipment of lobsters by shippers with established places of business.

An Act to amend Section 8 of Chapter 133 of the Revised Statutes, providing that warrants issued by trial justices may be returned before any municipal court in the same county.

An Act additional to Chapter 156 of the Public Laws of 1913, relating to the marking upon barrels and boxes to be used in shipping apples.

An Act to amend Section 80 of Chapter 48 of the Revised Statutes, as amended by Chapter 15 of the Public Laws of 1905, allowing trust companies to become stockholders in Federal Reserve Banks.

An Act to fix the salaries of certain public officers.

An Act to fix the salary of the clerk of the commissioners of inland fisheries and game.

An Act to amend sub-division F of Division 66 of Section 23 of Chapter 48 of the Revised Statutes with reference to the investment of deposits of savings banks and institutions for savings.

An Act to provide for the establishment of a board of recreation for the city of Portland.

An Act to repeal Section 4 of Chapter 217 of the Private and Special Laws of 1913, entitled, "An Act to incorporate the Inter-Urban Ferry Co."

An Act relative to the hours of labor of employes of street railway companies.

(Tabled temporarily by Senator Dur-

gin. Subsequently indefinitely postponed.)

An Act to amend Sections 1 and 2 of Chapter 131 of the Public Laws of 1911, as amended by Chapter 114 of the Public Laws of 1913, relating to the taxing of insurance companies not authorized to do business in Maine.

An Act to extend the charter of the Rockland, South Thomaston & St. George Railway.

An Act to incorporate the Harmony Water Company.

An Act to authorize the construction of a weir in the tide waters of the Cobscook river in the town of Lubec.

An Act to provide for granting administration in certain cases without giving bond.

An Act to enable the cities and towns of the State of Maine to appropriate money to aid in the erection of the Knox Memorial building.

An Act to amend Section 5 of Chapter 383 of the Private and Special Laws of 1897, relating to the tolls to be charged by the South Branch Improvement Company.

An Act to amend Section 1 of Chapter 198 of the Public Laws of 1909, as amended by Chapter 192 of the Public Laws of 1911, and as further amended by Chapter 182 of the Public Laws of 1913, relating to the amount of the school equalization fund.

An Act to amend Section 8 of Chapter 130 of the Public Laws of 1913, relating to State and State aid highways.

An Act authorizing the towns of Mexico and Rumford in the county of Oxford to purchase the toll bridge between said towns, erected and owned by the Mexico Bridge Company.

An Act to amend Sections 3 and 4 of Chapter 70 of the Private and Special Laws of 1887, entitled, "An Act to incorporate the Spencer Dam Company," as amended by Chapter 195 of the Private and Special Laws of 1911, and also to amend said Chapter 70 by adding thereto Sections 5, 6 and 7.

An Act to amend Section 21 of Chapter 69 of the Revised Statutes, relating to the compensation of guardians.

An Act relative to the hours of employment of women and minors.

An Act to amend Chapter 161 of the Public Laws of 1913, relating to payment of small legacies to minors under any decree of court.

An Act to incorporate the Presque Isle Sewerage Company.

An Act to ratify and confirm the organization of the State Young Men's Christian Association of Maine and to increase its powers.

An Act additional to Chapter 181 of the Private and Special Laws of 1911, entitled 'An Act to establish in Cumberland county a county farm.

An Act to amend Section 7 of Chapter 181 of the Private and Special Laws of 1911, entitled, "An Act to Establish Cumberland County a County Farm."

An Act to incorporate the Center Lovell Cemetery Association.

An Act to amend Section Four of Chapter Thirty-one of the Private and Special Laws of Nineteen Hundred Five, entitled, 'An Act to authorize the Houlton Water Company to generate, sell and distribute electricity,' as amended by Chapter One Hundred Six of the Private and Special Laws of Nineteen Hundred Seven.

An Act to regulate the sale of lighting rods.

An Act to provide for the granting of Lobster Licenses and Giving State Wide Jurisdiction to Wardens.

An Act to amend Section Forty-three of Chapter Thirty-two of the Revised Statutes, as amended by Chapter Two Hundred and Six of the Public Laws of Nineteen Hundred and Thirteen, relating to the Protection of Game Birds.

An Act relating to the payment of legacies.

An Act to confirm the doings of the Forest Avenue Congregational Church of Bangor.

An Act additional to Chapter Eighty-four of the Revised Statutes, relating to the pleadings in actions at Law on Insurance Policies.

(On motion by Mr. Bartlett of Kennebec, tabled until 2 o'clock this afternoon.)

An Act to amend Section Three of Chapter One Hundred and Ninety-

nine of the Private and Special Laws of Nineteen Hundred Thirteen, relating to the collection of assessments for street improvements in the City of Bath.

An Act to amend Section Two of Chapter Two Hundred and Four of the Public Laws of Eighteen Hundred Fifty six, in relation to the Jurisdiction of the Municipal Court of the City of Portland, as amended by Section One of Chapter Twenty-eight of the Public Laws of Eighteen Hundred Eighty-seven, and Section One of Chapter One Hundred and Thirty-four of the Public Laws of Eighteen Hundred Ninety-five.

An Act to amend Section Thirteen of Chapter Two Hundred and Four of the Public Laws of Eighteen Hundred Fifty-six, relating to the Recorder of the Municipal Court of the City of Portland.

An Act relating to the accounts of the various State Examining Boards and to provide for the bonding of all officials and clerks who handle Public Moneys.

An Act to amend Section Four of Chapter One Hundred Forty-two of the Private and Special Laws of Nineteen Hundred Eleven, entitled, "An Act granting a new charter to the Farmington Village Corporation."

An Act relating to the Vinalhaven Lighting Co.

An Act to repeal Section Nine of Chapter Seventy-three of the Revised Statutes, requiring the consent of Overseers of the Poor to Sales of Real Estate of guardians in certain cases.

An Act to amend Section Thirty-five of Chapter One Hundred Fourteen of the Revised Statutes, authorizing Justices of the Peace to continue the disclosure hearings of Poor Debtors under certain circumstances.

An Act to amend Section Nineteen of Chapter Sixteen of the Revised Statutes, so as to create the trustees of the Local Methodist Episcopal churches a corporation.

An Act to amend Section 15 of Chapter 221 of the Public Laws of 1913, relating to Primary Elections.

An Act to amend Sections 15 and 16 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Pub-

lic Laws of 1913, relating to the Adoption of Rules and Regulations Restricting Fishing and Hunting in Cases of Emergency.

An Act to amend Sections 38, 39, 40, 42 and 44 of Chapter 28 of the Revised Statutes, relating to the Protection of Life in Public Buildings.

An Act providing for Enumeration of Neat Cattle, Sheep and Swine.

An Act to regulate the Taking of Frogs from Big Fish Lake, Square Lake, Eagle Lake, Long Lake, Soldier Pond and in the tributaries to said pond and lakes in Aroostook County.

An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to Fishing in Stratton Brook and in the tributaries to said Brook and in the Mount Bigelow Ponds, in Franklin County.

An Act to amend the purposes and grant additional powers to the Atlantic Maritime Company.

An Act amendatory of Section One Hundred Twenty-six of Chapter Forty-nine of the Revised Statutes, relating to the reserve fund deposited with the State Treasurer by Assessment Casualty Insurance Companies.

An Act to amend Section 11 of Chapter 31 of the Revised Statutes, relating to the Licenses Issued by Municipal Officers of Towns for the Operation of Steam Riding Galleries.

An Act Relating to the Acquisition of Land for Play Grounds and Park Purposes by Village Corporations.

#### Finally Passed

Resolve appropriating Money for the Construction, Equipment, Service Connections and Furnishings of one Brick Building for a Central Kitchen and Bakery at the Maine School for Feeble Minded.

Resolve Appropriating Money for the Improvement of the State Park on the Easterly Side of State Street.

Resolve Declaratory of Certain Amendments of the Constitution of Maine.

Resolve in favor of the Maine State Prison for Certain Improvements and Repairs.

Resolve in favor of E. W. Murphy, Secretary of the Joint Special Commit-



tee Appointed by the Seventy-sixth Legislature on Woman's Reformatory, State School for Boys and Industrial School for Girls for Certain Committee Expenses.

Resolve Authorizing the State Historian to Publish Historical Matter in Relation to the State of Maine.

Resolve appropriating money for the Repair of Roads and Bridges in Indian Township, in the County of Washington.

Resolve appropriating money to Restore the Early Records in the Office of the Clerk of Courts for York County.

Resolve in favor of the Bath City Hospital for Maintenance.

Resolve Reimbursing the City of Biddeford for Money Expended for the Support of Certain State Paupers.

Resolve appropriating money to reimburse the city of Biddeford for money expended for the support of a certain State pauper.

Resolve appropriating money to aid in repairing a certain road in the town of Cushing, and providing for the future maintenance thereof.

Resolve in favor of Rena Cooley of Augusta.

Resolve appropriating money to aid in repairing the bridge between Eastport and Perry.

Resolve providing a State pension for Mary A. Moulton.

Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol.

Resolve in favor of the conference of commissioners, and of the commissioners from Maine, for the promotion of uniformity of legislation in the United States.

Resolve in favor of Fortunat O. Michaud, secretary of the committee on public health, for expenses incurred by said committee in visiting tuberculosis sanatorium at Bangor.

Resolve in favor of A. H. Whitman, the official reporter of the House of Representatives, for assistance employed by him in the preparation and completion of the legislative record.

Resolve in favor of Dana H. Danforth, secretary of the committee on School for Feeble Minded for the expenses of said committee in visiting Maine School for Feeble Minded.

Resolve allowing Ozias M. Goff to tap

and take water from the main running across his farm to the Maine School for Feeble Minded.

Resolve in favor of the Maine Eye and Ear Infirmary for maintenance.

Resolve appropriating money to aid in repairing the Middle Dam Carry road, in the town of Upton and the plantation of Magalloway, and providing for the future maintenance thereof.

Resolve appropriating money to aid in the construction of the substructure of a highway bridge over the St. John river between the town of Madawaska, Maine, and the city of Edmundston, New Brunswick.

Resolve reimbursing the Great Northern Paper Company for money expended in excess of one-half the cost of the construction of a bridge across the Moose river.

Resolve in favor of the Madigan Memorial hospital for maintenance.

Resolve appropriating money to carry out the provisions of Chapter 156 of the Public Laws of 1913, entitled "An Act to regulate the packing, shipping and sale of apples."

Resolve appropriating money for the completion of the fish screen at the outlet of Beach Hill lake, in the town of Otis.

Resolve in favor of the Maine Society of the Sons of the American Revolution to provide markers for the unmarked graves of the soldiers of the Revolution.

Resolve to reimburse the town of Aurora for over-expenditure on the 1913 State Aid road.

Resolve in favor of Gorham P. Grant for refund of money paid in lieu of military service in the late War of the Rebellion.

Resolve in favor of Eastern Maine Orphans' Home for maintenance.

Resolve in favor of the Augusta State hospital for renovating the second male wing of the stone building.

Resolve appropriating money to fence the new water supply at the Maine School for Feeble-Minded.

Resolve appropriating money for the purchase of additional laundry equipment for the Maine School for Feeble-Minded.

Resolve making an appropriation

for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

Resolve authorizing the State highway commissioner to undertake the defense of a certain suit at law against the town of Falmouth.

Resolve appropriating money for the installation of steel filing cases in the office of the State treasurer.

Resolve in favor of the Old Town hospital for maintenance.

Resolve for laying the county taxes for the year 1915.

(This resolve carrying an emergency clause required the vote of two-thirds the members of the Senate. A rising vote was taken and 27 senators voting in favor and none against, the resolve was finally passed.)

An Act additional to Chapter 80 of the Revised Statutes, relating to the powers of the county commissioners of Penobscot county in regard to securing temporary loans.

(This resolve carrying an emergency clause required the vote of two-thirds the members of the Senate. A rising vote was taken and 25 senators voting in favor and none against, the resolve was finally passed.)

An Act relative to the hours of labor for employes of street railway companies.

Mr. DURGIN of Piscataquis: Mr. President, I move the bill be indefinitely postponed. I don't think it can be said that I am taking the position I do because I have any particular interest in the subject matter, as I live in a county where there are no electric roads. I am simply trying to do my duty as a member of this body in seeing that nothing should pass here which I do not believe will bear the test of constitutionality, and I have prepared what I have to say in manuscript, that I may say nothing I do not wish to, and may leave out nothing that I wish to say.

This bill provides a day of nine hours for motormen and conductors on the electric railroads of this State, and its further provision is that such work shall be performed within eleven consecutive hours.

Section 2 of the bill makes it a penal

offense for any company to require from any motorman or conductor more than nine hours' work, or that said work shall be performed in more than eleven consecutive hours.

As the bill came from the committee, by Section 3, electric roads in Aroostook and Somerset counties were excepted from the operation of its provisions. In the House it was amended by striking out Section 3 and inserting a new Section 3, reading as follows:

"This act shall not apply to electric railroad companies regularly employing less than fifty motormen and conductors, nor to any electric road operating over lines which extend to points without the State."

This act is an exercise of the police powers of the State. Its justification, if any, must rest upon the safety or welfare of the public. Otherwise the State has no right to interfere. The only ground for such a bill is that longer work hours than nine, to be performed within eleven consecutive hours, would be detrimental to the health of the motormen and conductors—the class legislated about—or might render them less watchful and efficient, and thus affect public safety and the general public welfare.

#### CLASS LEGISLATION.

The term "class legislation" is properly applied to the discriminating against some and favoring others. Class legislation is in violation of the laws, but legislation which in carrying out a public purpose, is limited in its application, if within the sphere of its operations, it affects all persons similarly situated, is not within the amendment. (i. e. XIV Amendment to U. S. Annotation.)

Hawkins v. Roberts, 122 Ala. 130.

Barbier v. Connolly, 113 U. S. 32.

State v. Suaggerly, 203 Mo. 517.

Class legislation is legislation which selects particular individuals from a class and imposes upon them special burdens from which others of the same class are exempt and this denies them the equal protection of the laws.

State v. Cooley, 56 Minn. 450.

"Class legislation" prohibited by the federal constitution is legislation which discriminates against some in favor of others. It does not relate to and in-

clude legislation which affects all persons of the same class to which the subject of legislation applies, though it may be a detriment or benefit only to that class included, and not granted to all persons generally not within the class.

Re Hang Kie, 69 Cal. 149.

The discriminations which are open to objection . . . are those when persons engaged in the same business are subjected to different restrictions or are held entitled to different privileges under the same conditions.

Railroad v. Beckwith, 129 U. S. 29.

1. If, for the reasons above stated, a bill of this sort should have a passage it is clear that there should be no exceptions to it. If it is necessary to secure public safety by a bill of this sort, its application must be universal. To say that this law shall apply to a road having fifty motormen and conductors, and not to a road having forty-nine, is to create a mere arbitrary distinction. If public safety is to be secured by applying this law to a road having fifty motormen and conductors, it must apply equally well to a road having forty-nine.

2. This is a clear case of class legislation. It is not class legislation to enact laws relating to a class of persons. It is class legislation when individuals are excepted out of a class legislated upon. Here the hours of labor of a class of persons is made the subject of special legislation, but, by the exception, persons of that same class are not subject to the provisions of the law. It is in violation of the fourteenth amendment of the constitution of the United States. It is denying the equal protection of the law to some persons out of a class of persons. It denies the equal protection of the law to motormen and conductors of electric roads employing less than the stated number of fifty, and to the public using such roads.

In *Lochner v. New York*, 198 U. S., page 45, the court held that Section 110 of the labor law of the State of New York providing that no employees shall be required or permitted to work in bakeries more than sixty hours in a week, or ten hours a day, is not a legitimate exercise of the police power of

the state, but an unreasonable, unnecessary and arbitrary interference with the right and liberty of the individual to contract, in relation to labor, and as such it is in conflict with, and void under, the Federal Constitution.

"Statutes of the nature of that under review, limiting the hours in which grown and intelligent men may labor to earn their living, are mere meddling interference with the rights of the individual, and they are not saved from condemnation by the claim that they are passed in the exercise of the police power and upon the subject of the health of the individual whose rights are interfered with, unless there be some fair ground, reasonable in and of itself, to say that there is material danger to the public health or to the health of the employees, if the hours of labor are not curtailed. If this be not clearly the case the individuals, whose rights are thus made the subject of legislative interference, are under the protection of the Federal Constitution regarding their liberty of contract as well as of person; and the legislature of the state has no power to limit their right as proposed in this statute."

3. This bill is eminently an unfair one. There are ten electric roads in this State. There are three affected by this bill. It is aimed at them. In the case of one of the three, to say the least, it runs over the tracks of an exempted road. Its cars pass and follow the cars of the exempted road. It furnishes the same service to the same public; in the same town; over the same tracks. And yet one road, and the class of persons mentioned in the bill employed by it, is subject to the law—the other not, and this, although the road affected by the bill gives its employees less hours of labor, performed in less consecutive hours of time, and the highest pay of any road in the State. Conversely the tracks of this road are used by a road excepted under this bill. Why should one road, or its employees, be treated differently from the other? The exempted road also uses the tracks of a non-exempt road in the same city. Is the public welfare and safety in four cities under these circumstances at-

tained by a bill of this character? It is both unfair and unjust.

4. It is true as a general rule, if not universally so, that the smaller the road the longer the hours of labor and the less fully equipped is such road. If public safety is sought by the bill, there is greater necessity of applying the principle to the smaller roads than to the larger ones. If, on the other hand, it is desired to reduce the hours of labor of motormen and conductors, the necessity of its application to smaller roads is apparent. However, the bill should not apply to electric roads in Maine. She has her water power, and capacity to produce the power. The State will soon be threaded with electric roads from one end to the other if restrictive laws are not passed and present conditions are allowed to remain, but capital cannot develop along new lines through sparsely settled country unless development is given a free range.

I am informed that this bill is practically the Massachusetts law, but if this be true it is no reason why we should adopt it. A law of this kind might be practical for Massachusetts, and impracticable for Maine. Maine is large in area, and sparsely populated. Massachusetts is small in area, and densely populated. Hence, there is no analogy between the two on a matter of this kind, but the fact that a similar law does exist in Massachusetts loses all force, if my information is correct, for the reason that the law is disregarded there, and has no workable value, and this result is brought about by the employees themselves. In my judgment we already have too many "warmed over" laws in our statutes. If somebody up in Massachusetts has succeeded in having his notion crystallized into law I see no reason why we should O. K. his mental effort for that reason alone.

This act as introduced was grotesque enough, but as it now stands it is a manifest absurdity. Why should we embody into law our sympathy for fifty overworked employees on one electric road, and let forty-nine employees of the same class on another road work out their own salvation? Why shouldn't the overworked employees in Aroostook

and Somerset be protected as much as those in Penobscot and Cumberland? If public safety is the object why make any discrimination, or exemption? Why isn't public safety as essential on the seven roads exempted as it is on the three affected by this bill? I am in favor of protecting labor, but I want it protected in Fort Kent as well as in Portland. If the advocates of this bill can give a decent reason why forty-nine employees on one electric road are less entitled to the shortening of the hours of labor than are fifty employees on another road, especially when there is no material difference in conditions, I would be very glad to learn it. In my short legislative experience I never witnessed so rank a piece of "class legislation" as this. No one can truthfully accuse me with having no interest in those who toil for a daily living. I was reared on a farm, and spent the early years of my life in daily toil on the farm, in the mill and behind the counter. I have never had a month's time I could call my own, and that was free from hard, grinding work. Hence, I am glad to stand for any legislation which makes for better conditions for the laboring class, but I insist that such legislation shall be universal in its application. Apply that test to the pending measure, and I will gladly support it, otherwise I am strenuously opposed to it. I trust this bill will be indefinitely postponed.

Mr. FLAHERTY of Cumberland: Mr. President, I hardly know what to say in answer to the distinguished Senator from Piscataquis; but he is not familiar with conditions, because he admits that he has no electric railroads in his county, and I submit to the Senate if he is a proper Senator to espouse the cause of the indefinite postponement of this bill.

He talks about the constitutionality of this bill. The motormen and conductors of the state have employed two lawyers who came down and looked over this bill, and they had the advice of two of the most eminent lawyers in the State of Maine that this act is constitutional, the way it is worded.

When this bill was reported out from the committee, the president of the Cumberland Light & Power Company

distributed freely different amendments to include all the different counties of the state, and these lawyers, so I am informed, took the president of the Cumberland Light & Power seriously, and wished to conform to his ideas in regard to exempting small roads running through the wilderness, and most of them freight roads, through the State of Maine.

The Senator claims that the public safety doesn't demand any of this legislation, where they shorfen a day's labor for motormen and conductors. If he were a resident of any of the large cities of this state, where those roads are being run by overworked motormen and conductors, he might agree that there is a public demand for the public safety in regard to the running by these motormen and conductors, and if the Senate will bear with me just a few moments—this merely establishes a day's labor, operating where it is most needed, in the crowded parts of the principal cities of this state.

I submit to you whether in any city where your motormen and conductors are working from fourteen to eighteen hours a day they are in fit condition, without any rest, to stop their car when an accident arises as they should.

This works no hardship upon the small electric roads. It ought not to, because they are running through a vast wilderness, a lot of them freight roads, and that is why the committee and the lawyers applied the law to the roads that are employing fifty or more motormen and conductors. And you must agree with me, Mr. President, that where there are so many motormen working for the bill, when they can go around amongst themselves and take up a collection of from twenty-five cents to a dollar apiece and employ two lawyers to come down here—it shows there is a condition existing on these electric roads that ought to have some consideration from the members of this body.

The Senator speaks of one road that is operating over a road that doesn't come under this act. If it is the Lewiston and Portland Railroad, I will say that when that comes into Portland it is under a specific agreement, and it is within five of ten minutes, possibly,

of Monument Square, that they shall charge ten cents for every passenger over this road that comes under the provisions of this act. So that practically doesn't go over this road.

Now this law is practically a copy of the Massachusetts law, and one of my colleagues on the committee had a letter from some of the carmen up there, and they say it has worked to the best advantage of the companies and the men. When the vote is taken, Mr. President, I move it be taken by yeas and nays.

The question being on the motion to indefinitely postpone, the yeas and nays were ordered, and the secretary called the roll.

Those voting yes were Messrs. Allen, Ames, Bartlett, Boynton, Chatto, Clark, Colby, Conant, Durgin, Emery, Fulton, Jillson, Peacock, Thurston—14.

Those voting nay were Messrs. Burleigh, Butler, Dunton, Flaherty, Garcelon, Herrick, Leary, Moulton, Price, Scammon, Swift, Walker, Weld—14.

Absentees: Cole, Hastings.

Fourteen senators having voted in the affirmative, and 14 in the negative, the President directed that his name be called, whereupon he voted yes.

Fifteen having voted in the affirmative, and 14 in the negative, the motions was agreed to, and the bill was indefinitely postponed.

Mr. Walker of Somerset presented out of order the report of the committee on the disagreeing action of the two branches on An Act to promote the industry of horse-breeding in Maine, and to provide for the registration of stallions; that the committee was unable to agree.

The report was accepted.

On motion by Mr. Weld of Penobscot, a recess was taken until 2 o'clock in the afternoon.

#### Afternoon Session

Senate called to order by the President.

#### Final Report

Committee on salaries and fees.

The committee of conference on the disagreeing action of the two branches

on An Act to amend Section 1 of Chapter 195 of the Public Laws of 1911 providing that the livestock sanitary commissioner shall be a veterinary surgeon, reported that they were unable to agree.

The report was accepted.

On motion by Mr. Walker of Somerset the Senate voted to adhere.

#### Reports of Committees

Mr. Boynton from the committee on salaries and fees on An Act to fix the salary of the treasurer of Kennebec county, reported that same ought not to pass as the subject matter is covered by another bill.

The same senator from the same committee, on An Act to fix the salary of the deputy forest commissioner, reported the same ought not to pass, as the subject matter is covered by another bill.

The same senator from the same committee, on An Act to provide additional compensation for clerk hire for the clerk of courts of Somerset county, reported same ought not to pass, as the subject matter is covered by another bill.

The same senator from the same committee on An Act to provide for clerk hire in the office of register of probate in Kennebec county, reported same ought not to pass, as the subject matter is covered by another bill.

Mr. Durgin from the same committee, on An Act to fix the amount of clerk hire in the office of register of deeds for Kennebec county, reported same ought not to pass, as the subject matter is covered by another bill.

The same senator from the same committee, on An Act to amend Paragraph 5 of Section 1 of Chapter 116 of the Revised Statutes, relating to the expenses of the judge of the Kennebec county superior court, reported same ought not to pass, as the subject matter is covered by another bill.

The same senator from the same committee, on An Act to fix the salary of the judge of probate for Kennebec county, reported same ought not to pass, as the subject matter is covered by another bill.

Mr. Conant from the same committee, on An Act to provide for additional clerk hire for the clerk of court's office of Kennebec county, reported same ought not to pass, as the subject matter is covered by another bill.

The same senator from the same com-

mittee, on An Act relating to clerk hire for the office of clerk of courts of York county, reported same ought not to pass, as the subject matter is covered by another bill.

The same Senator from the same committee, on An Act to provide for temporary clerk hire for the register of probate for Cumberland County, reported same ought not to pass, as the subject matter is covered by another bill.

The reports were accepted.

Mr. WALKER of Somerset: Mr. President, I move that we reconsider the vote whereby yesterday we voted to adhere to our action in the indefinite postponement of House bill 640, An Act to amend Section 47 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to the use of motor boats in hunting sea birds, duck or water fowl.

The motion was agreed to.

Mr. COLE of York: Mr. President, as I said when speaking on this before in making the motion to indefinitely postpone this measure, I do not wish to do anything to affect the inland waters of the State. I have talked with the chairman of the fish and game commission, and he asks that this matter may be reconsidered in order that the inland waters of the State may be protected.

I move that the bill be tabled until a new draft or a new bill may be put in here covering the matter asked for by the chairman of the fish and game commission.

Mr. COLBY of Somerset: Mr. President, I do not see why it would not be all right for the Senate to insist and have it go to a committee on conference, and with the assistance of the chairman of the fish and game commission it could be fixed much easier.

The PRESIDENT: The House has already appointed a committee of conference.

Mr. COLBY: Mr. President, I move that we insist and join a committee of conference.

The motion was agreed to and the Chair joined on such committee on the

part of the Senate, Messrs. Colby, Cole and Allen.

From the House: Resolve in favor of Edward S. Austin, for services as document clerk to the House of Representatives.

In the House this resolve was read and passed to be engrossed under suspension of the rules. (On motion by Mr. Boynton, tabled temporarily.)

From the House: Resolve in favor of E. H. Fitzgerald for services as mail carrier to the House of Representatives. (On motion by Mr. Boynton, tabled temporarily.)

Mr. SWIFT of Kennebec: Mr. President, I move that we take from the table, Resolve to amend Article 22 of the Constitution as amended relating to the limit of municipal indebtedness of cities.

The motion was agreed to.

In the Senate this bill was passed to be engrossed and sent down for concurrence. In the House, pending passage to be engrossed it was amended by House Amendment A.

The pending question being the adoption of House Amendment A in concurrence.

Mr. SWIFT: Mr. President, I wish to table both the resolve and the amendment and in order that they may be considered together I move the adoption of House Amendment A in concurrence.

The motion was agreed to and the amendment was adopted in concurrence.

Mr. SWIFT: Now, Mr. President, I move the indefinite postponement of the resolve as amended.

This resolve provides for an amendment to the constitution of the state allowing cities to increase their municipal indebtedness from five to seven and one-half per cent of their valuation, and of course carries the referendum. It has been repeatedly argued here during this session that no question should be submitted to the people unless there is a general and widespread demand for it. And I believe we are all agreed upon this point, and that you will agree with me that there is

not even a small demand for a referendum upon this question. If this proposed change is submitted to the people every voter in every village and country town in this state will be called upon to decide a question which affects the cities only, that is, every city except Portland, and as Portland will not be affected it means more than three-quarters of the voters who have no direct interest will decide for the less than one-quarters who are interested and concerned. I am not afraid of the people or their verdict when deciding for themselves, but I do believe this great uninterested majority would be very likely to vote yes under the impression that the cities want it.

When we propose to raise the constitutional debt limit I believe we are treading upon dangerous ground, for if allowed, an increase in debt is sure to follow. The city of Augusta, and I cite Augusta because I am familiar with its affairs and believe it is in about the same condition as the average city, has a borrowing capacity in round numbers of \$400,000. Its bonded debt is \$380,000, which you will note is pretty near the limit, and but for this wise constitutional provision it would, beyond a doubt, be much larger today. The interest upon Augusta's debt is \$15,000 per year, and the tax-payers do not want it increased.

We have many towns in the state which are larger than some of our cities, and if this proposed change is desirable for small cities why should it not apply to the large towns as well? We have no way of judging the future but by the past, and judging by the past, this change if adopted will not stop with cities, for in 1911 the constitution was amended allowing cities of 40,000 inhabitants and over to increase their indebtedness to seven and one-half per cent of their valuation, and now four years later we are asked to allow all cities to increase their debt limit, placing them on the same basis, and if this is granted it will be but a few years before future legislators will be asked to grant every town in the state the same privilege. And the result will be a substantial increase in the bonded debt and interest charges of

our municipalities and towns all over the state.

It will have a tendency to encourage cities to issue bonds instead of raising money by taxation. And if a city wants more money than the present limitation will allow it to raise by bond issue it should raise it by tax assessment.

The present disposition and tendency to spend money for changes and improvement whether warranted or not, and let posterity pay the bills, should be discouraged instead of fostering municipal extravagance by the passage of this resolve.

I trust, Mr. President, in the interest of the future welfare of the state, the motion to indefinitely postpone this resolve will prevail.

Mr. COLE of York: This resolve with two others came before the judiciary committee. The resolve that is before us at present was introduced by the Senator from Kennebec, Senator Bartlett, and one was introduced by the Representative from Bath—I am not sure, but perhaps both of the others were introduced by the Representative from Bath.

There was not very much interest taken at the time of the hearing before the committee, but there were numerous letters and telegrams from those opposing it.

The judiciary committee felt, as this would constitutionally affect the state, that while they did not care to recommend it one way or the other, that it was only fair to the legislature which represented the entire state that this resolve should be reported back, ought to pass, so that the legislature might consider it.

I do not know whether everyone has read this resolve or not or of the manner in which the increase may be made from five to seven and one-half per cent, but it only includes the raising each year of one-quarter of one per cent, so that it will take ten years to raise the limit from five to seven and one-half per cent; and if in any way a city does not take advantage of that raise in any one year, it cannot take advantage of that fact later on.

Mr. SWIFT: In reply to the statement from the Senator from York, I

will say that I see no difference whether this thing is done by degrees or all at one time. The final result would be the same.

The question being on the indefinite postponement of the bill, a rising vote was taken, and 20 senators voting in favor of indefinite postponement and none opposed, the motion was adopted and the bill was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate, An Act defining and establishing a minimum wage for State House employes.

Mr. BOYNTON: Mr. President, I move that the bill be tabled temporarily.

The motion was agreed to.

Mr. PRICE of Sagadahoc: Mr. President, I would like to ask unanimous consent to take from the table a bill in relation to the Bath municipal court, tabled by me this morning and assigned for tomorrow. I think we can dispose of it today. I move that it be taken from the table.

The motion was agreed to and the bill, An Act relating to the salary of the recorder of the Bath municipal court, was taken from the table.

Mr. PRICE: Mr. President, I would like to state in explanation of this that from some unknown source this came into prominence in the House and they, waiving all ceremony, passed it on. I find upon investigation that there is no merit in this bill. It is a very humble office and now pays a salary of \$75 per year. I think I am safe in saying that the labor involved would not amount to one week's work for the whole year. This bill asks for the salary to be increased to \$250. I have received several telegrams and calls on the telephone several times by people of Bath, and other members of the delegation have been communicated with.

We wish the indefinite postponement of this measure, and I move that it be indefinitely postponed.

The motion was agreed to and the



bill was indefinitely postponed.

Mr. BOYNTON of Lincoln: Mr. President, the matter just tabled by me, relating to establishing a minimum wage for State House employes I move be taken from the table.

The motion was agreed to, and on further motion by the same senator the rules were suspended and the bill was given its several readings and was passed to be engrossed in concurrence.

The President laid before the Senate, An Act to provide for the destruction of dog fish and other members of the shark family. (Tabled by Senator Cole this morning.)

On motion by Mr. Boynton of Lincoln this bill was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate, An Act to determine the amount to be paid for clerk hire in the several counties.

This bill under suspension of the rules, this morning, was passed to be engrossed in the House, without reference to a committee.

In the Senate pending concurrent action, the bill was tabled by Senator Cole.

Mr. COLE: Mr. President, I have not yet had an opportunity to look at the bill.

Mr. BUTLER of Knox: Mr. President, I wish at this time to offer an amendment to this bill and I would say that it applies only to Knox county.

The bill not being in an amendable stage, on motion by Mr. Cole of York, under suspension of the rules, the bill was given its two readings.

Mr. BARTLETT of Kennebec: Mr. President, I have understood since the session began this afternoon that there is an error in one of the county officers for Kennebec County.

(By instruction of the Chair the Secretary read the bill.)

Mr. BOYNTON of Lincoln: Mr. President, may I inquire as to the

amount called for in the register of deeds in Hancock county.

The PRESIDENT: It is \$1500.

Mr. BARTLETT: I understood from a member of the committee on salary and fees that it was the intention to have the register of deeds for Kennebec County received a salary of \$1700 instead of \$1600 as it is there. If it cannot be corrected I move that the bill lie on the table until tomorrow morning.

The PRESIDENT: The Chair wishes to say that if any Senator desires to offer an amendment that he better do it now and let the bill go on. If there is some error it can be corrected before the bill gets to its final passage. (Senator Bartlett's motion was withdrawn.)

The bill was given its first and second readings under suspension of the rules.

The amendment offered by Senator Butler, Senate Amendment A to An Act determining the amount to be paid for clerk hire in the several counties was then read by the Secretary.

(This amendment reduced the amount for clerk hire in the office of clerk of courts for Knox County from \$300 to \$250.)

Mr. BOYNTON: Mr. President, if the Senate will notice, this amendment reduces the amount asked for clerk hire in the bill.

On motion by Mr. Butler Senate Amendment A was adopted.

Mr. BOYNTON: Now if the Senators from Kennebec, could within an hour or so prepare their amendment to the bill, it could be amended and go on its way and perhaps be engrossed tonight.

I move that this bill be tabled temporarily.

Mr. BARTLETT: Mr. President, that is entirely satisfactory to me.

The motion was agreed to and the bill was tabled.

On motion by Mr. Peacock of Washington, by unanimous consent, it was

Ordered, that the following message be sent to his Excellency, The Honorable Oakley C. Curtis:

To His Excellency, The Honorable Oakley C. Curtis, Governor of Maine:

The Senate respectfully requests your Excellency to return to the Senate, An Act relative to the hours of employment of women and minors.

Mr. SWIFT of Kennebec: My attention has just been called to a clerical error of the bill, and I suppose that is what the Senator wishes to get at. In Section 8 it reads, "anything in the six preceding sections," where it should read "in the seven preceding Sections." In other words, "Six" is inserted where it should be "seven." I suppose that can be returned and corrected by unanimous consent.

The order having received a passage the Secretary conveyed the message to his Excellency, The Governor, and subsequently reported that he had delivered the message with which he was charged.

By direction of the Chair the Secretary corrected the error and returned the bill to His Excellency the Governor.

The President laid before the Senate majority report, ought to pass, and minority report, ought not to pass, of the Committee on Judiciary, on An Act to establish a State of Maine Immigration and Publicity Commission.

Mr. COLE of York: Mr. President, in order to get the matter before the Senate, I move the adoption of the majority report, ought to pass.

I should like to discuss the matter a moment, this not being a printed bill.

This bill is in line with the policy of many other states, Mr. President, regarding publicity, and calls for a commission of five members to be appointed by the Governor and Council, to hold office for the term of five years, unless sooner removed for cause.

(Reads language of principal sections of bill.)

The idea being along the line of the development of the state as other states are doing at the present time.

It was only a day or two ago that we had before us a matter relating to the transmission of power out of the state, and there was a very general protest by members of this legislature

against carrying the power out of the state; that we needed to have the industries come to us, and should reserve this power until the industries should come to us.

Now I ask any man here who is in business, whether business comes to him, or whether he goes after it, whether, if he sits idly and makes no attempt to build up his business, but folds his hands, he can be a successful business man?

I ask any man who is running a store if it isn't his duty to exploit his goods, to put his wares where the public can see them, and to so conduct his business that the public will come to him and do business with him? I ask any summer hotel man sitting in this Senate, if he never issued a circular, if he never did a bit of advertising in anything, if he never did anything, whether it would be possible for him to do business long in competition with other men?

The idea is to carry Maine to the people of other states, so that there shall be some central place in the state where any man who wants to know anything about the agricultural interests of the state, the industrial opportunities of the state, the sporting camps, and doesn't know where to send, to have some place where he can write and get the information.

I am told by the secretary of the Maine Automobile Association that they are required to answer as many as two hundred letters a day sometimes, asking about places, roads, and general information regarding the state. Now that is an institution that is independent of the state; it is a sort of charitable affair, trying to do business for you and for me and for everybody else. It is something that the State can well afford, under the circumstances, and we ought to do as the merchant does when he goes out and advertises his wares and draws business to him.

If we will go back to the days of our boyhood, in the country towns, we can remember those rural schools which today are surrounded by alder and white birch, by trees and shrubs and wild plants, where a healthy, rosy-cheeked set of boys and girls filled the schoolhouse to the brim. Today they are

tumbling down, going to waste, and the farms which supported those large families are today uncultivated and unproductive.

The state of Vermont for the last number of years has been issuing a booklet, which costs probably fifty cents apiece, and in the last ten years she has redeemed every abandoned farm and placed those abandoned farms in the hands of people who are improving them, increasing the valuation of the state, and who are doing business for the state of Vermont. Our towns have done nothing. One hundred twenty towns in the state today, right through the section we are sitting in, in what we call the most thickly settled communities, are less thickly populated than at the time of the Civil War. It isn't a sign of progress when you allow our boys and girls to go out and give other states prosperity. It isn't a healthy sign when they feel that opportunities are not as great in their mother state as in the sister states.

It is for us, looking the situation fairly in the face, to do something, if we can, to spend some sums of money whereby we may rehabilitate ourselves and those farms, whereby the men who do summer resort business may be helped to get guests. With the \$20,000,000 of summer travel, can we afford to ignore it? Can we not afford to spend a few dollars as a united people, with all the thousands of dollars going to the sporting camps? Is it possible the state is too poor to help advertise the great vacation ground of the country? Is it because we are too penurious to expend a few dollars to increase our business?

If you will look at the population at the last census, you will find that Maine is one of the few states that is not increasing. In 1910 the population was 742,000; 1900 it was 694,000; in 1890, 661,000; in 1880, 648,000; in 1870, 626,000.

The increase in the last ten years was only 47,905, or 6.9 per cent, while the population in the United States as a whole increased 20 per cent.

The percentage of increase from 1890 to 1900 was 5 per cent. The population in 1870 was 85 per cent of the present population. That is not a great increase in forty years.

Ten counties increased in population from 1900 to 1910, and six lost in population, and the counties which gained were the counties in the north of the state, and Cumberland county, and those which had the large cities and industrial centers. The agricultural counties of the state, in which is the great wealth of the state, lying today undeveloped and unused, were those whose population has scattered to other states. 217,000 of the sons and daughters of Maine are bending their energies to increase the wealth and opportunities of other states. Why should they be obliged to leave their home and go elsewhere, if we can offer them equal opportunities?

The great state of Wisconsin, to which we look for progressive measures, and which the other states are following, has spent \$35,000 a year to bring people into Wisconsin, to benefit it and its people, while the State of Maine, the greatest state in the Union for vacation people—and the time when people spend the most money is on their vacations—is spending unitedly as a people not one single dollar, and adding to its wealth not one single dollar by any united effort.

A department store in any large city does not hesitate to spend \$75,000 a year to increase its single business. It is not an uncommon thing for the great mail-order houses of the country to spend \$250,000 a year in order to increase their business. If an individual finds that advertising pays, why shouldn't the State of Maine hold out every inducement that it can to bring people into it?

It wasn't many years ago that the hillsides and pastures of Maine carried large herds of sheep, cattle and horses. Every year they are growing scarcer; every year they are getting higher; every year more trees and bushes are growing up, and land less improved. We can raise as many bushels to the acre as any state in the Union. We are the great potato state, but Maine is not advertising that; it goes to one county. If Aroostook will raise potatoes, Waldo may raise wheat or oats, and will in as large quantities in proportion as Aroostook will raise potatoes.

We have our great water-powers, and

we are asked not to allow those to be developed until we shall need them. We have 400,000 horse-power in use today, and 1,300,000 or 1,400,000 going to waste, and because there is nobody here to use it, are we to sit idly by and see this waste go on year after year, and never raise a finger? Are we doing our duty by ourselves when we don't advertise what we have? Are we doing our duty to future generations when we allow the waste to continue and do nothing? It seems to me it is well worth the effort, it is well worth the time, it is well worth the money, to try to bring Maine up to the standard of other states, in order that Maine may be advertised and its boys be afforded opportunities to stay at home, instead of going abroad to increase the wealth and the happiness of other states.

At the present time fifty per cent of the population of the state is in towns of 2500 and over. There are counties in the state where the population is only about five to the square mile, and when we think of the great West, when we think of the unbroken prairies of the West, when we think of the mountains of the West, we speak of them as uninhabited; but here in our own state, with those great counties with land unimproved—and they are not all timberlands—we need to have someone come in, we need to interest someone and show them that those lands are worth something and can be bought at a reasonable price and a reasonable market afforded, that someone will get.

The great spirit of today is back to nature. People have heard it in our cities for the last thirty years, and the cities have not repaid them.

New Hampshire for the last few years has been getting a back-to-nature movement, and her farms are being taken up. She wouldn't stand still and simply mark time; she would move.

If this bill called for a large expenditure of money, there might be some reason why it should not pass, but the only expenditure asked for at the present time, which is perhaps a beginning, is the sum of \$7,000 for the year 1915—which includes the secretary's salary—and the sum of \$7,000 for the year 1916.

I believe that the State of Maine as

an experiment can well spend \$5,000 in addition to the salary of one man in order to collect the resources and the data of our state, and put them where people can find them if they want them. I believe it is well worth the effort to try it, and while I may stand alone, and while the section I represent in the growing development of Maine as a summer resort gets only the dust and the smell and the gasoline as it goes by, I am willing to place my property, so far as taxation is concerned, against that of every other man, to help develop the whole state. I believe it is well worth our consideration, and that it should not be turned down without some thought; and I leave the matter for the members of the Senate.

Mr. MURPHY of Cumberland: Mr. President, it seems to me we are going along fast enough in building up commissions to eat up the money of the state. My friend, Senator Cole, says it costs \$5,000, but it also calls for a commission, with an office at the State House, and a clerk to assist this commission. Your commissions don't travel over this state without getting their per diem and expenses. Plenty of room here to spend \$7,000. We have trouble enough now to take care of bills we send over to the other end of the building to have their heads knocked off.

It seems to me this state is doing quite enough now to build up the farms. \$125,000 to the University of Maine to teach the boys agriculture, to know how to profit by the farms. Where are you going to get the people to run the farms? From the cities? I guess not. We have to provide for the country boy in the city to such an extent now that the city boys are crowded in cellars.

Money has been spent by hundreds and thousands to build good roads in Maine in order the automobiles may shoot through York county as well as Cumberland. We are taxed continually by societies, by the "Boom Maine" movement and various other movements. If you want to aid anybody, aid them. It seems to me they would know more as to how to boom Maine than any new commission, with a secretary whose principal business it would be to hire

a stenographer and have a room in the State House and do nothing.

It seems to me my friend is constantly engaged in hunting up new schemes and additional expense. I haven't seen any particular demand for this bill from any particular section of the state, no hearing that I know of, no opportunity for anybody to come up for or against it, so far as I know.

I am opposed to the bill.

Mr. COLE: Mr. President, this bill was duly advertised and I presume that the Senator from Cumberland, if he had not been so busy looking after farms in Aroostook county, would have seen the advertisement.

I assume also that if it hadn't been for advertising along the lines of this bill I never would have had forced down my throat Murphy's Balsam in my childhood days, unless my mother had seen some ad therefor; nor is it probable that the Senator from Cumberland would have been able to come here and sit for four or five consecutive sessions.

I think advertising pays, Mr. President.

Mr. MURPHY: I demand the yeas and nays, Mr. President.

The question being on the acceptance of the majority report, the yeas and nays were ordered, and the Secretary called the roll.

Those voting yea were Messrs. Ames, Bartlett, Chatto, Burleigh, Clark, Colby, Cole, Conant Durgin, Emery, Fulton, Peacock, Scammon, Swift, Weld--15.

Those voting nay were Messrs. Allen, Boynton, Butler, Dunton, Flaherty, Garcelon, Herrick, Jillson, Leary, Murphy, Price, Thurston, Walker--13.

Absentees: Messrs. Hastings, Moulton--2.

Fifteen Senators having voted in the affirmative, and thirteen in the negative, the motion was agreed to, and the majority report, ought to pass, was accepted.

The bill was then given its several readings, under suspension of the rules, and passed to be engrossed and sent down for concurrence.

The President laid before the Senate Majority report, ought to pass in new draft "A", and Minority report,

ought to pass in new draft "B", from the Committee on Judiciary, on Act granting a new charter to the City of Bangor in Penobscot County, State of Maine, and repealing all laws or parts of laws in conflict therewith.

In the House the majority report was accepted, and the new draft "A" was read three times under suspension of the rules and passed to be engrossed.

Mr. DURGIN of Piscataquis: Mr. President, I understand it is not particularly material which report is accepted here, if certain amendments offered are allowed. To get the matter in shape, I move we concur with the House in the acceptance of the majority report.

The motion was agreed to, and the majority report was accepted in concurrence. The bill was then given its first reading. Pending its second reading Mr. Cole of York offered Senate Amendment A and moved its adoption.

Mr. COLE: Mr. President, that amendment is not complete, and I wish to make an explanation, because I expected we would have an opportunity to discuss our report. This bill is printed. It is 920 and 921 in the House documents. The only difference between the two, if I am allowed to explain at the present time, Mr. President, and if not I will ask unanimous consent--

(Unanimous consent was granted the Senator to proceed without a motion before the Senate.)

This matter came up before the Judiciary Committee, Mr. President, and was heard in the House of Representatives, a very large hearing of the people of Bangor. There was no particular opposition to the granting of this charter, because the people of Bangor two years ago started an agitation for a new charter for the city of Bangor, to be known as the commission form of government, consisting of the mayor and a commission of five.

At that time it was submitted to the people of Bangor and did not receive any very substantial vote. About a year ago it was submitted to the people of Bangor, and about 4,000 votes were cast upon it--I think it was last March, if I am not mistaken, a year ago this March--granting a charter, and the

present No. 920, with slight amendments that were made, is the charter that was voted upon by the city of Bangor. At that election, if it may be termed an election, there were about 4,400 votes cast. There was a majority of 450, in round numbers, in favor of the request to the legislature to grant this charter. The proponents of the bill, through one of the representatives from Bangor, offered this charter to the legislature to be enacted, and it is upon its enactment at the present time.

The Judiciary Committee are all in favor of this charter. There is no disagreement. The Senator from Knox and myself felt that any charter coming under such circumstances as this comes before the legislature should carry with it a referendum back to the people, and be accepted as their charter before it becomes the governing law of the city.

I want to say, Mr. President, that this legislature would be establishing a precedent, in passing this charter, or any other charter, without the referendum attached to it. You would be doing something that has not been done before in the State of Maine. Whenever any city has changed its form of government and adopted a new form of government, there has been a referendum attached. Whenever any town has been erected into a city, there has been a referendum, by which the people have voted to accept the law. Whenever we enact a law creating a water district we always attach the referendum to it. We have even attached it to a bill creating a small lighting district, and we do on a great many of these small matters pertaining to local government.

Now this charter, we may explain, was first brought before the people in a time of great and heated discussion. There was a political referendum going on in the city of Bangor, and the city went out of the control of one party and into the control of a so-called Independent party, and in that fever-heat of reform that charter was born.

The year past the city of Bangor has come to its sober second senses, and gone back to party government, and today a bi-party government exists in the city of Bangor, the mayor, an honored member of the House in the other end of this building, and the majority

of the members of the city government members of your party and mine, Mr. President.

It is a question at the present time whether a majority of the citizens of Bangor want this form of government. When the hearings had been going on here, and the agitation and discussion regarding woman's suffrage, I heard more than one man say, "While I don't believe in woman's suffrage, I am willing to submit it to the people."

There was an agitation going on in the city of Bangor regarding the new charter and the new form of government, and there may have been many a man who said: "I am willing to ask the legislature to give us a new charter," and have come here and asked us for a charter, that are not going to back the identical charter they came down with. It isn't materially different, but the charter that they came down with allowed them to own every public utility under the sun, if they had the price to buy it. We have cut that out, which may have been one of the features that would induce a man to vote for it.

Now here is an amendment whereby they become really a part of this legislature, to pass upon future amendments to that charter, and convert themselves into a small legislature, whereby they could have changed their government entirely, and started a government under a different one.

I say to you, Mr. President, that if this bill should pass without a referendum, we are starting the most dangerous legislation that the State of Maine has ever started, and let me explain to you why. There are advocates of this measure who will tell you that the city of Bangor has already accepted it. They couldn't accept in advance what wasn't granted them. A city government oftentimes petitions the legislature for a new charter, and they are granted with a referendum. Going through this legislature at the present time is a new charter for the city of Biddeford, carrying a referendum on it. Over in the House this morning an amendment to the charter of the city of Lewiston, affecting only the police department, carried a referendum, although not on the original bill. They

believe in the rule of the people in local government. They don't believe in the right of this legislature to take away from the people the right to pass upon such measures as are enacted here, and I don't believe that we have a right to enact local government for communities. That isn't the spirit of New England.

Now if we pass this as it is here, and we incorporate it into our public and private laws this year, two years from now, Mr. President, your party and my party will come into power, and I might almost go so far as to say, we shall control this body and the House of Representatives and the Governor; and if some wily politician comes and looks up the Bangor charter, and says, "Let's take the city of Portland and the city of Biddeford and the city of Lewiston away from the Democrats; let's construct a new charter"—because if we have the power, we could go a step further than in this bill, and have the Governor appoint the commission—and they would cite you to the precedent of the Bangor charter, which didn't have a referendum, and there is no argument under the sun that you can find in the record that this legislature didn't establish a precedent of changing the city government without a referendum, as this bill contains no referendum, and no suggestion that the people of Bangor have ever voted upon it, or knew what was done.

So I wish to say to you, gentlemen of the Senate, let us stand fast for the principle for which this state has stood since it became a state. Let us not make an exception of the city of Bangor or make Bangor different from other communities in the State of Maine.

Now we are told that if we pass this with a referendum, there will be a great deal of expense; that money will be employed in going out and soliciting funds for organizing; that it will be difficult to get it passed. If that be true, Mr. President, there is all the more reason why we shouldn't force it upon the city. If a great majority of the citizens of Bangor want this charter, as it is claimed, every man knows it, and if a majority of the citizens want it as it is claimed, then we are placing no hardship on anyone when we

simply ask them to accept it, and do what every other municipality is required to do by the legislature.

It is for that reason alone, Mr. President, that I offer the amendment, which I drew as an amendment to Senate 921, accompanying the minority report of the Committee on Judiciary.

Mr. DUNTON of Penobscot: Mr. President and gentlemen of the Senate: Being a representative here from the city of Bangor, the duty devolves upon me, which I wish some one else had to do, that was more able to do it.

You have heard the explanation given to you by the gentleman from York, leading up to the vote taken, and you will pardon me if I go over it and make some corrections. He tells you that there was a petition presented to the city council in 1912, and that is all he said about that. I wish to say to you there were two propositions presented to the people, and the people not knowing which was best they did not throw but about 1100 votes. That was in 1912. That committee enlarged itself by volunteers until it was a committee of 100, and they started out to see if they could not improve the condition of Bangor. They immediately met with such a response that there were documents put into every single house, and a city-wide campaign took place until the election of 1914. The charter which has been mentioned here was put into every man's house in the city of Bangor at the expense of private citizens working against the influence of two daily papers. The promoters of the bill had nothing to help them, as both papers opposed us for reason perhaps best known to themselves.

The election of 1914 came about and there was an upheaval and a revolution took place in the city of Bangor, and it has been going on for some years, and we have run an independent ticket and elected that ticket by almost the largest vote ever given to anybody in Bangor.

Then this charter that you have got here, just one year ago received 2457 votes, I think, to be adopted, within a very few votes of being as large as the most popular mayor ever received in Bangor, showing conclusively that the

people wanted that charter. I assure you, as a man that lives in Bangor, that I know there has been no material change in our people. The promoter of this bill, he says that Bangor has now gone back to its normal condition. Perhaps if I tell him that condition he will not be so pleased. It was true that some peculiar things took place. The Republican party with more than 3000 registered voters threw only 1200. If that is a normal condition, thank God! The Democratic party received the nomination, as far as the mayor went, but the city government is overwhelmingly Republican, or, in other words, the independent government was overthrown, and the bad government by a combination of those two bad old parties in Bangor, is re-established.

To illustrate, what did he mean by bad government? Two years ago our Governor appointed for us a sheriff. After the campaign commenced last summer our streets were a disgrace. I tell you the truth when I tell you that we were arresting from 30 to 35 men per night for drunkenness. The mayor did what had not been done for years, he told the police that they must better the conditions in Bangor and stop so much drunkenness. The arrests were reduced from 30 and 35 per day down to 14, and that brought about normal condition. This was a combination by four bad wards in the city. I have been told by reliable parties that every registered voter voted, and there were no split tickets, but it was found there was over 35 voted split tickets.

That was the kind of government that brought about this demand for the charter, and we ask for it, and with all that opposition in the papers, with all their advertising, if they had any influence, which we doubt, it was a tremendous victory for a change of government.

We want you to consider that when 2400 men ask for a change in the city of Bangor we have been puzzled to know why a man from York or anywhere else should say to us that we shall not have it. But this shows the opposition, and besides, that some one might have things their way who has been in the habit of dictating to Bangor all these years, in commercial affairs and in the

government, and they may not have it longer.

I supposed until today that this was the head of the organization, but the cat in the meal bag jumped out yesterday and we discovered there was another head, and I call your attention to it, from a paper:

**"THE CHARTER IMPERILS PROPERTY RIGHTS.**

**Dangerous Municipal Ownership Section Retained, After Agreement to Strike It Out.—President Graham Protests. Editor of the News:**

In regard to the bill before the legislature for commission form of government for Bangor, which is now before the House, it was agreed at the time of the hearing before the committee that if I did not oppose the bill they would strike out the objections I had to it, which were in regard to municipal ownership. The committee in charge agreed to strike it out, and they took away my opposition.

Now I find that the new draft retains most of the section. I am against those provisions on account of my large ownership in real estate in Bangor. It is a cloud over our title, over our borrowing capacity, and also over my individual capacity as a borrower of mortgaged loans. I think that under these circumstances it is a mistake for them to change their attitude, and I hope that if the bill is not killed that at least this section in regard to municipal ownership will be struck out.

Very truly yours,

John R. Graham."

Gentlemen, the cat is out of the meal, and the head of the opposition is the head of the electric railroad in the city of Bangor or of the electric railroads in the State of Maine. And why? I will not refer to that just now, but will ask you to read the referendum if it is sent back to the city of Bangor. I wish to call your attention to the fact that the referendum was given by every registered voter in Bangor. It was so emphatically killed in the House that the gentleman comes here today to amend the bill, and the object of the amendment is to kill the bill. Fourteen hundred and fifty men at the bottom of the long ticket asked the State of Maine



to let us change our form of government so that we can have better government. One man comes to you and through his attorneys asks you not to give it to us, and he finds men here ready to advocate his case.

Are you Senators sent here to vote for the people of the State of Maine who are represented in Bangor by 25,000 people, or are you here to represent the electric powers of this state? Here is a man representing we will say a \$2,000,000 corporation. The city of Bangor is a corporation of \$25,000,000. Which will you vote for? We asked you this two years ago and they asked you to postpone it, for they know we cannot get another legislature for two years. I ask you to listen to the voice of the people of the city of Bangor and give us the right to change our government so that we can have a decent government, something we have not had for many years.

I do not know why the gentleman from York, who has been designated as the guardian of Portland, should come forward in this case to be our guardian, but I know that this is a depot for all amendments for everything that some one wants to kill.

This charter is not new. It was made up by a committee of 100 and was submitted to the people, and it was taken from many other good charters. When it was voted on in Bangor they claimed there was something in it that was not constitutional, and that it would not go. I heard nothing else there, and down here the same thing was said. They agreed to cut it out and did cut it out, but this minority report was brought in after they had done everything they wanted them to do.

I want you to let us have this charter without a referendum, because we have had a referendum, and another one will cost us a lot of money.

Mr. COLE: Mr. President, I don't think the remarks of the gentleman need any reply from me, so far as my own personal standing in this Senate is concerned. I represent as well as I can the county of York and the State of Maine. I want to say to him that no corporation has got a string on me. No man knows how I will vote until

the time comes, and I am not always sure of it myself.

I do want to say this, however, that all his allusions to what happened in the committee are as far from the truth as the north from the south, or the east from the west. There were all the members of the committee, and we discussed this referendum, pro and con, and we were not agreed on the referendum. My brother from Knox and myself have held out. Others, including the Senator from Piscataquis, were long in doubt, and many of the members who signed that signed it with a mental reservation; they did it as a personal favor to the Representative from Bangor. We all dislike to do anything against any committeeman where he is interested in his home affairs.

But, Mr. President, it is because I believe in the referendum, because it is the safeguard of the State of Maine, that I adhered to my firm belief that this bill, as every other bill of like importance, should contain the referendum.

When you change the entire method of government of any municipality, I believe the matter should go to the people and be accepted by them in the usual way. We are here, not to legislate for the city of Bangor, nor for Portland, nor for Biddeford. The legislature, like the supreme court, has certain precedents which it follows. It has certain lines of policy which it endeavors to carry out; it treats every municipality alike. It is only by following these precedents that the safety of the people is safeguarded.

It is unwise for the legislature, the highest court in the land, to flop around one way and another, because Bangor wants something one way and some other city wants something another way, as it would be for the supreme court to decide one way for Penobscot county and another way for York county.

If the people of Bangor are in that state of mind which the Senator from Penobscot would have you believe—and I don't know whether they know what they voted on or not; I am still in doubt whether they voted to accept any charter or not—if they are so low morally as he says, we made a mistake when

we didn't build a wall around them and build the state prison there. But I don't believe that is true. I think the situation—materially, but not liquidly speaking—is a good deal like the other cities of Maine, and the people of Bangor aren't much different and shouldn't be treated any different, nor should there be any different legislation enacted in their behalf than we enact in behalf of the city of Biddeford and the city of Lewiston.

Mr. DUNTON: I don't know that I accused the Senator of being hired by any corporation. I don't think that I said anything that would lead him to infer that. It is wonderful that he thought I did.

He has referred to the city of Biddeford. Have you ever known a city to have a referendum, as we did a year ago, and give such a vote on it as we did that the charter be adopted, that ever came to the legislature in this way and was denied? Have you ever known where there was a referendum one year that they demanded another within a year?

We were interested in these things. He says he doesn't know whether we knew what we voted for or not. We thought we did. I am inclined to think that the people of Bangor know how to vote pretty well. While they vote sometimes different than I like, still that doesn't hurt my judgment individually.

Reference has been made, and I may have spoken of it, to going back to normal conditions. The delegation from Bangor was a solid delegation for this form of government. The delegation from Penobscot county was solidly for this. The people of all classes in Bangor, the common people, want you to let us have this, and have it now.

Mr. DURGIN of Piscataquis: Mr. President, I did not intend to get into this mixup, and there always is a mixup when measures come up from Bangor. I think I ought to make my position clear as a member of the committee.

When this act was introduced I read it carefully and discovered in it some things which I could not stand for, and I told the gentleman who introduced

the bill that he must cut those out or I could not stand for the measure anyway. Afterwards the bill was amended by taking out those obnoxious features, or they were said to be taken out. Then I questioned whether this matter ought not to go to a referendum, and I discussed that matter with him.

Now I do not know, personally, although I live quite near to Bangor, visit there frequently and know people generally, and they are good people, I do not know just what everybody wants down there. I do know some things they want. I am reporting to this Senate what the gentlemen who have opposed a referendum have said to me about the conditions. Now whether or not they are true, they are not my statements. They told me that the matter had been before the people twice, as Senator Cole has said, and that the people had passed upon this matter, one way or the other, or both ways. And they told me that they had been forced to finance the campaign out of their own pockets in order to carry the referendum to the people. And that each time it has cost them like \$1500.

Now I will make another statement here, but I do not vouch for the truth of it, and that is that when the matter was being discussed, that neither of the newspapers published in the city of Bangor would publish one line in favor of the proponents of this measure, even although they offered to pay their advertising rates.

I do not know whether that is true, but if it is I can see where they may be handicapped. As I said before, I told Brother Conners that I believed in the referendum, and have said to the people that I would not oppose the referendum if the Senate concluded there ought to be one for the people there, but I think the Senate ought to know that a large part of them do not want the referendum, for I hold in my hand a list of 150 business men and a few lawyers. The majority, a very large majority, practically all the lawyers signed the other way—I want to be fair about it, opposing the referendum.

People have asked me, many times in the last few days, to oppose the referendum, and I told them that as a rule I believed you could trust the peo-

ple, and while I did not feel it my duty to oppose the referendum strenuously, I would put before the Senate the conditions there as they had been expressed to me through this last hearing, and from others who have come from the city.

Now I do not know very much about the political conditions down there. I know they at one time elect a Republican mayor, then an Independent and then a Democratic, but I notice that usually the city government is Republican, and they are usually satisfied if the government is Democratic or Republican or a mixture. It did not matter with certain arrangements and business down there.

With this statement I think I have done my duty as a member of the committee which signed that report. I did say to Senator Cole that I did not feel to strenuously oppose the referendum. But the people there, I can say to you, generally, if they have told me the truth, do oppose it.

Mr. WELD of Penobscot: Mr. President, just a word. I have here a paper signed by one thousand residents of the city of Bangor. For me it is a sufficient referendum. I don't know of any city or place that you could go into in the State of Maine and get so representative a body as has signed this, the very best people in the City of Bangor, as well as in the State of Maine.

Mr. SCAMMON of Hancock: Mr. President, a few moments ago I felt tempted to make a statement, but I am going to follow the line of the Senator from Piscataquis, and be conservative, and say I have been told a few things.

One of these things is that the newspapers of Bangor are subsidized against this form of government asked for. I presume that the word "subsidized" as I may use it may only mean strongly influenced. I am not talking about money affairs in this question particularly; and I will say that I am told that in this matter the hand of John D. Rockefeller is shown through the operation of the strong arm, and that master of finance, John R. Graham. I heard it suggested that it might be because if a commission form of government was adopted there might be more

taking over of some things into the hands of the people, and the saving by the public of revenues; for he is charging fifteen cents per kilowatt-hour for electricity that he is producing for a cent, or two cents at the outside.

I am only bringing these things up to show that the people who are wanting this form of government have got something to labor against, and that is a good reason, from their standpoint, why we shouldn't have a referendum.

This matter of precedent has been put very strongly before the Senate, and I say to you that the precedent is just as dangerous on the other hand, when they have once gone through an election, and that it is a fair proposition, with that state of affairs existing, not to compel them to go over the ground again. I say to you it is unfair and unjust, and it practically kills the bill. If you have a sense of justice, if you mean to do the right thing, you are doing the wrong thing in accepting this amendment in its present form, and in not holding to your first proposition.

Mr. COLE: I would like to inquire from the Senator from Hancock what he understands the amendment I have offered in here. I will explain what the substance of the amendment is. If ten people vote in the City of Bangor, and only ten, and six vote to accept this charter, it is accepted. It is a majority of those voting, and not a majority of all the voters. That was a misprint, a misunderstanding on the part of the party who drafted the amendment, and wasn't by any understanding of Brother Butler and myself.

If two thousand vote, and one thousand and one vote in favor, that will carry the charter. Nobody objects to the charter. Brother Butler and I favor it just as strongly as anyone else. It is a matter of principle.

Mr. DUNTON: Mr. President, when the vote is taken, I move it be taken by yeas and nays.

The question being on the adoption of Senate Amendment A, the yeas and nays were ordered, and the secretary called the roll.

Those voting yea were: Messrs. Allen, Ames, Bartlett, Burleigh, Butler, Clark, Coie, Conant, Emery, Fulton, Peacock, Swift, Thurston—13.

Those voting no were: Messrs. Boynton, Chaito, Colby, Dunton, Durgin, Flaherty, Garcelon, Herrick, Jillson, Leary, Murphy, Price, Scammon, Walker, Weld—15.

Absentees: Messrs. Hastings, Moulton—2.

Thirteen senators voting in the affirmative and 15 in the negative, Senate Amendment A was rejected.

The bill was then passed to be engrossed in concurrence.

Mr. BOYNTON of Lincoln: Mr. President, there are two resolves on the table, tabled on my motion early in the afternoon. One in favor of E. S. Austin, document clerk to the House of Representatives, and another in regard to the mail carrier of the House. I move that the resolve in favor of Edward S. Austin, for services as document clerk to the House of Representatives be taken from the table.

The motion was agreed to and on further motion by the same senator, under suspension of the rules the resolve was given its two readings and was passed to be engrossed.

On motion by the same senator, Resolve in favor of P. H. Fitzgerald, mail carrier to the House of Representatives, was taken from the table, and under suspension of the rules was given its two readings and passed to be engrossed.

Mr. COLE of York: Mr. President, by agreement of the parties in regard to the charter on the city of Bangor, there is something that I understand none of them are satisfied with in the reprint. I move that we reconsider the vote whereby we passed that bill to be engrossed in order that I may offer Senate Amendment B, in regard to the utility clause.

The motion was agreed to and the vote was reconsidered.

The same senator then offered Senate Amendment B to House bill 920.

Mr. DUNTON: Mr. President, I will say I am willing to accept that amendment.

Senate Amendment B to House bill 920 was adopted and the bill as

amended was passed to be engrossed and sent down for concurrence.

Mr. EMERY of York: Mr. President, by unanimous consent I desire to offer, out of order reports of a committee, and I move that they be received.

The motion was agreed to and that Senator presented Report of the committee on appropriations and financial affairs on Resolve in favor of T. W. Prince for services rendered the committee on bills in the second reading, that the same ought to pass in a new draft.

On motion by Mr. Swift of Kennebec the report was tabled until tomorrow morning pending acceptance.

The same Senator from the same committee, on Resolve in favor of Grace M. Frost, for services as a typist rendered to the committee on bills on second reading, reported same ought to pass.

The same Senator from the same committee, on Resolve in favor of Charles F. Barnes, for services as messenger to the committee on Revision of the Statutes, that the same ought to pass.

The reports were accepted, and under suspension of the rules the resolves were given their two readings and were passed to be engrossed, and sent down for concurrence.

Mr. COLE of York: Mr. President, I move we reconsider the action whereby we voted to indefinitely postpone An Act to amend Sections 17 and 20 of Chapter 41 of the Revised Statutes as amended, relative to the measurement of lobsters.

The PRESIDENT: Did you vote with the majority?

Mr. COLE: I did. I do this simply by request. I have no personal interest in the matter whatever, but I was asked by those who are endeavoring to carry it to see if this couldn't be got back on the table again, in order that if possible some compromise between the two houses might be agreed upon, in order not to leave this as it is at the present time, which everyone knows is wrong.

Mr. PEACOCK of Washington: Mr. President, this question was thoroughly threshed out yesterday in the Senate and

it was indefinitely postponed, and went over to the House and they concurred. We hope that the Senate will not vote to reconsider their action, as I believe it would only be a waste of time.

Mr. MURPHY of Cumberland: Mr. President, I think we have heard enough of lobsters at this session of the Legislature. I don't believe we want to hear any more about lobsters. We come pretty near knowing something about lobsters in the vicinity of Casco bay. I think it is too late now to think of making any change to accommodate anyone that comes here soliciting it at this time. Therefore I am opposed to it.

Mr. PRICE of Sagadahoc: Mr. President, I simply wish to state that I come from a district where there are a great many lobster fishermen, and I have no opportunity to confer with them. They are opposed to any change in the law. I hope the Legislature will leave the law as it is.

Mr. FLAHERTY of Cumberland: Mr. President, doesn't it require a two thirds vote to re-consider this measure?

The PRESIDENT: It does not. The question being on the motion of the Senator from York, to reconsider the action whereby the bill was indefinitely postponed, a rising vote was taken, and seven Senators voting in favor, and eighteen against, the motion was lost.

On motion by Mr. Bartlett of Kennebec, An Act to determine the amount to be paid for clerk hire in the several counties was taken from the table.

The same Senator presented Senate Amendment A and moved its adoption. Senate Amendment A: "Amend by striking out in the paragraph relating to the register of deeds of Kennebec County the words 'sixteen hundred,' and inserting in place thereof the words 'seventeen hundred.'"

The amendment was adopted, and the bill as amended passed to be engrossed and sent down for concurrence.

On motion by Mr. Weld of Penobscot:

Adjourned until tomorrow morning at 9.30 o'clock.