

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

SENATE

Wednesday, February 28, 1917.

Senate called to order by the President.

Prayer by Rev. John Gibson of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of the secretary of the committee on education for certain committee expenses.

In the House this resolve was referred to the committee on education.

In the Senate on motion by Mr. Walker of Somerset the resolve was referred to the committee on appropriations and financial affairs, in non-concurrence.

From the House: Remonstrance of Benjamin F. Keegan and 76 others; of F. O. Golden and 27 others; of George Kavanaugh and 38 others against the passage of the police commission bill of Lewiston, unless it contains the referendum clause.

In the House these remonstrances were referred to the committee on judiciary.

Mr. DAVIES of Cumberland: Mr. President, that matter has been reported from the judiciary committee, and is now in the possession of the House. I move that we non-concur with the House in referring these matters to the committee on judiciary.

The motion was agreed to, and on further motion by the same senator the remonstrances were placed on file, and sent down for concurrence.

From the House: An Act to extend the charter of the Rockland, South Thomaston and Camden Street Railway.

The PRESIDENT: On February 22nd this bill was passed to be engrossed in the Senate and sent to the House for non-concurrence. In the House, House Amendment A was adopted and the bill as amended was passed to be engrossed.

Mr. DAVIES of Cumberland: Mr. President, will you be kind enough to read the amendment?

The PRESIDENT: "House Amendment A: Amend by striking out the entire second section of the act and substituting in its place the following:

"Section 2. Nothing herein contained is intended to repeal or shall be construed as repealing, the whole or any part of a existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of Chapter 55 of the Revised Statutes."

Mr. DAVIES: Mr. President, I see that is a chapter which refers to the public utilities and its duties.

I move that we reconsider the vote whereby we passed this bill to be engrossed.

Mr. BUTLER of Knox: Mr. President, just a moment. Just what change is made by that amendment in the section as it stood before, Section 2? I do not notice any particular change.

The PRESIDENT: This is in accordance with the provisions of Chapter 129 of the Public Laws of 1913, as amended. That is the original act, but this part refers to the appropriate chapter of the Revised Statutes of 1916.

The question being on the motion of the senator from Cumberland, Senator Davies, that the Senate reconsider the vote whereby this bill was passed to be engrossed, the same was agreed to.

On further motion by the same Senator, House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

From the House: An Act for the incorporation of industrial banks.

This bill was passed to be engrossed in the Senate and went to the House on its passage to be enacted, where House Amendment A was adopted.

Mr. MARSHALL of Cumberland: Mr. President, I move that we reconsider the vote whereby this bill was passed to be engrossed.

Mr. DAVIES of Cumberland: Mr. President, I understand that the amendment is merely for the purpose of correcting an error in the name of the office.

The PRESIDENT: That is what it seems to be.

The pending question being on the motion of Senator Marshall that the Senate reconsider the vote whereby this bill was passed to be engrossed, the same was agreed to.

On further motion by the same Senator, House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

House Bills in First Reading.

An Act to amend Section 11, Chapter 222 of the Public Laws of 1909, as amended by Section 11 of the Public Laws of 1911, relative to damage done to domestic animals by wild animals and dogs. (Recommitted to the committee on agriculture, pending acceptance of the report of that committee "ought to pass," in concurrence.)

H. D. 374. Resolve in favor of A. L. Dow & Company.

H. D. 373. Resolve in favor of the town of Westfield for reimbursement for expenses incurred on account of a State pauper.

H. D. 375. An Act to amend Section 67 of Chapter 45 of the Revised Statutes, relating to scallops.

H. D. 376. An Act relating to the taking of clams within the limits of the towns of Newcastle and Damariscotta.

H. D. 93. An Act to amend Section 10 of Chapter 9 of the Revised Statutes of 1916, relating to the reassessment of real and personal property.

Mr. BAXTER of Sagadahoc: Mr. President, I move that the rules be suspended in order that I may introduce an act which was prepared too late yesterday, An Act to amend Section 11 of Chapter 40 of the Revised Statutes, relating to the business of dealing in securities. I ask that it be referred to the committee on banks and banking. They wish to

hold their final hearing a week from tomorrow.

By unanimous consent the rules were suspended, the bill received and referred to the committee on banks and banking and ordered printed.

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

Education.

By Mr. Walker of Somerset: Resolutions of Grange No. 295 of China; of Grange No. 19 of Monroe; and of Grange No. 477 of Bluehill, in favor of the bill for distributing the State school and mill funds according to aggregate attendance in common schools.

By Mr. Conant of Waldo: Petition of Charles C. Clements and ten others of Monroe, in favor of passage of Grange school bill.

By Mr. Holt of Cumberland: An Act to amend Section 108 of the Revised Statutes of 1916 relating to teaching of the principles of kindness to birds and animals in the public schools. (Ordered printed.)

Inland Fisheries and Game.

By Mr. Swift of Kennebec: Remonstrance of Rev. E. J. Hatch and others against repeal of Sunday hunting law

Judiciary.

By Mr. Davies presented: An Act to amend Section 24 of Chapter 19 of the Revised Statutes of 1916 relating to the State Board of Health. (Ordered printed.)

Public Health.

By Mr. Gordon of York: An Act providing for the formation of combined health districts. (Ordered printed.)

By Mr. Holt of Cumberland: An Act to amend Chapter 19, Revised Statutes, in relation to the State Board of Health. (1500 copies ordered printed.)

Orders.

Mr. Davies of Cumberland presented the following order:

Ordered, the House concurring, that the Governor be requested to return to

the Legislature for further consideration, bill "An Act making it unlawful to give checks or drafts on banks where the maker has not sufficient funds or credit to pay the same, and providing a penalty therefor.

Mr. DAVIES: Mr. President, I merely desire to say in connection with this order that it is presented to the Senate at the request of the Governor.

I move that the order have a passage.

The motion was agreed to.

Sent down for concurrence.

Bills in First Reading.

S. D. 233. Resolve in Favor of Alfred Yankauer.

S. D. 234: An Act to amend Section 30 of Chapter 24 of the Revised Statutes relating to the crossing of railroad tracks by town ways and highways.

S. D. 235. An Act to amend Section 34 of Chapter 24 of the Revised Statutes relating to highway crossings of railroads.

S. D. 236. An Act to authorize the Public Utilities Commission to require through routes and joint rates by common carriers for the transportation of persons or property.

S. D. 237. An Act to ratify the change of name and amount of capital stock of Mercantile Trust Company and to amend its charter.

Reports of Committees.

Mr. Marshall from the committee on legal affairs on An Act to legalize and make valid the doings of the municipal officers of Vinalhaven in laying out a way over the tide waters across Indian creek in said Vinalhaven and authorizing the construction of a suitable bridge across the same, (Senate No. 48) reported same in a new draft under the same title and that it ought to pass.

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

Passed to Be Engrossed

H. D. 363. An Act to grant legislative assent to the provisions of the federal aid road act and to authorize the State Highway Commission to co-operate with the federal government according to the provisions of said act.

H. D. 364. An Act to permit savings banks to invest in certain corporation bonds, to be entitled "An Act to amend Section 27, Sub-Section 3d, of Chapter 52 of the Revised Statutes, so as to permit savings banks to invest in certain corporation bonds." (On motion by Mr. Davies of Cumberland, tabled pending second reading.)

S. D. 57. An Act enlarging the powers of judges of probate, to be entitled "An Act amending Chapter 67 of the Revised Statutes and enlarging the powers of judges of probate.

S. D. 142. An Act to amend Section 27, Chapter 52, Revised Statutes of Maine, relating to investment of deposits, to be entitled "An Act to amend Section 27, Chapter 52 of the Revised Statutes, relating to investment of deposits in savings institutions." (On motion by Mr. Davies of Cumberland, tabled pending second reading.)

S. D. 225. An Act to amend Chapter 218 of the Private and Special Laws of the State of Maine for the year 1911, entitled An Act to supply the town of North Haven with pure water. (On motion by Mr. Butler of Knox, recommitted to the committee on public utilities.)

S. D. 226. An Act to correct an error in Chapter 67 of the Private and Special laws of 1915, relating to the Rockland, Thomaston & Camden Street Railway.

S. D. 227. An Act additional to and amendatory of Chapter 347 of the Private and Special Laws of 1901, entitled An Act to authorize the Great Northern Paper Company to increase its capital stock.

S. D. 228. An Act to repeal Chapter 271, Private and Special Laws of 1911, relating to ways and bridges, Plantation No. 14, Washington county.

Passed to Be Enacted

An Act to amend Chapter 195 of the Private and Special Laws of 1887, entitled "An Act to amend an Act incorporating the city of Waterville."

An Act to amend Section 56 of Chapter 53 of the Revised Statutes, relating to retiring of guaranty capital of mutual fire insurance companies.

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

An Act to extend the charter of the Quebec Extension Railway Company.

An Act to provide compensation for town clerks for issuing and recording burial permits.

An act to amend Section 45 of Chapter 64 of the Revised Statutes, relating to the care and custody of minors.

An Act to authorize the York Shore Water Company to acquire and own certain local securities.

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

An Act to amend Section 4 and 5 of Chapter 78 of the Revised Statutes, relating to the sale of real estate subject to contingent reminders.

An Act to extend the charter of the Salisbury Cove Water Company.

An Act providing for a Centennial week in 1920 and authorizing cities and towns to raise and appropriate money for the observance thereof.

An Act to amend Section 38 of Chapter 40 of the Revised Statutes, relative to Old Home week.

An Act to Create the Van Buren Sewerage district.

An Act to amend Section 23 of Chapter 124 of the Revised Statutes, relating to assaults upon or interference with officers.

An Act granting Charles H. Scott the right to maintain a ferry across Eggenmoggin Reach in Hancock county.

Finally Passed.

Resolve in favor of Charles F. Barnes for services as page at the organization of the 78th Legislature.

Resolve in favor of the co-operative survey of the boundary line between the State of Maine and the State of New Hampshire. (On motion by Mr. Hastings of Androscoggin, tabled pending final passage).

Resolve appropriating the sum of \$500 for a coat of arms of the State of Maine for the Senate chamber.

Resolve in favor of the recording and other officers of the House of Representatives of the 77th Legislature,

for services at the organization of the House of Representatives of the 78th Legislature.

Orders of the Day.

The PRESIDENT: Under orders of the day there is especially assigned for today the majority and minority reports of the committee on claims on "Resolve in favor of Morrison Libby," that the same ought not to pass.

Mr. CHICK of Kennebec: I wish to move that the minority report be accepted, and in support of that motion, and as one whose name appears upon the minority report, I would like to state briefly that at the primary election in 1914, Arthur W. Leonard of Oakland received the Republican nomination for county commissioner of Kennebec county. Howard B. Crosby of Waterville received the Democratic nomination in that same primary election. Their names went upon the official ballot. The ballots were distributed in the usual manner by the secretary of State. The day before the September election was to take place Mr. Leonard died. The county committee made the nomination of Morrison Libby of Oakland for the vacancy that existed. Slips were prepared and on those slips was printed the name of Mr. Libby. These slips were sent to the various towns throughout Kennebec county by the secretary of State, with instructions to the town clerks of the different municipalities that these slips must be pasted on the official ballots over the name of Mr. Leonard, and that this must be done before the ballots were placed in the hands of the voters. After the election returns were in, they indicated that Mr. Libby, the Republican candidate, had been elected. His certificate of election was issued by the Governor and Council of the State.

Mr. Crosby, the Democratic candidate, contested the election. He demanded a re-count and on petition the matter was taken before a justice of the supreme court. After a very careful consideration this justice rendered a decision that Mr. Libby was legally elected. Mr. Crosby appealed from this decision and took the matter to the law court. After careful consideration there, the law court rendered a decision that Mr. Libby was elected.

Now Mr. Libby comes before this

Legislature with a resolve to reimburse him for a part of the expense to which he has been placed in this contest. And I want to say that there is one thing that I somewhat regret; and that is, the names of those gentlemen whose names appear upon the majority report here, as able and honorable men as they are, I regret exceedingly that they do not belong to the majority party in this Legislature. Now whether this report shall be accepted and whether this resolve shall be finally passed, is not a matter of law or interpretation of law, and certainly it should not be a political matter. It is simply a matter of justice, and I certainly hope that the minority report will be accepted.

Mr. GOOGIN of Androscoggin: Mr. President, I didn't expect, and I am very sorry that Senator Chick should bring up the political phase in this report. Politics had nothing whatever to do with it. This resolve was considered at least three times by the committee on claims, and we all tried to do our best and use our best judgment in considering the claim.

Inasmuch as the attorney general, who is a Republican, insisted that it was an illegal claim and was so persistent in the matter, we finally—the majority of the committee decided to sign it, that it ought not to pass. The attorney general said that it was nothing more or less—and I am using the attorney general's name with his permission—it was nothing more or less than any political contest, whether it was an alderman, councilman, or whatever office that two men might be running for, and whereby there was some error, or the contest was so close that they carried it to the courts. It seems to me that inasmuch as we considered the attorney general's verdict on the question, that politics cannot enter into it in any way, shape or manner. There was no politics whatever discussed by any member of the committee which signed that majority report. And I move you, gentlemen, that the majority report be sustained.

Mr. HIGGINS of Penobscot: Mr. President, it seems to me that the only proper course for us to pursue in this case is to adopt and accept the majority report. I can see that we would

be establishing a very bad precedent to adopt and accept the minority report. The gentleman referred to, if my information is correct, had in mind a six-year term of office, paying at least \$1000 per year, and he simply took a chance of having a favorable outcome, a favorable decision rather, in his case, as you and I would have done under similar circumstances.

I am glad to have the distinguished gentleman from Kennebec state that there was no politics in this, because it is simply a matter of justice, and if that be the idea—justice—it should rest with the majority report in my opinion.

Mr. DAVIES of Cumberland: Mr. President, may I inquire—I have not the resolve before me—may I inquire how large an appropriation it carries?

The PRESIDENT: The sum of \$450.

Mr. DAVIES: And will the Chair be kind enough to give the Senate the names on the majority and minority reports?

The PRESIDENT: On the majority report: Messrs. Holt, Neilon, Googin, Snow and Packard; on the minority report: Messrs. Frost, Rounds, Clifford and Chick.

Mr. BARTLETT of Kennebec: Mr. President, I rise to favor the acceptance of the minority report in this case. It seems to me this is a matter where it is nothing more than just, just to Mr. Libby and just to all of us, to vote to pay this amount of this resolve. I took the trouble to talk with the attorney general, after hearing that there was some opinion that he had given in the matter, and as he stated to me, his opinion was simply that this was not a legal claim against the State; that is, it was not a claim that could be collected by suit at law or in equity. I think the members of the Senate are all aware that Mr. Libby could not sue the State, certainly not without getting the consent of this Legislature. I think he is in the position of a great many people who have come before this Legislature simply to get their rights, simply to get

things that are justly due them, the Legislature being the only tribunal that can give them to them.

Now this is not the case of the ordinary election contest. It is not the case of stickers where votes are improperly marked. It is simply a case where the voters were given by the State a defective ballot. In this case the stickers were placed by the election officers on the ballot, under direction of the secretary of State, and it was through their placing them wrong—in some cases the stickers were put on so that both names showed; in some cases, as I understand, the office was covered up; but in all these cases the voter was given an imperfect ballot, an incomplete ballot, by the election officers; and that was the only reason for the contest, and the only reason that Mr. Libby had to go to this expense. It was not the fault of the voters putting them on wrong. It was simply that the voter was not furnished the right kind of a ballot.

Now that being the case I think it is only right and only just that the State of Maine should bear this expense that Mr. Libby incurred on account of the fact that the ballots were not right. I hope the minority report will prevail.

Mr. BUTLER of Knox: Mr. President: I have the greatest respect for a majority report of a committee of this Legislature, a committee that undoubtedly heard very carefully all the evidence that could be presented in regard to this matter. As has been suggested, this is in no sense a political matter and the majority report is not signed wholly by men of one party, but made up of both parties. We want to be fair to all parties concerned. At the same time we want to be just to the State of Maine, and to what may come after us. As has been suggested by the senator from Penobscot, we would be establishing a dangerous precedent. There are many cases of this nature up and down the State of Maine after most elections. Now, Mr. Libby—as a matter of fairness—Mr. Libby got the thousand dollar job, if that is the salary, for six years—it would seem to me that the other fellow who had his expenses to bear and

didn't get anything is more entitled to be considered at the hands of the Legislature of Maine. Now personally I would be delighted to do anything for the genial senators from Kennebec; but we have had the same situation down in Knox county that they had, contested election cases. We didn't come to the Legislature of Maine, asking to have our bills paid. And I don't believe this Senate today will think that is the right sort of thing to do. I hope the majority report of this committee will be accepted.

Mr. BARTLETT: Mr. President, just another word, if the Senators will bear with me. This, according to my understanding, is not the ordinary contested election case. It is that where the ballots given the voters were defective, and I would like to read to the Senate the last two or three sentences of the opinion of the court in this case, written by Mr. Justice Cornish: "To hold in this case that the candidate who actually received a substantial plurality of the votes cast must be thrust from his office simply because some of the officially placed slips covered a portion of the title, or failed to cover the name of a dead man, is in my judgment to violate the statutes under which elections are held as well as the fundamental principles of law and good government. Without, therefore, re-examining the doctrine of *Bartlett v. McIntire*, supra, as to voter placed stickers, my conclusion is that the voters in the case at bar ought not to be disfranchised because of carelessly placed official slips and that the entry should be, as held by the majority of the court."

I simply read this to verify the statements that they were officially placed slips.

Mr. GOOGIN: Mr. President, may I say a word? As long as Senator Bartlett has said that the attorney general said that this was simply a case that Mr. Libby could not sue the State, I would say that he did say to me at the first time he spoke to me about it, that if the resolve passed the Legislature and came to the Governor for his signature, and the Governor should ask the attorney general if it was a legal

claim, he would have to tell him it was an illegal claim and advise him not to sign it.

The PRESIDENT: The question before the Senate is on the motion of the senator from Kennebec, Senator Chick, that we adopt the minority report.

Mr. DAVIES: Mr. President, I should like to ask the senator from Kennebec, Senator Bartlett, a question, if I may. (Permission granted) Do I understand, Senator Bartlett, that these ballots were made defective while they were in the hands of the printer?

Mr. BARTLETT: The ballots were sent to the election officers prior to the death of Mr. Leonard. Mr. Leonard died very suddenly Sunday morning before election. The secretary of state had the slips prepared and sent them to the various election officers some time before the opening of the polls Monday morning, with instructions that they affix them to the ballots before they were delivered to the voters.

Mr. DAVIES: And do I understand that Mr. Leonard was a candidate who died before the primary election, although his name appeared on the primary election ballot?

Mr. BARTLETT: Before the September election. This was at the September election. Mr. Leonard was a candidate nominated at the primaries. Mr. Libby was the man whose name was substituted on Sunday before the September election.

Mr. MARSHALL of Cumberland: Mr. President, I understood the senator to say that this occurred in 1914. May I inquire through the Chair whether that is correct?

The PRESIDENT: The senator will please answer.

Mr. CHICK: I think Mr. Leonard received his nomination at the primary election in June, 1914.

Mr. GILLIN of Penobscot: Mr. President and senators, Just one word. I am in favor of the majority report because I feel that the establishing of a precedent by accepting the minority report would be a very dangerous thing to do. For instance, we may have a dozen contests over elections where people would have to spend hundreds of dollars in order to go through the courts, and if you establish the precedent of paying the expenses of one for whatever cause, no matter what the cause is, why you open the door for many others to come in. I think that would be a dangerous precedent, no matter what the cause, for the Legislature of the State of Maine to establish—this proposition that in a contested election where two parties claim the same office and they go to the supreme court and have a final adjudication and one wins out, that the winner should come in before the Legislature of Maine to recover recompense for the title to his office which he had acquired through going through the channels of the court. And I think furthermore that the fact that the claim is not legal, collectible, that we ought not to vote to make something legal that is self-apparent on its face illegal, and opening up a very dangerous channel. We are here this year. We do not know who will be here two years hence. We do not know how many contested elections we may have for the different offices throughout the State. And here is a precedent established by this Legislature saying that we ought to pay a man four hundred and more dollars that he paid out for contesting whether he was elected or not, and finally obtaining the office. I don't think there is any difference in principle between such a man and the man who honestly thought he was elected coming in here and asking that he be reimbursed. And so, therefore, I am in full accord, Mr. President and senators, with the idea that we ought not to establish this precedent, and that the majority report ought to have way.

Mr. WOOD of Hancock: Mr. President, there seems to have been a false impression created here in the start,

at least in my mind, that these stickers were officially placed wrong. Now I realize that we don't want to be narrow about these things, and that we should, if the State is to blame in any way—I think we should pay our debts and get this man out of his trouble, although I believe with the honorable senator from Penobscot, it is a very dangerous precedent to establish. But if I understand it correctly, it is not an error of the State as it appeared in the first speeches. The ballots left the State in proper form and proper slips were sent to the town clerks; that the error, while official, was that of the various town clerks throughout the county, if I am correct. It seems to me technically the State is not to blame in any way, Mr. President.

Mr. MERRILL of Somerset: It seems to me, Mr. President, and fellow senators, that this presents just one simple question, that is, where a man who runs for an office gets into a position where he has to fight or back down. And I understand that every senator and every officer that goes before the people takes upon himself the burden of looking after his own interests as far as his election goes. If he thinks that he is being defrauded of his election, he can put up a fight. If the other fellow thinks he is, he puts up his fight. But when one of them puts up a fight, the other has got to. Now, I think it is just like any other business proposition we enter into. We take it. We assume the responsibilities that go with assuming the position of being a candidate. Now if we don't want to do that, then keep out of the nominations, keep out of the ranks where the fight is going to be held. I don't believe in coming to the Legislature and saying, well this one man has paid out \$450 and it is a burden to him, it is a hardship—I don't believe in opening that gate to the treasury of the State of Maine, and because somebody has suffered a little hardship to let the whole people pay it. All of these little make a big amount when added together, and I say, shut the door the first time it is attempted to be opened and let future contestants understand fully that if they fight they must pay

—either play or not play, but pay. I am in favor of the majority report.

Mr. BARTLETT: Mr. President, if you will pardon me for speaking once more. There seems to be great confusion in the minds of many of the senators as to the nature of this contest. Now, I will just read another word from the report of the court, which I think will clear up this matter: "The printing of new ballots being, as admitted, impracticable, slips containing the new nomination were printed, under the direction of the secretary of State and by him distributed to the clerks of the cities, towns and plantations of Kennebec county with instructions, addressed to the presiding election officers of the several voting places therein, directing them 'to place on the official ballots the printed slips containing the new nomination aforesaid over the name of the above-mentioned Arthur W. Leonard, such slips to be placed upon every ballot before the same has been given into the hands of the voter.'"

It seems to me that that makes it very clear that the occasion of this contest, the occasion of this expenditure on the part of Mr. Libby, was on account of the fact that the State of Maine—and I don't think that you can go as far as to go to the officers of towns where they are doing things under direction of the secretary of state—the State of Maine gave to the voters before they went into the booths an imperfect and defective ballot. Now the election officers evidently counted these, and understood that they were to be counted for Mr. Libby; that gave him the certificate of election and he was put to this expense to defend himself in that office. Suit was brought against him and he either had to fight or give it up. Now it was done entirely on account of official ballots being wrong before they were given to the voters.

Mr. WOOD: I would like to ask the senator from Kennebec if he has a case in court and he gets beaten, if he asks anybody to pay his costs. The court costs go with his case and that is all there is to it. He don't go to the Legislature and ask for his costs.

Mr. BURLEIGH of Aroostook: Mr. President, as I understand it, there are precedents for paying all the contests that ever come to this Legislature, either of the senators or representatives. It has been the universal practice to pay the man that made the contest and was beaten his expenses coming here to contest his election, and I think that that is a precedent for paying in this case; although this is a county officer, it is not a legislative officer.

The PRESIDENT: The question before the Senate is on the motion of the senator from Kennebec, Senator Chick, that the Senate adopt the minority report, ought to pass, of the committee on claims.

A viva voce vote was taken, and the Chair being in doubt a rising vote was had. Nine senators voting in the affirmative and 18 in the negative, the motion was lost.

On motion by Mr. Googin of Androscoggin the majority report of the committee, ought not to pass, was accepted.

Wednesday's Calendar.

The PRESIDENT: Under the Senate rule all bills and resolves on the table should be taken from the table today.

On motion by Mr. Holt of Cumberland, the report of the committee on military affairs on Resolve relating to equestrian statue of Major General Oliver O. Howard, and a standing statue of Brevet Major General Joshua L. Chamberlain at Gettysburg, was taken from the table.

On further motion by the same senator the report of the committee "ought to pass in new draft" was accepted.

Tabled for printing under the joint rules.

S. D. 132. Resolve in favor of John E. Sewall and C. F. A. Phair was taken from the table.

On motion by Mr. Chick of Kennebec, the resolve was recommitted to the committee on inland fisheries and game.

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.

Mr. SWIFT of Kennebec: Mr. President, there is a question whether this act as drawn properly covers the situation. I move that it be tabled and assigned for consideration next Tuesday.

The motion was agreed to.

Notice by Senator Butler of Knox, "I hereby give notice to the Senate, under the provisions of joint rule No. 14, as it appears on Page 47 of the Legislative Handbook, that I shall on Thursday, Feb. 22nd, introduce in the Senate An Act for the enforcement of liens on watches, clocks and jewelry for labor and materials furnished in making, altering and repairing same."

Mr. DAVIES of Cumberland: Mr. President, I think the purpose of that notice has been fulfilled, and if there is no objection on the part of Senator Butler I move that it be indefinitely postponed, the bill having come before the committee.

Mr. BUTLER of Knox: That is perfectly satisfactory to me, Mr. President.

The motion was agreed to.

The PRESIDENT: The Chair would state that we have some doubt as to that matter that has just been passed. This is a notice required by the joint rules, and it is a matter of record and it goes along with the bill as introduced. It is in the same nature as a summons to a writ in court, as the Chair understands it. It is served upon the members of the Senate a certain length of time ahead of the introduction of the bill or resolve, and the Chair is of the opinion that it should be kept on the files of the Senate.

Mr. BUTLER: Mr. President, on consideration of the form of the motion, I move to reconsider the vote whereby we indefinitely postponed the notice of this jewelry bill.

The motion was agreed to.

Mr. BUTLER, Mr. President, I am not just clear as to the next motion. I have in mind that it should be to place the notice on file.

The PRESIDENT: The Chair will entertain a motion to refer this to a committee.

Mr. BUTLER: I move that this notice be referred to the committee on judiciary.

Mr. DAVIES: Mr. President, I have not any objection to that. In fact, I know from what the Chair says that is the proper procedure.

It has occurred to me that sometimes the writ and the summons become separated, and the bill is not now before the Senate, but before the committee.

If the Chair thinks that is a proper motion I raise no objection.

The PRESIDENT: The pending question is on the motion of the senator from Knox, Senator Butler, that this notice be referred to the committee on judiciary.

The motion was agreed to.
Sent down for concurrence.

H. D. 245. An Act to amend Section 78 of Chapter 4 of the Revised Statutes, relative to State stipend for public libraries.

H. D. 246. An Act to establish a legislative reference bureau in the State library.

H. D. 247. An Act to amend Section 82 of Chapter 4 of the Revised Statutes relating to instruction of librarians.

H. D. 248. An Act to amend Section 75 of Chapter 4 of the Revised Statutes, relating to free public libraries.

Mr. RICKER of Hancock: Mr. President, a bill having been introduced which affects these bills I move that they all be recommitted to the committee on library.

The motion was agreed to.

S. D. 195. An Act to extend the powers of the Milo Electric Light & Power Co. (Tabled by Senator Lord.)

Mr. LORD of York: Mr. President, I yield to the senator from Piscataquis, Senator Davis.

Mr. DAVIS of Piscataquis: Mr. President, I offer Senate Amendment A to Senate Document 195, as follows:

"Senate Amendment A to Senate Document 195.

Amend by adding to Section 2 the following:

"But it shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this State, or to contract with any person or corporation for the transmission or sale of electric current beyond the limits of this State and said corporation shall not be permitted to acquire in any manner the franchises of, or consolidate with or transfer or lease its property, rights and franchises to any other corporation or person now transmitting or having the right to transmit electric power beyond the confines of the State without express authority of the Legislature."

I move the adoption of the amendment.

The motion was agreed to.

On further motion by the same senator the bill as amended was passed to be engrossed and sent down for concurrence.

H. D. 318. An Act to establish the wages of clerks in the offices of Aroostook register of deeds, southern district, and clerk of courts of Aroostook county, and to secure to such clerk of courts reimbursement for necessary expenses in attendance at the term of the supreme judicial court held at Caribou.

On motion by Mr. Grant of Cumberland, recommitted to the committee on salaries and fees.

H. D. 72. An Act to amend Section 18 of Chapter 45 of the Revised Statutes, relating to the lobster license law.

On motion by Mr. Peacock of Washington the report of the committee was accepted, and on further motion by the same senators the bill was given its first reading.

H. D. 325. An Act relating to marking lobsters in transit.

On motion by Mr. Peacock of Wash-

ington, recommitted to the committee on sea and shore fisheries.

H. D. 352. An Act to amend Section 11 of Chapter 117 of the Revised Statutes, relating to salaries of stenographers of the superior courts.

Mr. WOOD of Hancock: Mr. President, this bill was tabled by me on an intimation that it would be agreeable to His Excellency. I would like, if in order, to have it further tabled for consideration, and I would like as late a date as possible.

The PRESIDENT: One week is the latest.

Retabled and assigned for next Wednesday.

H. D. 355. Resolve in favor of Samuel M. Packard.

On motion by Mr. Grant of Cumberland, recommitted to the committee on claims.

H. D. 356. Resolve in favor of George A. Dow.

Mr. GRANT of Cumberland: Mr. President, this resolve is without a statement of facts. I move that it be recommitted to the committee.

The PRESIDENT: The Chair will inform the senator that the statement of facts has been supplied.

Mr. GRANT: Mr. President, I withdraw my motion.

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

On motion by Mr. Stanley of Oxford, Adjourned.