

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

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1917

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**SENATE.**

Wednesday, Feb. 14, 1917.

Senate called to order by the President.

Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. D. 209, An Act to create the Maine Power Commission, prescribe its powers and duties and provide for their regulation and control, and provide for the purchase or taking of water powers for the development and transmission of electricity for heat, lighting and power purposes.

H. D. 211. An Act to create the Maine Water Power Commission.

In the House these two bills were passed to be engrossed.

In the Senate, on motion by Mr. Bartlett of Kennebec, they were tabled.

On motion by Mr. Higgins of Penobscot, the rules were suspended and that Senator introduced the following order, out of order:

Ordered, that a message be sent to the House of Representatives proposing that a joint convention be held in the hall of the House at 11 o'clock A. M. today for the purpose of receiving a communication from His Excellency, the Governor.

On further motion by the same Senator, the order was given a passage, and was conveyed to the House by the secretary, who subsequently reported that he had delivered the message with which he was charged.

From the House: H. D. 46. An Act authorizing the town of Caribou to acquire property of the Caribou Water, Light & Power Company.

In the House this bill was referred to the committee on legal affairs. After its reference to the committee a joint order was passed bringing it back from the committee on legal affairs and it was again laid before the House. House Amendment A was then adopted as follows:

"House Amendment A to An Act to authorize the town of Caribou to acquire property of the Caribou Water, Light and Power Co., and to construct and maintain for itself and for persons and corporations a system of water works within said town.

An Act to authorize the town of Caribou to acquire property of the Caribou Water, Light and Power Co., and to construct and maintain for itself and for persons and corporations a system of water works within said town is hereby amended by erasing Section 11 thereof, and adding to the said bill the following:

"Whereas the Caribou Water, Light & Power Co. is not furnishing to the inhabitants of the village of Caribou pure water for domestic purposes:

And whereas it is the purpose of this act to empower and enable the town of Caribou to acquire the property of said Caribou Water, Light & Power Co. and to assume the duties of said company;

And whereas, the provisions of this act vitally affect the peace, health and safety of the public; and

Whereas, by reason of the foregoing facts, an emergency exists such as is contemplated by the Constitution, and the passage of this act is immediately necessary for the preservation of public peace, health and safety; now therefore

Resolved, in view of the emergency set forth herein, this act, two-thirds of all the members elected to each House having so directed, shall take effect when so approved."

Mr. DAVIES of Cumberland: I rise for the purpose of an inquiry.

The PRESIDENT: Will the gentleman state his inquiry?

Mr. DAVIES: I desire to inquire if there was not adopted in the House an order proposed or suggested by the Speaker of the House similar to the order which has been proposed or suggested by the President?

**Message from the House**

A message was received from the House, conveyed by its clerk, informing the Senate that the House had received the message proposing the joint

convention of both branches of the Legislature for the purpose of receiving a communication from His Excellency, the Governor, and that the House concurred with the Senate in the proposition for a joint convention.

The PRESIDENT: The Senate hears the message.

Mr. DAVIES: My inquiry was whether there was not adopted in the House recently an order that no amendments should be received to any bill until after the bill had been read three times?

The PRESIDENT: The Chair will state that he understood there was to be something like that adopted, but as to whether it absolutely was or not I am not able to say.

Mr. DAVIES: Mr. President, the record shows that there was such an order adopted, and it occurs to me if we are going to carry out the suggestion of the President of the Senate in accordance with the cards which have been laid on the desks of the members of the Senate this morning, it is only appropriate and proper that we move that this amendment be indefinitely postponed.

Mr. President, may I have one word further: The action is not made for the purpose of killing the so-called amendment. It is only made to show that the amendment at the present time is not timely.

Mr. MARSHALL of Cumberland: Mr. President, I also rise to an inquiry. As I understand it, this bill was originally referred to the committee on legal affairs?

The PRESIDENT: Yes.

Mr. MARSHALL: And then recalled by the House?

The PRESIDENT: Yes.

Mr. MARSHALL: And has the Senate taken any action in respect to the recall?

The PRESIDENT: Yes, they have passed a joint order.

Mr. MARSHALL: And as I further understand it, the House offers an emergency clause and has adopted that emergency clause?

The PRESIDENT: Yes.

Mr. MARSHALL: That being the case, if it be in order, I will move, Mr. President, that the bill and the accompanying House order both be referred back to the committee on legal affairs.

Mr. DAVIES: I don't understand that anything the senator from Cumberland has said refers to the amendment. This proposal is that the bill together with the order be recommitted to the committee on legal affairs. Is it not true, Mr. President, that the question before the Senate is on the amendment?

The PRESIDENT: That is the question before the Senate at the present time, on the adoption of the amendment.

Mr. MARSHALL: It was an inadvertence. I intended to have included the amendment with the order.

Mr. DEERING of York: I understand the question before the Senate to be that the amendment be indefinitely postponed. Am I correct?

The PRESIDENT: Yes.

Mr. DEERING: In that event I wish to say that this bill by the reading of the title, although I am not conversant with the matters in the bill, appears to be a bill to which there is some importance, and undoubtedly in the community which this bill purports to serve some interests may be affected by our not giving this thing due consideration, and I should not like to have anybody lose the rights which they wish to have by having this matter at the present time indefinitely postponed, by the mistaking perhaps by some member of the exact mode of procedure, and I am speaking now against the motion to indefinitely postpone the matter. I believe every man should have his rights even if he does make a slight mistake in the

procedure, and I desire to say that it should not be indefinitely postponed for some mistake some man happens to make in a new ruling which we have made in the House and Senate in regard to amendments.

Mr. GILLIN of Penobscot: Will you just explain what is the mistake?

Mr. DEERING: I understand that they made a rule in the House that the bill should be read three times before an amendment is attached to it, and twice in the Senate, and some member of the House has made a mistake and put his amendment in at the wrong time; and this purports to be a bill authorizing the town of Caribou to take over some waterworks, something like that, a bill which I understand may have a great deal of importance, and I don't desire to see the amendment indefinitely postponed because somebody has made a mistake, simply a mistake in following the procedure that we have laid down. I want to give him a chance to correct his mistake the same as I would expect of him if I should make a mistake. That is all I desire to say.

Mr. GILLIN: Mr. President, I just wish to say that I heartily indorse the position taken by Senator Deering after he gave me his explanation. That is all I wish to say.

Mr. FULTON of Aroostook: I would like to give a word of explanation about that bill. Coming from that county, although not in that immediate vicinity, I have learned from the representative from that section that this is a matter of considerable importance to the town of Caribou. They have a water supply there at present which is not good, and they are endeavoring to get a pure water supply. And there have been several times, and I think at present there is quite an epidemic of typhoid fever in the vicinity caused, no doubt, by the impure water of their present supply. And why the emergency clause or amendment was attached was because they wished to have it so they could have immediate action in the matter, as it is a matter of very great importance to the

village. And if the member has made a mistake, I do not feel it would be doing justice to him or that section to have it indefinitely postponed simply because he was unacquainted with the matter and made a mistake. And I hope it will not be indefinitely postponed, as I can say that it is a matter of great importance to that town that they have this matter arranged so that they can improve their present water supply.

Mr. DAVIES: May I ask the senator from Aroostook a question? I wonder if the senator from Aroostook, Senator Fulton, realized that there were going to be many opportunities after this for the purpose of putting on the amendment. This is by no means final action. The only question pending here is the question of whether we are going to support the rule that has been made in the House and has been made in the Senate. That is the only question here. The question of pure water enters into it in no way. Every single right under this bill is being preserved. It seems to me that it is best for us to consider solely whether we desire at the present time to entirely overthrow the rule made in the House and the rule made in the Senate in regard to amendments upon the offering of the first amendment made since the rule was instituted. This amendment may be offered before the committee, and the Senate will please bear in mind that thus far this bill has not been to the committee. It is referred to the committee on legal affairs for a hearing. You will all agree with me that the amendment can be added to the bill there. The amendment can be added to the bill as soon as it gets into the House, under the rule adopted, after three readings. Are we going to make it the practice to add amendments to bills before they are referred to committees when we have a rule in the House and a rule in the Senate that they shall not be offered at that time? If there was any possible chance, Mr. President, that the people who were going to have the benefit under this bill were to be deprived of any right, I should not think of the motion to indefinitely postpone. but I think that

the general order of business as laid out by the Chair for the conducting of business in the Senate should be maintained, and we may very safely trust the Chair for that.

Mr. MARSHALL of Cumberland: I was fully aware when I made the motion to recommit to the committee that the amendment adopted in the House was not in order, but it seemed to me that it being before us now in the Senate, it is the simplest and most expeditious way to get the whole matter back to the committee where there may be given a speedy hearing, as I understand circumstances may demand and require, and have the whole matter acted upon and the emergency clause there attached in due form, and the bill reported back to the House in due course. It is only for the matter of expediting and simplifying the matter that I offered, and now present again my motion that it be recommitted.

Mr. BURLEIGH of Aroostook: I would inquire if, as it comes from the House, if it provides for its being printed?

The PRESIDENT: It has been printed.

Mr. BURLEIGH: Now I move that we suspend the rules and pass the amendment, if I am in order.

The PRESIDENT: The Senator is not in order just at present. The question before the Senate is either on the adoption or doing away with the amendment. If they had followed the rules of the House as laid down by the Speaker, we would not have had this discussion this morning. It would have all come before the committee.

Mr. FULTON of Aroostook: Mr. President, may I answer the senator from Cumberland? I have no objection to the indefinite postponement of the amendment if it does not cut it out entirely, if it can be added at some other stage of the proceedings so that they will not be deprived of the benefits to be attained by the amendment, why I have no objection when it comes about—simply that we have it so that it can be arranged that it can be final-

ly attached and receive the benefit of it. Does that answer your question?

Mr. DEERING: Answering the senator from Aroostook, Senator Fulton, it not only abridges no right, but the emergency clause can be better attached to the bill at some other time than now, and in a direct line with that thought I might make a suggestion to the senator. Suppose after the bill is reported favorably, and assuming that it will be so, some one in the Senate or House doubts the advisability of attaching the emergency clause to it, the matter has got to be all gone over; the action of the committee is not to be taken as absolute and final; and there is another discussion at that time on the emergency clause. Now we must remember that the emergency clause only under certain conditions, and those of a vital kind, attaches to any bill. And we find ourselves in a position where in violation of the order of the House and in violation of the order of the Senate, we are attaching an amendment of the emergency clause to a bill before it has been to the committee. And it seems to me that we better uphold the rules of the Senate, providing no right is to be infringed. Mr. President, I have no personal interest in this matter whatever, but I desire to see everybody get the rights the best that can be given them, and I feared that perhaps if an indefinite postponement of this amendment were a final action they might run against the provisions of Section 14 of the joint rules, which says: "When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member." Now I don't know whether indefinite postponement would cause this particular amendment to be finally rejected or would not.

The PRESIDENT: The Chair will state that this would be upon the adoption of the amendment at this particular time, at this particular progress of the bill, before it is referred to a committee. If the committee saw

fit to put on the emergency clause as an amendment it would be new business. It would not come under that rule. And if the Senate saw fit to adopt it after the second reading, after it had been read twice, it would be at a different stage of the proceedings and could be put on at that time.

Mr. DEERING: Very well.

The PRESIDENT: The question before the Senate is the motion of the senator from Cumberland, Senator Davies, that we indefinitely postpone House Amendment A. Is it the pleasure of the Senate that we indefinitely postpone House Amendment A of this bill?

A viva voce vote being taken the motion was agreed to.

On motion by Mr. Marshall of Cumberland, the bill was referred to the committee on legal affairs and sent down for concurrence.

From the House: Joint resolution in favor of an investigation of the advisability of erecting or purchasing a suitable residence in Augusta for the use and occupancy of the Governor, to be known as the Executive Mansion.

In the House this resolution was passed and sent to the Senate for concurrence.

On motion by Mr Bartlett of Kennebec, the resolution was passed in concurrence.

The President appointed on such committee on the part of the Senate, the senator from Kennebec, Senator Swift, and the senator from Sagadahoc, Senator Baxter.

#### House Bills in First Reading.

H. D. 158. An Act to amend Section 1 of Chapter 4 of the Private and Special Laws of 1913, entitled: "An Act to regulate the taking of smelts from the waters of Egypt bay, Franklin bay, Taunton bay and river in the towns of Hancock, Franklin and Sullivan in Hancock county.

From the House: Resolve in favor of appropriating money for the construction of two bridges over Austin stream

on highway leading from Bingham village to Caratunk and The Forks, and to care for highway in the vicinity of the bridges.

In the House this bill was recommitted to the committee on ways and bridges.

On motion by Mr. Davies of Cumberland the Senate voted to recommit the bill to the committee on ways and bridges in concurrence.

From the House: Resolve in favor of the towns of Gray, New Gloucester and Pownal.

In the House this resolve was re-committed to the committee on ways and bridges.

In the Senate, the resolve was re-committed to the committee on ways and bridges in concurrence.

The following bills, petitions, etc., were received and on recommendation of the committee on reference of bills were referred to the following committees:

#### Appropriations and Financial Affairs.

By Mr. Higgins of Penobscot: Resolve appropriating money for electoral college.

#### Education.

By Mr. Walker of Somerset: An Act to amend Sections 55, 56, 57, 58, 59, 61 and 62 of Chapter 16 of the Revised Statutes, to provide for the formation of unions for the employment of superintendents of schools. (Ordered printed.)

#### Inland Fisheries and Game.

By Mr. Higgins of Penobscot: Petition of Edgar L. Brown and 49 others in Remonstrance against repeal of statute making Sunday closed season on game or birds.

#### Legal Affairs.

By Mr. Marshall of Cumberland: An Act to repeal Section 27 of Chapter 51 of the Revised Statutes, relating to returns of cashiers to the secretary of state. (Ordered printed.)

The PRESIDENT: The hour has arrived at which the Senate and House are to go into joint convention for the purpose of receiving a communication from His Excellency, the Governor.

Thereupon the Senate retired to the hall of the House.

(For proceedings in joint convention see House Report.)

Upon the return of the Senate to its chamber:

#### Bills in First Reading.

S. D. 151. An Act to repeal Chapter 271 of the Private and Special Laws of 1911, relating to ways and bridges, Plantation No. 14, Washington county.

S. D. 152. An Act to provide whole family protection for members of fraternal benefit societies.

S. D. 153. An Act to amend Section 1 of Chapter 85, Revised Statutes, relating to the bonds of sheriffs.

S. D. 156. An Act to amend Sections 4 and 5 of Chapter 78, Revised Statutes of 1916, relating to the sale of real estate subject to contingent remainders.

S. D. 158. An Act to provide a penalty for evading taxicab and public automobile fares.

#### Reports of Committees.

Mr. Higgins from the committee on appropriations and financial affairs, on Resolve in favor of Charles F. Barnes for services as page at the organization of the 78th Legislature, reported same ought to pass.

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

#### Passed to Be Engrossed

H. D. 135. An Act to make valid the organization and records of the Fourth Congregational (Abyssinian) church of Portland, and to authorize said corporation to convey certain real estate.

H. D. 136. An Act to Authorize the city of Portland to pension Dora B. McIntosh, widow of Charles E. McIntosh, police officer of said city, shot in performance of duty.

H. D. 137. An Act to amend Section 73, Chapter 52 of the Revised Statutes, relating to the making of false reports by trust companies.

S. D. 137. An Act to punish the giving of checks or drafts on any bank or other depository, wherein the person so giving such check or draft shall not have

sufficient funds or credit for the payment of the same.

S. D. 138. An Act concerning industrial banks defining the same, and providing for their incorporation, powers, supervision and control.

S. D. 139. An Act to amend Chapter 416 of the Private and Special Laws of 1907, relating to the schools of the city of Augusta.

(On motion by Mr. Swift of Kennebec, tabled pending its passage to be engrossed.

S. D. 140. An Act to extend and amend the charter of the Fairfield and Skowhegan Railway Company.

#### Orders of the Day

The PRESIDENT: Under orders of the day, the President will lay before the Senate the matter specially assigned for today, the report of the committee on judiciary on bill, An Act to amend Section 27 of the Chapter 84 of the Revised Statutes of 1916, relating to application for admission to the Bar of this State.

Mr. HOLT of Cumberland: Mr. President, my reason for having this laid on the table, this unfavorable report of the judiciary committee on this act relating to admission to the bar, was that I might go on record here in favor of the act, and although we have listened to a message containing a lot of figures, I ask for your indulgence for a few minutes in order that I may give you my reasons. I recognize, of course, the force that should properly belong to any report from any committee of this Legislature; and yet I have the temerity to oppose this because I believe in it absolutely, and I think the committee's recommendation should be given its proper weight, but we must all realize and admit that no committee is infallible. Now the substance of this act is that those who apply for admission to the bar shall as an educational qualification have a High school education or its equivalent. The act provides—and I speak simply of the substance of the act, because I am not concerned in details—provides that those who furnish a diploma from a High school, or school of equivalent standing, or in case they have not attended a High school it is not necessary under this act that



they shall have spent the time in a High school, if they have not then they are allowed to take an examination prescribed by the board on the general subjects which they would have had in High school, and if they pass with sufficient rank to admit them to our State University, the University of Maine, then they are deemed to have fulfilled this qualification. Now it might be said that all restriction upon admission to the profession, the legal profession and the medical profession, are obstacles in the way of opportunity and liberty and in derogation of the democratic right. But I think it must be clear to all of you that there must be some restriction. Take it, for instance, in the medical profession. It is very clear that we must have some restriction else the public would suffer. Now in the legal profession it is clearly important that we should have men with some training before they are admitted. I would not shut the door of opportunity to any man, boy or man in the State of Maine, to be admitted to the bar, and if this act did that for a moment I should be utterly opposed to it. But I believe just as in the medical profession they are carrying on their examinations and are seeking to have those who are qualified admitted, just so the legal profession should have some reasonable requirement. Now, then, it simply comes down to the question, Is this a reasonable requirement? Because if it is not, it should not be enacted. Now the bill itself states that the High school required is the Class A High school, and referring to the statute it prescribes that Class A High school shall include schools maintaining at least one approved course of study through four years of 36 weeks each and of standard grade, and shall employ at least two teachers, provided the town, precinct or union maintaining such school shall appropriate and expend for instruction therein at least \$50 annually exclusive of all tuition received; and also says "together with approved laboratory equipment." Now, as I said in the beginning, that high school is simply the one mentioned in the bill. If it is necessary to include some other high school, the Class B high school, which requires the town to expend at

least \$500, they could readily be put in. I have looked up the number of high schools of this class which is mentioned in the bill and find that at present there are, according to the last report, 196 in the State, and at present they estimate there are over 200. But I call attention again to the fact that it is not necessary to have the high school education provided the man will take the test and will pass an examination sufficient to admit him to the University of Maine. Now it may be said, as an objection to this bill, that there are some men who have been admitted to the bar of this State and of other states who have not had it, who have picked up their education. Of course there is at once brought to our mind the picture of the great emancipator, Abraham Lincoln, whose birthday we celebrated just the other day. Now I have the picture of him lying before his fireside working and learning the rule of three, geography and history, studying the Pilgrim's Progress which he walked miles to borrow and return, and Shakespeare, and digesting it and storing it away in his mind as we do not do today. Now do you have any doubt in your minds that if he were alive today, with all the opportunities we have of schooling here in Maine, that he would be able to fulfill this requirement? If then it is a reasonable requirement, it seems that it is not only a protection to the profession in the interests of efficiency, but it is also a protection for the man himself.

Because he should not be embarked upon a career without sufficient preparation, where he may not have the success that he had planned for. The bar examiners who have recommended this and at whose request I introduced it, had in mind cases of men who had come before them who were really not adequately prepared and yet they would keep coming year after year and they would have to turn them down. If we had this requirement they would know just what would be expected of them and would prepare themselves. Now the profession of law, just as much as the profession of medicine, is in these days raising its standard. This is not a stringent re-

quirement. The American Bar Association, that great national organization which the senator from Penobscot, Senator Gillin, referred to the other day as an organization working for uniformity of laws, had as part of its program this subject under investigation. It appointed a special committee which gave a number of years of study to this question, and that committee reported in Chicago last summer, recommending giving standard rules for admission to the bar; and this was one of their recommendations, that a man should have some preliminary education. They go further than this act provides for. But it would seem at the present time that it would be advisable in the State of Maine that a man should have a High school education or its equivalent. Since then, this is a reasonable requirement, and since it does not bar any ambitious or industrious boy who wants to be a lawyer—every man should be allowed to enter the ranks and win his laurels on his capacity, and I believe that under this act he would have no difficulty in doing so. It is simply in the interests of the boy himself that he should be properly prepared, in the interest of the profession, and I believe in the interest of the public, because the public should have an efficient administration of the law. All our costly machinery of the courts is provided not for the lawyers but for the administration of the law. You would not think of putting on a public ship an admiral who had not had a previous training. You would not think of putting a man in command of a company who had not qualified. A fellow today has to take examinations on the matters having to do with his calling. You would not think of putting an engineer to constructing public works unless he had been qualified. Now in the same way it seems to me that we should not embark men in the legal career unless they have had some preliminary training. And as I think that this is entirely reasonable, will bar no one from the chance to win fame and enter the profession, I therefore feel obliged to vote against this report. Thank you for your attention.

THE PRESIDENT: What motion does the gentleman wish to make?

Mr. HOLT: I would move, Mr. President, that the bill be substituted for the report.

THE PRESIDENT: The Senator from Cumberland, Senator Holt, moves to substitute the bill for the report.

Mr. DAVIES of Cumberland: Mr. President, will the chair be kind enough to let me examine the bill. The bill is not printed, I believe. (The Senator examined the bill.)

The bill laid before the Senate comes to it under the unanimous report of the members of the judiciary committee that it ought not to pass. This is no hasty or snap judgment. The bill was considered in executive session at least twice according to my recollection, and I don't know but three times, and each time there was a full, careful discussion of the merits of the bill, and the report was unanimous that it should not pass. The bill aims to create a certain standard of efficiency and knowledge in the students who apply for admission to the bar other than a knowledge of the law. The present law is that any student who devotes three consecutive years of uninterrupted study to a knowledge of the law, either in a law office or in a law school, shall be considered qualified for what? Qualified to take the examination, Mr. President, for admission to the bar. Does anybody know of any one who has suffered through this law? Is there any reason that has been put forth by Senator Holt why the law should be changed?

I assume that there should be after every proposed act an interrogation mark. Is this legislation necessary? And the committee thought that this legislation was not necessary. The day of the poor boy has not yet struck. I believe that the profession of the law is a great profession where every man finds his level, and he will find it through the public, and he will find it quickly. The public has a certain weeding out process in the matter of lawyers that is infallible and has proved itself so in the State of Maine.

That great interpreter of the constitution, who gave it its flexibility and its power, John Marshall, whose name is inscribed first among constitutional lawyers, could not have passed this examination when admitted to the bar. Strange as it may seem to you, at the time Lincoln, who, as the distinguished Senator has mentioned, was admitted to the bar, he had read nothing according to his biographer, his son, Hon. Robert T. Lincoln, of Chicago except Blackstone's Commentaries, a work on evidence, a work on real property, the Bible and Shakespeare. William McKinley, who sent our ships over the seven seas as great white-winged messengers of peace, into every port in the civilized world, could not have passed that examination when admitted to the bar. Grover Cleveland, that rugged Democrat who shook defiance at the king on whose empire the sun never sets, could not have passed that examination. Walter Q. Gresham, his secretary of state, noted for his knowledge of international law and diplomacy, could not have passed the examination that is proposed here. Is this Senate of Maine going to say to some poor boy in the state of Maine who by dint of struggle and perseverance and self-denial of himself and perhaps of his family, You shall not be eligible for examination for admission to the bar until you can show the University of Maine that you can pass a Class A high school examination. A strange commentary upon it, Mr. President, is that the gentleman who proposed the passage of this bill, before the judiciary committee was asked by Bro. Gillin, a member of the committee, just what he thought a Class A high school examination was, and he said he did not know. One or two Senators proceeded to inquire a little further of him as to what Class A high school rank meant. He didn't have the least idea. If the American Bar Association is in favor of this bill they could have made it known before this Legislature. If the State Bar Association is in favor of this bill they could have made it known before this Legislature. If the judges of our courts were in favor of this bill, they too easily, by a word written or verbal,

could have given this Legislature the information that they were in favor of it. Did they? No. No one appeared to propose this bill except a distinguished young gentleman who was compelled to admit he didn't know what Class A rank in a high school was, and a professor from the University of Maine Law School who devoted some five or ten minutes to the discussion of it, and who under cross-examination by Senator Gillin made a rather indifferent appearance.

It seems to me there is no occasion for this act. It is not necessary to encumber the Statutes with it. Of course, some young men may say we ought to have a certain standard of high school education for law students. Very frequently they are the men, Mr. President, who have had free access to their father's purse strings when they were in school.

I should be false to myself if I did not oppose this law. My friends, I was educated in the school of hope, long deferred, and I could not vote to pass a bill which would exclude me from the ranks of the profession in which I have practiced with some degree of success for a good many years. I sincerely hope, Mr. President, that the report of the committee will be accepted.

Mr. GILLIN of Penobscot: Mr. President and senators of the 78th Legislature of Maine, I rise simply to endorse heartily the sentiments of the distinguished senator who has just spoken in your presence.

The law proposed would exclude a learned member of this Senate and a graduate from a great college from being admitted to the bar, if he saw fit to enter it, under the new statute, as it changes that statute.

I wish to inform the distinguished young senator who has opposed the report of this committee, that I have known of men who have graduated from the greatest college in this country, who have come to my office, ministers and doctors, to borrow Maine Reports, from which to read the decisions of the great lawyers who graced our bench on judicature, in order to learn literature and logic.

We do not want to circumscribe our profession, the great profession of law, with boundaries across which intelligence and master minds cannot go. We wish to leave it open to every single youth within the broad area of the State of Maine, who learns to read the English language and thereby possesses the key to knowledge with which he can unlock her secret portals at his will.

It would have excluded men who have been ornaments to the bar of Maine, and whose opinions in the books have been jewels in the crown of New England's jurisprudence throughout the country.

I do not oppose this measure because I could not have passed the test required: because I was fortunate enough to get through and fit for college and teach in the high school in my native city, but I had companions who did not receive those benefits, who went to other cities and are now practicing in the great profession of the State. One is a chief justice, in a great city, and he could not have passed that examination because he was a poor country boy raised among the hills of Aroostook county.

The law is a jealous mistress. You have upon your Statute books today laws which give the examining committee the right to test a man upon the knowledge which he should possess for admission to the bar of the State of Maine. It tests his orthography, it tests his command of language and his knowledge of the law.

There was a time, Mr. President and senators, when only the sons of the aristocracy and the sons of the rich, could enter the great profession of the law, but when our country was established wigs and gowns were discarded, and in their place was put the crown of intelligence to take a position in the legal profession. And as the senator said, John Marshall could not have passed that test that they now want to throw about the admission of men to the bar of the State of Maine.

The common law by which the 47 states of the Union are governed, and by which every single law that is made in every one of the 47 states of the Union is said to be constitutional or

unconstitutional, is governed by human reason, and first deduced from the customs of the people and proclaimed to be the law of the land by the men who saw the workings of those great inflexible rules of the English common law, proclaimed in this country, safeguarded by men of the highest eminence in intellectuality, who never could have had with them the requirements of this bill.

I submit to the members of this Senate, not speaking in my own behalf, that the judiciary committee of the State of Maine, excluding myself, gave to this measure the most painstaking and careful consideration. Three times, as our distinguished chairman said, we went over it and over it, and when a man comes into the presence of a committee and asks that committee to engraft upon the statute books of our State, as one of the examiners of the young men who come to the bar, and says he knows nothing about it—we went over it three times and said that it ought not to be placed upon the statute books of the State of Maine.

I feel that a young man who has left college and wants to study law for two years, in any place, and can pass the requisites of the examination of the bar of the State of Maine, ought to be admitted. We do not want to circumscribe his rights or the rights of any young man who will study to enter the great profession of the law.

As the distinguished senator has well said, it is a profession in which, thank God, men are ranked according to their mental calibre. Every mistake that a lawyer makes is written upon the record from the time he enters the court until he breathes his last.

The people do not single him out but his industry, his integrity, his understanding of the great principles of the law signalize him in the community in which he is.

Formally throughout the nation, Abraham Lincoln, and other men, like John Marshall, were admitted to the bar upon the recommendation of good moral character. And I say today that he who possesses the power to read, with industry and good moral character, if he takes to the law, he has the right to be admitted to the bar under

the law now upon the statutes of the State of Maine.

Mr. President, I move that the recommendation of the committee on judiciary be accepted.

Mr. HOLT: Mr. President and Senators, if I may have just a minute or two to emphasize, as I said in the beginning, that if this did bar the opportunity of any young man to be admitted to the bar, I should be just as opposed to it as my brother senators. And I might point out that the opportunities of today are increased from the opportunities of yesterday. We go back into history; we find men who have been illustrious in the bar—they today I say would have been able to have fulfilled this requirement. This requirement simply means that a boy shall have some preliminary education. We might say that General Grant today, or General Lee, or any of the great generals in history, could not pass the examination that they are putting up to the young men to become reserve officers in the United States army. Is that any argument, gentlemen, is that any argument for doing away with the test, with the examination for admission, as ranking men as captains in the army, because in the past they did not have them. Those same men, those same generals, if they were alive today would have the industry, the ability and having the opportunity wide open, they would have enough industry to acquire the knowledge so that they would be able to pass these tests. And what are these tests for? Why do we have any restriction either for the medical or the legal profession? It is simply in the interests of efficiency. And this great national organization, the American Bar Association, having representatives in every state in the Union, of which our distinguished senator from Penobscot, Senator Gillin, is a member of one of their committees on uniformity of laws, introducing the other day bills which I hope will go through to carry out uniformity of our laws, are trying through their organization to get increased efficiency in the practice of law, and are doing it by recommending some qualification. Now if this qualification

is not so strict, is reasonable so that any boy or man can pass it in Maine today, having 248 High schools at which boys can attend, and if they can't attend those High schools they simply have to acquire the knowledge which they would have acquired in the schools, I say that not only for the benefit of the public but for the man himself, and for increased efficiency in the practice of law, that this act is reasonable and ought to be passed. Thank you.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland.

Mr. MERRILL of Somerset: Mr. President, this is a very important measure to the people of the State of Maine. Every man and every interest in the State of Maine has an interest in this bill. It does not prevent any young man from presenting himself, if qualified, for examination to the bar. Now what are the real interests that we all have, whether lawyers or laymen, in this bill? What is its object? Its object is for the better preparation and the safeguarding of the interests of the public. The public does not always know what a man's qualifications are, either as a lawyer or as a physician or as a clergyman.

Now the profession of medicine is safeguarded and protected by the statute laws of our State, and it prohibits ignorant, uneducated men from putting out their shingles as proficient in medicine. Why is it? It is because the good sense of the Legislature of the State of Maine, safeguarding the lives of its citizens, and protecting them from ignorant men practicing the profession of medicine. The next thing in importance, and the next question of interest to the people of the State of Maine is the protection and the welfare of their property rights, and it is for that purpose that ignorant, unqualified men shall not hold themselves out to the public as attorneys at law. And every gentleman in the profession in this Senate knows from personal experience, from absolute knowledge of individual cases, where people have suffered beyond measure in consequence of entrusting to inefficient men in the profession their

property rights; suffered beyond measure

I submit, Mr. President and fellow senators, that there is no hardship in this bill for any man, young man or old man, who wants to enter upon the profession of the law. The qualifications required are very simple and very modest.

Mr. President and gentlemen, I second the motion of the senator from Cumberland that the bill be substituted for the report.

Mr. GILLIN: Mr. President, in answer to the distinguished member of the bar I wish to say that he has entirely forgotten to mention to the distinguished senators that there is now upon the statute books of the State of Maine laws which 10 members of the profession after due consideration regarded as adequate as this law and more so. It requires years of study. It requires that the party go before an examining board, and if he cannot pass the examination of the statute he cannot be admitted to practice and foist his ignorance upon the people of the State. And after due consideration of that statute as compared with this statute, about which the very man who presented the bill couldn't tell us anything, a statute which has been in the past and now is on the statute books of the State, we thought it advisable to stay with that statute until a proper bill could be drawn by either the American Bar Association or the State Bar Association that would dovetail onto that statute and make it better, if it is necessary to make it better. We have, in conclusion, Mr. President and senators, a statute now which requires years of study, and then, after those years of study, that the student must submit himself to an examining board appointed under the laws of your State, to be admitted to the bar of the State, and we say that that ought to be sufficient.

Mr. HOLT: Mr. President, if I may be allowed one word more. Before this bill was introduced—I was sorry I could not appear before the committee, but I had another committee hearing, and my time being taken up I was unable to appear before the committee.

I wish to say in reply to the distinguished Senator from Penobscot, Sen-

ator Gillin, that at the meeting of the State Bar Association, held this year, in conducting a hearing in the State House this question was brought up and was thoroughly discussed. Previous to the meeting copies of the bill was sent to all the members of the State Bar Association. The matter was brought up at that meeting in the Hall of the House of Representatives and was thoroughly discussed. Members of the Bar were present from all over the State. In fact, it was the largest meeting we had had in the history of the Bar Association, and this measure was discussed in reference to what we already have upon our statute books.

This act simply provides in addition to what we already have, an educational qualification, if a man does not have a high school education—and almost every man who comes up for examination has it, but if he has not had it, he can qualify by taking a separate examination.

As I have said, if there is any hardship in this bill we do not want it, but if it is open to all so that every man or young man can take advantage of his opportunity in Maine, it is a reasonable requirement and is in the interests of him who would enter the practice of law, as well as the public.

Mr. DAVIES: Mr. President, it is a strange thing that if the State Bar Association took so much interest in this bill, nobody representing the association wrote to any member of the committee and nobody was before the committee to endorse the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Holt, that we substitute the bill for the report of the committee. Is the Senate ready for the question?

A viva voce vote being taken, the motion of the Senator from Cumberland, Senator Holt, was lost.

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

Mr. DEERING of York: Before we adjourn, I have a matter which I desire to bring to the attention of the Senate. It is also a matter which the Ju-

diary committee had in charge and some of you senators may think you have heard about enough from the judiciary committee this forenoon. But it is a matter of great importance to the people who are interested in it. It seems that the Retail Jewelers' Association put before the judiciary committee a bill proposing a lien upon jewelry that was left to be repaired. It is Senate document No. 7. The bill was considered by the committee and there seemed to be no member of the committee particularly opposed to the principle, but the bill was badly drawn, and later a member of the committee drew a substitute for it, which was just about as badly drawn as the original one was, and so we reported that bill ought not to pass. Later when the representatives of the jewelry association came here and found what happened, they wanted to submit a new draft for us to consider. And with this explanation I desire to make a motion that we reconsider the action by which we accepted the report of the judiciary committee "ought not to pass," Senate Document 7, and recommit it to the committee for consideration.

Mr. DAVIES of Cumberland: Mr. President, that report was accepted last Friday and no reconsideration of

it at the present time is within the rules.

The PRESIDENT: The Chair will have to rule that we cannot recall that bill from the committee. The senator can put in a new bill under suspension of the rules by unanimous consent.

Mr. DEERING: If the senator from Cumberland would not raise any objections to that particular proposition. Of course, if he is going to the bill cannot be put in.

Mr. DAVIES: Mr. President, the senator from York, Senator Deering, did not understand my position. I understood him to state that nobody on the committee was especially opposed to that line of legislation, but I am. It is a bad precedent I think, to give a lien on guns, watches and clocks and other things which go to a jeweler's establishment to be repaired. We do not want to open the door so that any man who performs any services on personal property may have a claim on such property and hold it until paid.

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On motion by Mr. Davies of Cumberland,  
Adjourned.