

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

House Document

No. 132

H. P. 510 House of Representatives, Feb. 11, 1927.

Referred to Committee on Claims and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wing of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-SEVEN

RESOLVE, in Favor of Mrs. Blanche M. Banks of Auburn,
for Money Due Her Under Chapter Two Hundred Seventy-
six, Public Laws of Nineteen Hundred Seventeen, as the
Wife of John William Banks, a Sailor in the Late War.

Resolved: That the sum of three hundred and three dol-
2 lars be, and the same hereby is, appropriated to be paid to
3 Blanche M. Banks of Auburn for money due her under
4 chapter two hundred seventy-six, public laws of nineteen
5 hundred seventeen, as the wife of John William Banks, a
6 sailor in the late war.

STATEMENT OF FACTS

Mrs. Banks was born in Lewiston, Maine, and except as appears herein has always been a resident of this state. In 1903 she married John William Banks at Auburn, Maine, and by him had two children now living, Virginia D., aged 17 years, and John, aged 15. She lived with Mr. Banks until 1922, when differences arose between them and she obtained a divorce from him at Auburn in October, 1924, and received the custody of the two children who now live with her at Auburn and who are at school. The divorce libel was dated September 10, 1923.

At the time of said marriage Mr. Banks was 29 years old and had recently been discharged from the U. S. Navy in which he had been since the age of 20 when he enlisted. Prior to enlistment his home was in Chicago, but up to the time of the marriage he had not lived there, both his parents being dead and his sisters scattered. His actual home therefore when he married was in the navy.

After marriage, Mr. Banks continued to serve in the navy down to and through the World War and until 1923 when he was retired. During all her married life Mrs. Banks lived in Auburn, except for a period of about four years (immediately after marriage) in Porto Rico and other places to which her husband's service carried him; and she lived in Auburn during the entire period of the war and at the present time. So that after his marriage Mr. Banks' actual and legal home was in Auburn. The Bureau of Navigation, Navy Department, wrote a letter to Mrs. Banks dated May 31, 1923, and said that when he re-enlisted August 11, 1916, he gave 66 Spring Street, Auburn, Maine, as his home address and that up to 1923 the Bureau had not had notice of any change.

In April of 1917 the Legislature passed the law to aid the families of men in the service, entitled Chapter 276, which, being an emergency act, took effect April 7th, 1917. Under this law Mrs. Banks sought the aid to which she and her two children were entitled. The story of her attempt is as follows:

In May, 1917, she had gone to Albany, N. Y., where Mr. Banks was on recruiting duty. She returned to Auburn in June, 1917, to get her little girl who was at school and went back to Albany. Her husband being ordered to sea she came to Auburn the last of August, 1917, being the 30th or 31st,

and at once tried to see Ralph F. Burnham, then mayor of Auburn, for aid under said law. After two or three unsuccessful attempts to see him personally she reached him on the telephone. He told her that she was not entitled to any aid; that the law did not apply to families of sailors; and that she must show that she was in hard circumstances. This conversation must have been early in September, 1917. Mayor Burnham is now dead and the date cannot be verified. She did nothing more about the matter until her husband came home in the spring of 1918 on a furlough and questioned her about it. She then consulted George S. McCarty, Esquire, of Lewiston, who advised her to see Earl S. Lewis, then auditor of the city of Auburn. Mr. McCarty told her she was entitled to the aid. She saw Mr. Lewis, filed a written application, and went to him again but heard nothing more of her application. In 1919, someone again advising her that she was entitled, she went to Laurence P. Bearce who succeeded Mr. Lewis, who in turn advised her to see George W. Norton of Portland of the governor's council and chairman of the committee on military affairs. She saw him in October, 1919, and he approved her claim for the period July 1, 1918, to April 4, 1919, at the rate of \$7 a week, a total of \$279.00. A letter from the committee to the city, dated Feb. 21, 1920, authorized payment, and the city paid her \$279.00 March 11, 1920, and this is the only money she has ever received under said law. The \$7 covered \$4 a week for herself and \$1.50 a week for each child under 15. This present claim is for the balance due her for the period Sept. 1, 1917, to July 1, 1918, at \$7 a week, being 43 and 2/7 weeks or \$303.00. It appeared that the State could not authorize payments before July 1, 1918, because, by February of 1920, the fund for payments before such date was exhausted. (This appears by letter of G. W. Leadbetter to George C. Wing, Jr., dated Feb. 28, 1923, concerning this case.) Except for said letter of Feb. 21, 1920, the files of the city of Auburn seem to have no correspondence in the case. The original claim is not in the city files nor in Augusta (per letter of Mr. Leadbetter to Charles F. Adams, dated Jan. 21, 1927.) The claim may be among the effects of Mr. Norton (now deceased). Mr. Lewis, the auditor in

1918, has no recollection whatever of the case. It was the policy of the governor and council not to allow aid for any period before an application was filed, but the failure to file an application when Mrs. Banks first consulted Mayor Burnham was not her fault. In fact Mr. Leadbetter says (letter of Jan. 21, 1927, to Charles F. Adams) there were no blank forms until 1918. This aid should now come from the state, and not the city, because if Mrs. Banks had then been entitled to it and if the city had paid it, the state was required to reimburse the city.

Three points may be raised for consideration: (1) residence, (2) circumstances of the claimant, and (3) delay in introducing the resolve until this session of the legislature.

Residence:—The law of 1917 required dependents to be residents of Maine on April 1, 1917, but made no such requirement of the soldier himself. But what has been said shows that Mr. Banks' residence April 1, 1917, was in Maine. Furthermore he received the Maine bonus under Ch. 264, P. L. 1919, which law required him to be a resident at the time of his enlistment.

Circumstances of the Claimant:—The law of 1917 made no requirement as to the degree of need of wives and children; they had merely to be "dependent." The law of 1919, Ch. 169, repealed the act of 1917 and required the wife to be in "necessitous circumstances," but no claim is here made under the law of 1919. *The outstanding fact of the case is* that Councillor Norton allowed the claim under the law of 1917 for as long a period as he could. Mrs. Banks states that in 1917, 1918 and 1919, her sole income was from her husband and amounted to from \$75 to \$85 a month. She could not supplement this by work as she had two children to care for, then aged 6 and 8 years. In November, 1917, the boy was sick with pneumonia and required a trained nurse.

Delay:—Both in 1923 and 1925 Mrs. Banks took some steps to have a resolve introduced, taking the case up with Hon. George C. Wing, Jr., representative from Auburn, but in both years she brought it to his attention too late for action. In 1921, the first session after she received the \$279.00, she was not aware of this means of pursuing her rights.

February 9, 1927. I certify that I have read the foregoing resolve and statement of facts and the same is true to the best of my knowledge and belief.

BLANCHE M. BANKS. (Seal)

Subscribed and sworn to before me.

CHARLES F. ADAMS,
Notary Public.