

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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SENATE

Thursday, February 27, 1919.

Senate called to order by the President.

Prayer by Rev. C. H. B. Seliger of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act relating to appeal of cases from the supreme judicial and superior courts.

In the House this bill was referred to the committee on legal affairs.

Tabled on motion by Mr. Gurney of Cumberland.

From the House: Resolve in favor of the town of Porter.

In the House the committee on education reported ought not to pass on this bill, and recommitted it to the committee on education.

In the Senate, on motion by Mr. Stanley of Oxford the Senate concurred with the House in recommitting the bill to the committee on education.

House Bills in First Reading

H. D. 215: An Act to amend Sections 2 and 6 of Chapter 66 Public Laws of 1917 as amended by Chapter 244 of the Public Laws of 1917, relating to non-resident fishing licenses.

H. D. 213: An Act to amend Section 38, Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917 relating to the protection of deer.

H. D. 212: An Act to amend Section 64 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917 relating to the use of automobiles in hunting wild birds and wild animals.

H. D. 223: An Act to amend Section 11, Chapter 211 of the Private and Special Laws of 1895, as amended by Chapter 101 of the Private and Special Laws of 1909, and Chapter 146 of the Private and Special Laws of 1915, relating to clerk hire in the Bangor municipal court.

H. D. 28: An Act to amend Section 5 of Chapter 118 of the Revised Statutes relating to fees of sheriffs and their deputies.

In the House this bill was recommended to the committee on judiciary.

In the Senate, on motion by Mr. Davies of Cumberland, the Senate concurred in the action of the House.

H. D. 210: Resolve providing for the purchase of certain volumes for the documentary history of Maine.

H. D. 207: Resolve appropriating money for the purchase of traveling libraries for high schools.

H. D. 209: An Act in relation to publications of State departments and institutions.

H. D. 208: An Act to amend the law relating to the establishment of public libraries.

H. D. 226: An Act to amend Chapter 53, Section 91, of the Revised Statutes, relating to the annual statement of conditions of insurance companies and providing a penalty for neglect to file statement.

H. D. 211: Resolve appropriating money to provide offices for the adjutant general's department and fire-proof apartments for the records and documents thereof.

H. D. 205: Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol.

H. D. 204: An Act amending Chapter 205 of the Private and Special Laws of 1911 relating to the annual report of the Grand Army of the Republic of the State of Maine.

H. D. 224: Resolve in favor of William F. Livingston.

H. D. 227: An Act to provide for retiring and pensioning employees of the State of Maine.

H. D. 203: An Act to amend Section 37 of Chapter 18 of the Revised Statutes relating to penalty for practicing dentistry without a certificate. (Tabled on motion by Mr. Parent of Androscoggin.)

The PRESIDENT: The Chair lays before the Senate the German Reservist Resolution, read and adopted

in the House. What is the pleasure of the Senate?

Mr. DEERING of York: Mr. President, I move that the resolution be read.

The motion was agreed to and the Secretary read the resolution:

WHEREAS: It is a common report that thousands of Germans and Austrians formerly living in this country, some of whom had taken papers as citizens of the United States, returned to Germany and Austria to fight in the German and Austrian army for principles entirely at variance with all our ideals, and,

WHEREAS: It is common report that many of these Germans and Austrians contemplate returning to the United States for business and residential purposes, and

WHEREAS: We believe it would work an injustice to our own loyal citizens if such Germans and Austrians are allowed to come back to the United States:

THEREFORE, BE IT RESOLVED: That the Secretary of State be instructed to write to all the Representatives of Maine in the Congress of the United States requesting them to take such steps as are necessary to bring about proper legislative action to prevent any German or Austrian reservist or any other person who was engaged in any manner in opposition to the United States and its Allies, returning to the United States for any purpose whatever, and

BE IT FURTHER RESOLVED: That we firmly believe that all enemy aliens interned in this country for pernicious activity in opposition to the best interests of the United States should, at the end of the war, be deported and forever debarred from returning to this country.

On motion by Mr. Walker of Somerset, the Senate concurred with the House in the adoption of the Resolution.

From the House: Report of the committee on interior waters, ought not to pass, on An Act authorizing George F. L'Abbe of Eagle Lake plantation to maintain a dam in Wallagrass river.

In the Senate the report of the committee was accepted.

In the House the bill and report were recommitted to the committee on interior waters. The House insisted on its action and asked for a committee of conference.

On motion by Mr. Thornton of Aroostook, the Senate voted to join a committee of conference, and the Chair appointed as such committee, Senators Thornton and Emerson of Aroostook and Ames of Washington.

From the House: Report of the committee on State lands and forest preservation on H. D. 201, An Act for the care and preservation of shade and ornamental trees.

In the House this report was recommended to the committee.

On motion by Mr. Gannett of Kennebec, the Senate concurred in the action of the House.

From the House: An Act to amend Section 17, Chapter 24 of the Revised Statutes relating to town and private ways.

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

The Senate non-concurred; the House insisted on its action.

Insane Hospitals

By Mr. Gordon of York, An Act additional to Chapter 155 of the Revised Statutes, relating to the observation and care of persons in the state hospitals. (500 copies ordered printed.)

On motion by Mr. Stanley of Oxford, the Senate voted to recede and concur in the action of the House.

The following bills, resolves, etc., were presented and on recommendation by the committee on reference of bills, were referred to the following committees:

Judiciary

By Mr. Googin of Androscoggin, An Act for the regulation and control of fraternal benefit societies. (1000 copies ordered printed.)

Sea and Shore Fisheries

By Mr. Holt of Hancock, An Act to amend Section 71 of Chapter 45 of the Revised Statutes, relative to use of seines and traps.

By Mr. Peacock of Washington, An Act to amend certain sections of Chapter 45 of the Revised Statutes, relating to the licensing of persons engaged in the lobster fisheries. (500 copies ordered printed.)

By Mr. Holt of Hancock, An Act to prohibit the use of cod nets or trawls between the first day of February and the first day of June, of each year within certain waters. (500 copies ordered printed.)

Ways and Bridges

Mr. Peacock of Washington presented bill An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915, as amended by Chapter 304 of the Public Laws of 1917, entitled An Act to provide for State and county aid in the construction of highway bridges. (500 copies ordered printed.)

On motion by Mr. Walker of Somerset, it was

Ordered, that the use of the Senate chamber be granted to the committee on education on Wednesday afternoon, March 12, for a public hearing on the distribution of the school fund.

On motion by Mr. Holt of Hancock, it was

Ordered, the House concurring, that an Act to extend the charter of the Salisbury Cove Water Company, now in the hands of the Governor, be recalled for the purpose of correcting an error.

Bills in First Reading

S. D. 121: Resolve in favor of the University of Maine for maintenance.

S. D. 122: Resolve in aid of navigation on Moosehead lake.

S. D. 123: An Act to amend Section 4 of Chapter 93 of the Private and Special Laws of 1878, relative to the time of holding terms of the municipal court of the town of Farmington.

S. D. 124: An Act in relation to the acts or omissions of a child more than 8 years of age and under 16 years of age. This Act to be known and styled as the Act for juvenile delinquency.

S. D. 125: An Act to amend the charter of the Lubec Water Company.

Reports of Committees

Mr. Creighton for the committee on banks and banking on an Act additional to Section 27 of Chapter 52 of the Revised Statutes, permitting savings banks and institutions for savings to invest in certain kinds of acceptances, reported same ought to pass.

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

Mr. Thombs from the committee on legal affairs, on an Act to amend Chapter 129 of the Private and Special Laws of 1913, being an Act to incorporate the Washington County Light and Power Company, reported same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Thombs for the same committee, on an Act to amend Section 12 of Chapter 64 of the Revised Statutes, relative to persons authorized to solemnize marriages, reported same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Thombs for the same committee, on An Act to amend Sections 25, 26, 28, 30, 34, 38 and 42 of Chapter 137, relating to indeterminate sentences and paroles (Senate No. 47), reported same ought to pass.

The report was accepted, and on motion by Mr. Thombs of Penobscot the rules were suspended and the bill was given its first reading.

Mr. Gordon for the committee on public health, on an Act to prohibit the manufacture and sale of cigarettes (Senate No. 46), reported same ought not to pass.

The report was accepted and sent down for concurrence.

Passed to Be Engrossed

H. D. 186: Resolve in favor of Ida E. Heath of Chelsea, Maine, as additional compensation for death of husband.

H. D. 197: An Act to amend Section 54 of Chapter 82 of the Revised

Statutes, relating to the adjournment of court.

S. D. 117: An Act to provide an appropriation for general forestry purposes. (On motion by Mr. Grant of Cumberland, tabled pending second reading.)

H. D. 35: An Act to amend Section 36 of Chapter 18 of the Revised Statutes, relating to the practising of dentistry.

H. D. 185: Resolve, in favor of John L. Mitchell, representative Passamaquoddy tribe of Indians.

H. D. 187: An Act to permit the town of Southport to obtain a supply of pure water.

H. D. 189: An Act to extend the charter of the Penobscot Valley Gas Company.

H. D. 192: An Act amendatory of and additional to Chapter 197 of the Public Laws of 1917 relating to State department of health. (Tabled on motion of Mr. Grant of Cumberland, pending second reading.)

H. D. 193: An Act to make valid the organization of the Second Christian Society of Kittery, Maine, under the Revised Statutes 1841.

H. D. 195: An Act to authorize the town of Presque Isle to raise money to pay the purchase price of lot of land conveyed to the State of Maine as a site for the erection of the buildings of the Northern Maine Sanatorium.

H. D. 196: An Act to amend Section 10 of Chapter 117 of the Revised Statutes, as amended by Chapter 216 of the Public Laws of 1917, relating to stenographers of the supreme judicial court.

H. D. 200: An Act relative to the tenure of office of county treasurers.

S. D. 116: Resolve, for further public instruction in forestry.

S. D. 109: An Act to amend Section 38 of Chapter 16 of the Revised Statutes, relating to the duties of superintending school committees.

S. D. 110: Resolve, in favor of John P. Haney of Bangor, Penobscot county, State of Maine.

S. D. 112: An Act to authorize the Brunswick and Topsham Water District to adjust a claim for overcharge.

S. D. 113: An Act to repeal Sec-

tions 54 and 55 of Chapter 142 of the Revised Statutes, relating to appropriations for the State prison.

S. D. 114: An Act to amend Section 12 of Chapter 142 of the Revised Statutes, relating to county jails.

H. D. 190: An Act to authorize the Northern Maine Seaport Railroad Company to merge with and into the Bangor & Aroostook Railroad Company.

Mr. FOLSOM of Somerset: Mr. President, I offer Senate Amendment A to H. D. 190, for the purpose of correcting the phraseology, and move its adoption.

Senate Amendment A to House Document No. 190

Amend Section 3 of House Document No. 190, by inserting after the word "company" in the 21st line thereof, the following words, "to the result that any bonds issued by the Bangor & Aroostook Railroad Company," so that said section as amended shall read as follows:

"Sect. 3. When any such merger, as authorized in Section 1, hereof, shall have been effected, all of the rights, privileges and franchises of Northern Maine Seaport Railroad Company may be exercised by Bangor & Aroostook Railroad Company and said latter company shall be subject to all the duties, obligations and liabilities of the Northern Maine Seaport Railroad Company; and the Bangor and Aroostook Railroad Company shall have the right and power, in its own name, as successor to the Northern Maine Seaport Railroad Company, to issue any bonds under 'Northern Maine Seaport Railroad Company, Railroad and Terminal First Mortgage,' dated April 1, 1905, which might lawfully be issued by Northern Maine Seaport Railroad Company, were said company not merged with and into the Bangor & Aroostook Railroad Company, and any resolutions, certificates or acts of the board of directors or the officers of the Northern Maine Seaport Railroad Company required or authorized under said mortgage may be performed with equal force and effect by the board of directors or officers of the Bangor & Aroostook Railroad Company, to the result that any bonds issued by the Bangor & Aroostook Railroad Company, as successor to the Northern Maine Seaport Railroad Com-

pany, shall be deemed to have been issued under the terms of said mortgage and entitled to the same rights as any and all other bonds at any time issued under said mortgage."

Senate Amendment A was adopted, and on further motion by the same senator the bill was given its second reading and was passed to be engrossed.

S. D. 16: An Act granting to women the right to vote for presidential electors.

Mr. AMES of Washington: Mr. President, I offer Senate Amendment A to S. D. 16 and move its adoption.

Senate Amendment "A" to Senate Bill No. 16

Amend Senate Bill No. 16 by adding thereto the following section:

"Section 3. This act shall be referred at the next state election to the voters of the State and if approved by them shall take effect on the first Wednesday of October, 1920. At the said next State election the following question shall be printed upon a separate ballot, in accordance with Section 2 of Chapter 7 of the Revised Statutes: 'Shall an act granting to women the right to vote for Presidential electors become a law?' The words 'yes' and 'no' shall be printed upon such ballot above the aforesaid question so as to leave a blank space above such question so as to give such voter a clear opportunity to designate by a cross mark (x) therein, opposite to the word 'yes' or 'no', his answer to the question submitted. All warrants for such election shall show that said act is so submitted to the people for ratification and in all the election returns required by law the result shall be appropriately recorded. When said results are made and so returned to the office of the secretary of State, in like manner as votes for Governor and members of the Legislature, the Governor and Council shall count the same and proclamation of the result shall be made by the Governor, and if it shall appear that a majority of the votes cast thereon are in favor of the ratification of the proposed law, this act shall thereupon take effect and become law on the first Wednesday of October, 1920."

Mr. AMES: Mr. President, I ask that this law be submitted to the people.

I believe there can be no good reason advanced against what I urge.

This is a measure which affects one of the most important acts of American citizenship—the choice of the head of the nation; and at no time since this nation was founded has this choice been of greater moment than it will be when we next select the man who will represent the United States of America in the council of the nations of the world.

This law should be submitted to the people of this State, and we should not assume the great responsibility of determining so great a question. It was for such determination that the referendum was created—that the people might rule. If we withhold the referendum from this measure we deny to the people the right to determine for themselves how they may perform one of the highest duties of citizenship.

I can find no better language in which to express myself than that used by Senator Dearth on February 21st, 1917, when he said in the House:—

"I believe it is one of the fundamental principles of our government that the voice of the people should be heard on matters so important as this question here, and I assure the man who attempts to thwart the voice of the people by voting to refuse to give them the opportunity to express themselves on a matter of this importance, whether they want the law or not—I bespeak for such a man an early political death. I do not see how he can conscientiously take such a position."

Is there any senator in this chamber who is afraid to trust the people?

On motion by Mr. Folsom of Somerset, the bill and amendment were tabled and assigned for consideration next Wednesday.

S. D. 115: An Act to incorporate the Lubec and Machias Railway Company.

Mr. PEACOCK of Washington: Mr. President, I offer Senate Amendment A to S. D. 115, and move its adoption.

Senate Amendment A to S. D. 115

Amend Section 4 of said document by striking out in the seventh, eighth, ninth and tenth lines of said section the following words:

"So far as the same is consistent with the provisions of this chapter, and where inconsistent, or at variance with the charter the charter shall control," so that said section as amended shall read as follows:

"Sect. 4. For the purpose of determining the damages to be paid for such location, occupation and construction, the land owner or said railway company, may within three years after the filing of plans of location, apply to the commissioners of said county of Washington and have such damages assessed as is provided by law in cases wherein land is taken for railroads. If the railway company shall fail to pay such land owner, or to deposit for his use with the clerk of the county commissioners such sum as may be finally awarded as damages, with costs, within 90 days after final judgment, the said location shall thereby be invalid, and the company forfeit all right under the same. If such land owner secures more damages than were tendered by said company, he shall recover costs, otherwise the company shall recover costs. In case the said company shall begin to occupy such land before the rendition of final judgment, the land owner may require said company to file its bond to him with the county commissioners, in such sum and with such securities as they approve, conditioned for said payment or deposit. Failure to apply for damages within said three years by the land owner shall be held to be a waiver of the same. No action shall be brought against said railway company for such taking and occupation of land until after such failure to pay or deposit as aforesaid."

Senate Amendment A was adopted, and on further motion by the same senator the bill was given its second reading and passed to be engrossed.

Passed to Be Enacted

An Act to repeal an Act entitled An Act to incorporate the town of Grafton.

The PRESIDENT: This bill carries an emergency clause and requires a

two-thirds vote of the Senate on its passage.

Mr. THOMBS of Penobscot: Mr. President, may I inquire the nature of the bill?

The secretary read the first section of the bill.

Twenty-one senators voting for the passage of this bill, it was passed to be enacted.

An Act to repeal Section 16 of Chapter 37 of the Revised Statutes, relating to the capacity of milk cans.

An Act to authorize the erection of a weir in the waters of Cobscook Bay in the town of Lubec.

An Act to ratify, confirm and make valid the doings of the Congregational parish in Abbot village, and of the Abbot village Congregational church, and authorizing them to unite.

An Act to amend Paragraph 1 of Section 57 of Chapter 16 of the Revised Statutes, as amended by Chapter 188 of the Public Laws of 1917, relating to the payment of State aid to superintendents of unions of towns.

An Act to amend Sections 1, 2, 3, 5 and 11 of Chapter 222 of the Public Laws of 1917, entitled An Act to provide for mothers with dependent children.

An Act amendatory of and additional to Section 27 of Chapter 84 of the Revised Statutes, relating to the examination of applicants for admission to the bar.

An Act to extend the charter of the Lincoln County Street Railway.

An Act to amend Sections 20 and 21 of Chapter 8 of the Revised Statutes, as amended by Chapter 261 of the Public Laws of 1917, relating to moneys received from the sale of timber and grass on reserved lands.

An Act to amend Section 23 of Chapter 78 of the Revised Statutes, relating to the acknowledgment of deeds.

An Act to extend an Act entitled An Act to incorporate the Odd Fellows' Home of Maine.

An Act to amend Section 39 of Chapter 14 of the Revised Statutes, relating to leasing the shores in the Penobscot river belonging to the Penobscot tribe of Indians.

An Act relating to damage by flowage of public lands and highways on the islands in Penobscot river within

the limits of the Indian reservation of the Penobscot tribe of Indians.

An Act to amend Chapter 485 of the Private and Special Laws of 1901, as amended by Chapter 331 of the Private and Special Laws of 1909, relating to An Act to establish a municipal court in the town of Skowhegan.

An Act to amend Chapter 67 of the Revised Statutes, as amended by Section 1 of Chapter 133 of the Public Laws of 1917, relating to the notice of appointment given by registers of probate.

An Act to amend Chapter 37 of the Private and Special Laws of 1917, entitled An Act to provide a police commission for the city of Lewiston and to promote the efficiency of the police department thereof.

An Act to change the name of Whetstone pond in Abbot and Blanchard in the county of Piscataquis to Sylvan lake.

An Act additional to Chapter 349 of the Private and Special Laws of 1864, entitled An Act to incorporate the officers and members of Monument Lodge.

An Act to amend Section 82 of Chapter 115 of the Revised Statutes, as amended by Chapter 136 of the Laws of Maine of 1917, relating to support of debtors in jail.

An Act to extend the provisions of Chapter 214 of the Private and Special Laws of 1915, as extended by Chapter 50 of the Private and Special Laws of 1917, authorizing the town of Lisbon to supply gas and electricity.

An Act to amend Section 32 of Chapter 33 of the Revised Statutes, relating to mill waste deposited in lakes and ponds.

An Act to change the name of Sand pond in Denmark to Walden pond.

An Act to incorporate the Wesserunnett Stream Dam and Improvement Company.

Finally Passed

Resolve reimbursing the committee on State prison for expenses to Thomaston.

Resolve in favor of the city of Calais to reimburse said city for money expended for the care of State paupers.

Resolve in favor of Lydia M. Chadwick of Saco for teacher's pension.

Resolve in favor of Perley J. Gup-till of Machias for destruction of cattle by bears.

Resolve in favor of the town of Eagle Lake, to reimburse said town for a part of the excessive expenses incurred in the influenza and small-pox epidemics. (On motion by Mr. Thornton of Aroostook, tabled.)

Resolve in favor of Harry S. Coombs, for furnishing plans and specifications for four model school buildings for State board of education as per contract with the Honorable Payson Smith.

Resolve reimbursing Jacob Astle for fine and costs paid in case prosecuted for violation of the trapping laws.

Resolve appropriating money for lighting the Narrows between Upper and Lower Richardson lakes.

Resolve in favor of Charles P. Barnes, chairman of the committee on elections.

Resolve in favor of George A. Phillips for expenses incurred to establish his claim to seat in the 79th Legislature.

Resolve appropriating money for the continuation of agricultural investigations by the Maine agricultural experiment station on High-moor farm.

Resolve in favor of Westmanland plantation, for the payment of school funds forfeited by failure to file returns.

Resolve in favor of the town of Union for the payment of additional State school funds for the year 1918.

Resolve in favor of J. Wilbur Day, compensating him for loss of cattle by bears.

Resolve in favor of the town of Litchfield, reimbursing said town for money paid to Litchfield Academy.

Orders of the Day

On motion by Mr. Folsom of Somerset, An Act to amend Chapter 8 of the Revised Statutes relative to the office of the forest commissioner, tabled by him this morning, was taken from the table.

MR. FOLSOM: I now move that the Senate insist on its former action and ask for a committee of conference.

I will say in explanation of this motion that this bill relates to the salary of the forest commissioner. Early in the session an order was passed, ordering such measures to be referred to the committee on salaries and fees. This bill was so referred by the Senate. The action of the House was to refer it to the committee on State lands and forest preservation.

The motion was agreed to, and the Chair appointed upon such committee of conference, Messrs. Folsom of Somerset, Grant of Cumberland, Stanley of Oxford.

On motion by Mr. Grant of Cumberland, S. D. 117, An Act to provide an appropriation for general forestry purposes, was taken from the table, and on further motion by the same senator, the bill was given its second reading and was passed to be engrossed.

Mr. DAVIES of Cumberland: Mr. President, may I inquire, please, as to the whereabouts of H. D. 118, which was tabled yesterday on motion of Senator Deering? I have an amendment I wish to offer to it. I understood the Chair to state yesterday that an amendment would be in order this morning. The Chair may remember that remark.

The PRESIDENT: I remember it. The Chair would ask the senator from Cumberland, Senator Davies, if he has not in mind No. 188 instead of 118?

Mr. DAVIES: Yes, 188. Inadvertently I said 118.

Mr. DEERING of York: I move that S. D. 188 be taken from the table and have its first reading at the present time.

The motion was agreed to, and on further motion by the same senator the bill, An Act to incorporate the Steep Falls Water Company, was given its

first reading, and its second reading was assigned for tomorrow morning.

Mr. DAVIES: I understand by the expression of the Chair that the amendment will not be in order till tomorrow morning.

The PRESIDENT: Until tomorrow morning. I will state for the information of the senator from Cumberland that the confusion arose from the fact of our not having the bill in our possession, and not being able to find the bill in a moment.

Mr. DAVIES: Does the Chair object to entertaining a motion that the bill take its second reading at this time?

The PRESIDENT: Not under suspension of the rules.

On motion by Mr. Davies the rules were suspended and the bill was given its second reading.

The same senator then offered Senate Amendment A to H. D. 188, which was read by the secretary.

Senate Amendment A to House Bill No. 188

Amend Section 4 of House Bill No. 188 by adding to said section the words:

"In case of the crossing of any railroad, unless consent is given by the company owning or operating such railroad as to place, manner and condition of the crossing, within 30 days after such consent is requested by said water company, the Public Utilities Commission shall determine the place, manner and conditions of such crossings, and all work done within the limits of such railroad location shall be done under the supervision and to the satisfaction of such railroad company but at the expense of said water company."

Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Creighton of Knox, Adjourned.