

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1893.

COMMUNICATIONS,

AUGUSTA, January 17, 1893.

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

I have the honor to inform you, that in compliance with a Resolve of the Legislature, approved January 12, 1893, requesting the Governor to appoint a Commission to revise the militia laws of the State, I have appointed as such Commission, Selden Connor, of Portland; Samuel D. Leavitt, of Eastport; John Marshall Brown, of Portland; Winfield S. Choate, of Augusta, and Victor Brett, of Bangor.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
AUGUSTA, January 23, 1893. }

To the Honorable Senate and House of Representatives:

It is with feelings of great sadness that I announce to you the decease of Hon. William Wirt Virgin, a member of the judicial department of the State government, who died at his home in Portland early this morning.

He was an honored citizen, an able and upright judge, of untiring industry, of the strictest integrity, faithful in the performance of every duty, and one whose decisions were always grounded upon the broad and safe principles of truth and right.

I recommend that proper action be taken by the Legislative branch, as a tribute of respect to the memory of the distinguished jurist, whose judicial labors have become a part of the history of our State, and will long be remembered and appreciated by the people of Maine.

During the funeral services, the Executive Department will be closed.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
 AUGUSTA, January 27, 1893. }

To the People of Maine:

The Governor announces, with feelings of profound sorrow, that the Honorable James G. Blaine died in the city of Washington this forenoon at the hour of eleven o'clock. His long, faithful and distinguished service to his State and the country is fully recognized and appreciated. His noble life was filled with usefulness; he was highly honored while living, and his death is sincerely and deeply mourned by every household in the land. In recognition of his most eminent career, and as a manifestation of the high respect entertained for his memory, the Governor directs that the national flag be at once displayed at half mast upon the public buildings of the State, and during the funeral services, all the departments of the executive branch of the State government will be closed.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
 AUGUSTA, JANUARY 27, 1893. }

To the Honorable Senate and House of Representatives:

For weeks, the eyes of the American people have been turned toward the capital of the Nation. This morning at eleven o'clock James G. Blaine, the matchless debater, the brilliant orator, the eminent statesman, died in the city of Washington. In these halls, he began his distinguished public career. We recall with pride his patriotic utterance, in early life, to the people of Maine, "Perish all things else, the national life must be saved."

He loved his State, and believed in her people. Political affiliations have never estranged the deep affection entertained for him by his countrymen. Men of all parties mourn his death; but this great loss is most keenly felt by our people, for they claimed him as their own.

I have directed that the national flag be displayed at half-mast upon the public buildings of the State, and during the funeral service all the departments of the Executive branch of the State government will be closed.

I trust the Legislature will take appropriate action in honor of the memory of the deceased.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
AUGUSTA, February 15, 1893. }

To the Honorable Senate and House of Representatives:

Seven bills, duly enacted by the Senate and House of Representatives, relating to the protection of fish in various ponds and streams of the State are before me for approval. I have already approved five acts, during the session, applicable to the same subject matter, three of which are repealing acts, and two of the same repeal acts passed at the last session of the legislature. The history of this legislation shows that many of these special acts are passed at one session of the legislature and repealed at another. This legislation is accumulating so rapidly that I deem it proper to suggest to the legislature for consideration, the propriety of providing by general laws for the regulation of matters of this character. There is under our Constitution express provision for such legislation. The Commissioners on Inland Fisheries might properly be authorized, upon petition by a certain number of citizens, and after hearing, to regulate the time of taking fish in the various waters not now subject to existing laws, and the enforcement of such regulations may be secured by appropriate penalties. These special acts in the past have been frequently enacted without the general knowledge of the community affected. Under the proposed method, those in the vicinity would have an opportunity to be heard, and more satisfactory results reached than under the present course of legislative hearings, held so far distant from the communities to be affected that they cannot incur the expense of attending such hearings. The course proposed would give all citizens in the vicinity of the waters designed to be protected, an opportunity to be fully heard.

The Executive will be pleased to co-operate with the Legislature in any reasonable measures that will relieve us from this mass of special legislation, and at the same time carefully guard the interests of the public, and fully protect the inland waters of the State.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT,
 AUGUSTA, February 15, 1893 }

Gentlemen of the House of Representatives:

I have examined the Act entitled "An Act to incorporate the Auburn and Mechanic Falls Railroad Company" and am constrained to withhold my approval, if for no other reason than to afford the Legislature an opportunity to give the subject matter further consideration.

I have given to its various provisions a most careful consideration, for I observe that the charter members of the proposed organization are among the leading citizens of the State, interested in its progress and advancement. Some of its provisions do not afford sufficient security to the public, unduly invade private rights, and are against sound public policy.

Permit me to call your attention to some of the objections. The provisions contained in Section 2, limiting the remedies of parties injured in their person and property, to the conditions and limitations in the general statutes applicable to towns, does not afford sufficient protection to the traveler upon a railway. Highways are maintained for the free use of the traveling public; railroads carry for hire and should not be relieved, in their occupation of the streets, from the ordinary obligations resting upon carriers of passengers.

Section 9 provides that the provisions of the thirty-first chapter of the Revised Statutes, relative to the foreclosure and redemption of mortgages, and the rights, duties and liabilities of bond-holders and trustees, shall be made applicable to the bonds and mortgage deed of trust of this corporation. It will be seen that the provisions of the thirty-first chapter of the Revised Statutes have no reference to the foreclosure and redemption of mortgages or the rights, duties and liabilities of bond-holders or trustees, but relate to dealings between the principal, factors and agents in mercantile transactions.

If this allusion to Chapter thirty-one is a clerical error, and a reference was intended to Chapter fifty-one of the Revised Statutes, which is applicable to railroads and to the foreclosure and redemption of mortgages thereon and the rights and liabilities of bond-holders and trustees thereunder, then it would seem to be intended to give such bond-holders

and trustees the power, in case of default on the bonds, to organize as a railroad corporation, and still, under other provisions of the bill, they are exempt from the further obligations imposed upon railroads under Chapter fifty-one.

Section 10 of the proposed Act, authorizes the corporation in carrying out its purposes to take and hold "*by virtue of the right of eminent domain, any real or personal estate or water power and privileges which it may find necessary and convenient.*"

While I have no doubt this power would be wisely exercised under the management of the promoters of this enterprise, the provision referred to is so broad and sweeping in its terms, that it might permit an unwarrantable exercise of the constitutional provision authorizing the taking of private property for public uses. The proposed legislation would unreasonably jeopardize the rights of private land owners and mill owners and the possessor of water power and privileges upon which industries may already depend.

Section 13 seems to be somewhat contradictory of other provisions of the charter, uncertain in its operation, and involving legal propositions the judicial determination of which may injuriously affect the interests of the State and the people.

Under the provisions of Section 1, this corporation is authorized to "construct, equip, maintain and use a railroad with convenient single and double tracks, side tracks, switches, turn-outs and stations." The Board of Railroad Commissioners of the State, is constituted the appellate tribunal to review the decisions of the municipal officers of any city or town, in respect to any matters arising under this act. The Railroad Commissioners constitute the Board to determine the conditions on which this railroad shall cross any other railroad. While this corporation is given even greater powers than are ordinarily accorded to steam railroads, yet we find in Section 13 of the Act, the declaration that "said railroad shall not be deemed to be a railroad within the meaning of that term as used in the railroad statutes and public laws of this State." While this section may not have great force in law, it practically declares that this railroad with its extraordinary grants, *shall be a railroad* with all the rights and privileges which our laws guarantee,

and still not be a railroad, but exempt from those provisions of law that provide for the safety and care of the traveling public upon the railroads of the State.

Or if the purpose be to declare this to be only an *association*, to enable the corporators to run a street railroad as they might run a stage-coach or an omnibus for private advantage and free the corporation from the obligations of a railroad as common carriers, and its duties and obligations to the public as a railroad, then it seems to be unwise, if not unconstitutional, to grant to such organizations the exercise of the State's right of eminent domain, expressly reserved by our Constitution, for public purposes.

The declaration, contained in Section 14 of the bill, that the object of the corporation cannot be attained under the general laws relating to the organization of railroad corporations, seems to invade the province of the judicial department of the State, and I apprehend would not be regarded as conclusive.

In view of the great interest manifested in legislation involving special charters, you will again allow me to call attention to the provisions of Article four, part third of the Constitution of the State, directing that "The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation." This provision in our Constitution embodies the deliberate expression of the people of Maine, and it will be observed that it is positive, direct and mandatory; and the duty is enjoined upon us by this constitutional declaration to confine legislation of a private and special character to the narrowest limits consistent with the public weal.

The Constitution also provides that "Corporations shall be formed under general laws, and shall not be created by special acts of the Legislature, except for municipal purposes and in cases where the objects of the corporation cannot otherwise be attained." If the Legislature deems the objects of those desiring special charters and privileges, practicable, and existing laws are not sufficiently comprehensive to permit the accomplishment of the purposes desired, it may provide the remedy by additional public laws and thereby avoid the burdens of private and special legislation constantly increasing and pressing upon its attention.

In obedience to the constitutional provisions before referred to, a former Legislature determined that it was practicable to provide by general law for the organization of railroad corporations. It is certainly desirable to provide by general laws for the organization of all railroad corporations desiring to construct, maintain and operate railroads for public use, except perhaps where they cross tide waters, the State having determined that it will retain within its control, jurisdiction over all the tidal waters of the State, and that they shall be subject only to legislative action.

If it is practicable to permit the organization of steam railroads under the general laws, and to allow them to exercise the right of eminent domain, it would seem that it is also practicable to provide by general laws for the organization of electric or street railroads. If existing general laws are insufficient, and they are so deemed by many, if they are defective, if they do not furnish sufficient security to the investors of capital desiring to aid in the development of these enterprises, we shall be conforming to the people's demand and expectation, embodied in their Constitution, by making them sufficiently broad and liberal to meet all requirements. We are all desirous that nothing shall be done to hinder whatever may encourage enterprise and industry, and we should offer, by liberal enactments, every inducement that will aid in developing our broad acres, in building up our own industries and manufactures, and in making the people more prosperous.

Our Supreme Court has recently held, that the construction and operation of a street railway in the streets of our cities and towns, is not a new and different use of the land from its use as a highway. Laying down rails in the street and running street cars over them for the accommodation of the public may be a change in the mode of using the way, but not in the actual use; it is still used for a highway.

The Legislature of the State, representing the public, if there be no constitutional inhibition, has the paramount power over all public ways, subject to property rights and easements of the abutting owner, and may delegate the authority of permitting the location, construction and operation of lines of street railway to the local authorities.

The history of these enterprises has clearly demonstrated the propriety of conferring upon the cities and towns the

right to exercise some voice in a matter of so much consequence to them; and in more than ten of the states of our Union constitutional provisions have been adopted depriving the Legislature of the power to grant the right to construct and operate street railways in any city, town or village, without the consent of the local authorities. In many of the states of the Union, where no constitutional provision exists upon this subject, provision has been made by law investing the cities and towns with the right to permit the use of their streets for street railroad purposes and determine the conditions under which the privileges shall be enjoyed.

Some of these various constitutional and statute provisions provide that no law shall be passed by the Legislature, granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway, without first requiring the consent of such city, town or village having control of the streets or highways to be occupied by such street railway; and in many of the states it is provided that the franchise so granted shall not be transferred without similar assent first obtained.

The control and supervision of our public highways is vested in the local authorities. While it may be said that they are held in trust by the State for the public, they are controlled by municipal instrumentalities. The land owners adjoining the same and the public are interested in having them maintained in a condition to meet the public demands. There is a growing sentiment that special franchises and privileges should not be granted to private incorporators, to unduly burden the public easement, now enjoyed by the people of the various cities and towns in their highways, without the consent of the municipality interested.

I believe it is safe and practicable to provide by general law for the organization of street railways and avoid in the future, the great time and expense that has been incurred in the past in considering and granting these special charters. It is a matter that is entirely within the province of the Legislature to determine. The Executive is powerless to afford a remedy without the co-operation of the legislative department of the government.

It is not a pleasant obligation to withhold my signature to an act that has received the unanimous approval of the co-ordinate department of the government, but a sense of

duty compels me to return the same to the branch in which it originated, without my official approval.

HENRY B. CLEAVES.

EXECUTIVE CHAMBER, }
AUGUSTA, March 2, 1893. }

To the Honorable Senate and House of Representatives:

In compliance with the constitutional requirement applicable to the Executive, you will permit me to submit, for your consideration, some suggestions relating to the financial condition of the State; and I also submit herewith a communication from the State treasurer, a statement of appropriations already made at this session, amounting to the sum of \$1,184,-514.80; also an estimate from the State treasurer of the additional regular expenditures *required* for the year 1893, amounting to the sum of \$410,020.74; also a statement of proposed appropriations for 1893, reported by committees and now pending before the legislature, amounting to the sum of \$169,425.86; and also a statement of the estimated additional appropriations asked for and now pending before committees, that have not been finally adjudicated upon, amounting to the sum of \$86,500.00, making an aggregate of \$1,850,461.40.

I also have the honor to submit herewith an estimate from the State treasurer, of the receipts for the year 1893. It is based on general laws as they existed on the first day of January last.

An additional revenue of some thirty-five or forty thousand dollars will be received from the railroads, by reason of increased taxation upon these corporations; but sixty per cent of the additional revenue received from the Maine Central Railroad must be refunded to the various cities and towns, and also quite a per cent of the additional revenue received from the Boston and Maine Railroad, and a very large portion of this increased revenue comes from these two corporations.

One-half of whatever additional amount of revenue may be received from the savings banks will be distributed to various towns for school purposes. These two items constitute

the principal portion of the additional revenue secured by recent legislation. It will therefore be observed that while all of this increased revenue, in the first instance, is paid into the State treasury, it is not entirely available to meet appropriations made by the legislature, for existing laws provide that a very large portion of the same shall be used for *other specific purposes*.

The appropriations for the year 1891 amounted to the sum of \$1,657,936.47. Two hundred thousand dollars, on account of the temporary loan, was included in such appropriations.

The first appropriation bill passed *at this session* of the legislature, also included two hundred thousand dollars, on account of such temporary loan, but if excessive appropriations are to follow, the treasurer will be required to renew this entire loan, and use the money appropriated for this specific object, for other purposes.

Our existing temporary loan of three hundred thousand dollars reaches the constitutional limit. *We are precluded by the Constitution* from creating "any debt, or debts, liability or liabilities, on behalf of the State, which shall singly or in the aggregate, with previous debts or liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except to suppress insurrection, to repel invasion or for the purposes of war."

This loan of three hundred thousand dollars has existed since 1890, and it is certainly desirable that a payment shall be made on the same, and the funds appropriated for such purpose should not be diverted to meet other liabilities, created by special appropriations hereafter made.

And in this connection, you will also permit me to refer to the report of the State Treasurer, for the year 1892: It will be observed upon examination, (Page 49) that in the year 1887, our expenditures exceeded our receipts \$6,563.42; for the year 1888, the excess of expenditures over our receipts was \$40,004.62; for the year 1889, \$306,105.00; for the year 1890, \$107,712.24; the report shows that for the year 1891, our receipts exceeded our expenditures, \$34,937.43. While during the year 1891, there is an apparent excess of receipts over expenditures, yet there is included in such receipts, \$357,702.10 refunded to the State from the United States Government, on account of the direct tax; and except

for this item of revenue, there would have been an excess of expenditures over receipts for the year 1891, of \$322,764.67. The year 1892, shows an excess of receipts over expenditures of \$107,166.08, and is the first time during the past six years that our ordinary income has been equal to our expenditures.

Sound financial and business principles *absolutely require* that our expenditures shall not exceed our receipts, and that the State should have a surplus at all times available in its treasury.

It is a duty that is imperative upon us, in the administration of the affairs of the State to practice frugality, to carefully scrutinize all appropriations, and confine them to the narrowest limits consistent with the welfare of the people, the State and its institutions, and endeavor to reduce the rate of State taxation. While we are striving to secure new and additional revenues to the State from various sources, it will be of little avail in relieving the tax payers of the State, if it serves only to encourage appropriations which are not absolutely necessary.

The Legislature determines the amount of appropriations, after investigation and hearing. No other department of the government has the right to exercise that authority. The discretion and power rests where it should, with the chosen representatives of the people; and as I have suggested in a former communication to the Honorable Senate and House of Representatives, the whole subject is within your control. "It concerns every citizen of the State; it is your good judgment that must govern; and *every measure should be considered upon its own intrinsic merits.*"

And before the session closes, in the performance of the constitutional duties committed to you by the suffrages of the people, *you will determine the rate of taxation for State purposes*, for the coming two years, upon the valuation of the State; and that rate *must depend upon the good judgment and wisdom of the Legislature, in making appropriations from the public treasury.*

The Supreme Court of the State of Maine has held "That the power of taxation 'for the defense and benefit of the people' is limited only by the good sense and sound judgment of the Legislature." Our court has also held that "It is not for the judicial department to determine where legitimate taxation ends." It is the province of the Legislature.

I do not favor illiberality toward any of the interests or institutions of the State. I would deal with them justly, even liberally rather than penuriously; but we should, in considering all of these questions, constantly remember, that *it is the money of all the people we are appropriating; that appropriations of money demand taxation*; and that the little streams of revenue flowing from all sections of our State into the public Treasury, from which these appropriations are made, are the fruits of industry and toil, and should be guarded as vigilantly as the sagacious man would protect his private means.

I carefully refrain at this time from expressing any opinion for or against any of the proposed appropriations before your honorable bodies for consideration, but I have deemed it my duty to present to the legislature the accompanying statements from the Treasury Department, with the foregoing suggestions.

The people have imposed a great trust upon the Legislature and the Executive, and I earnestly urge the utmost conservatism. Our appropriations should be governed by the actual needs; we should strive to keep our expenditures within reasonable limits; then, we shall have conformed to the imperative demands of the occasion, and fulfilled the confident expectations of our constituents.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
AUGUSTA, March 27, 1893. }

To the Honorable Senate and House of Representatives:

In view of the growing tendency towards excessive legislation of a private character, the prevailing feeling of uncertainty and doubt as to the scope that should be given to this class of legislation, under the prohibitory clauses of our Constitution applicable to this subject, it is apparent that some effort should be made to limit within reasonable bounds the private legislation that is constantly increasing with each succeeding Legislature. It unnecessarily encroaches upon the time of the Legislature and has a tendency to divert our attention from legislative matters that more intimately concern the public interests of the State.

A thorough and exhaustive examination of this subject will require much care and attention. With the great accumulation of public matters requiring the attention of legislative committees during the session of the Legislature, they do not have the necessary time to devote to this special subject.

The Legislature will permit me to suggest the desirability of providing for a committee or commission to take into consideration the general subject of private and special legislation, to ascertain what subjects of this character may properly be provided for by general laws, and report to the next Legislature, with necessary drafts of bills applicable to such subjects. The whole matter can in this way be placed before the legislative branch at the commencement of the next session, and such general laws can be passed as are deemed advisable; then the Legislature can properly relieve itself from considering a large mass of subjects that should be provided for by such laws.

From the information I have been able to obtain bearing upon our expenditures, in this direction, if suitable provision can be made by public acts for such subjects of private legislation as may appropriately be provided for, it will reduce future State expenditures at each session of the Legislature, *at least twelve thousand dollars.*

I am satisfied, from an examination of previous legislation, that the enactment of such general or public laws, applicable to special and private legislation as are contemplated under the provisions of our Constitution, requiring that the Legislature shall provide as far as practicable by general laws for all matters usually appertaining to special or private legislation, and for the formation of private corporations, will dispense with a very large portion of the private and special acts that will in the future require legislative attention, better conserve the people and business interests of the State, curtail the enormous expense attending legislation of this character, and shorten the sessions of future Legislatures by several weeks.

I believe there is a general demand that a movement in this direction should be inaugurated, and if any other method more desirable to secure this purpose, suggests itself to the Legislature, I shall be pleased to co-operate with you in its accomplishment.

HENRY B. CLEAVES.

EXECUTIVE DEPARTMENT, }
 AUGUSTA, MARCH 29, 1893. }

To the President of the Senate

and Speaker of the House of Representatives:

I have the honor to transmit herewith a list of the Acts and Resolves passed by the Sixty-Sixth Legislature and approved by me, numbering 485 Acts and 106 Resolves.

I have no further communication to make.

HENRY B. CLEAVES.

STATE OF MAINE.

A PROCLAMATION BY THE GOVERNOR.

WHEREAS, The Legislature of the State of Maine, by the concurrent vote of both branches thereof, proposed an amendment to the Constitution of the State of Maine, by Resolves, approved March 31, 1891, as follows, to wit:

RESOLVES concerning an amendment of the Constitution, relative to appointment of Adjutant General.

Resolved, That the following amendment to the Constitution of this State be proposed for the action of the legal voters of this State in the manner provided by the Constitution, namely: Section 3, article 7 of the Constitution of this State is hereby amended, so that the same shall read as follows:

‘SECT. 3. The major generals shall be elected by the Senate and House of Representatives each having a negative on the other. The adjutant general and quartermaster general shall be appointed by the Governor. But the adjutant general shall perform the duties of quartermaster general until otherwise directed by law. The major generals and brigadier generals and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the Governor.’

Resolved, That the aldermen of cities, the selectmen of towns, and the assessors of the several plantations of this State are hereby empowered and directed to notify the voters of

their respective cities, towns and plantations in the manner prescribed by law at the meeting in September, in the year of our Lord one thousand eight hundred and ninety-two, to give in their votes upon the amendment proposed in the foregoing resolution; and the question shall be, "Shall the Constitution be amended as proposed by a resolution of the Legislature providing that the adjutant general and quartermaster general shall be appointed by the Governor," and the inhabitants of the said cities, towns and plantations shall vote by ballot on said question, those in favor of said amendment expressing it by the word "yes," upon their ballots, and those opposed to the amendment expressing it by the word "no," upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meeting, and lists of the votes so received shall be made and returned to the secretary of State in the same manner as votes for Governor, and the Governor and Council shall count the same and make return to the Legislature; and if a majority of the votes are in favor of said amendment, the Constitution shall be amended accordingly.

Resolved, That the secretary of State shall prepare and furnish to the several cities, towns and plantations, ballots and blank returns in conformity to the foregoing resolves, accompanied with a copy thereof.

And the lists of votes received in the cities, towns and plantations of the State, on the second Monday of September last, being the twelfth day of said month, upon the foregoing proposed amendment, having been made and returned to the office of the secretary of State, and examined and counted by the Governor and Council, are found to be as follows, to wit:

Nine thousand seven hundred and twenty-one votes for, and nine thousand five hundred and nine votes against said proposed amendment.

Now, therefore, I, Edwin C. Burleigh, Governor of the State of Maine in accordance with said resolves, a majority of the votes thrown appearing to be in favor of said amendment, do issue this proclamation, and declare such amendment adopted, and the Constitution of the State shall be amended accordingly to take effect on the first Wednesday of January, in the year of our Lord, one thousand eight hundred and ninety-three.

In testimony whereof, I have caused the seal of the State to be hereunto affixed, at Augusta, this thirteenth day of December, in the year of our Lord one thousand eight hundred and ninety-two, and in the one hundred and seventeenth year of the independence of the United States of America.

EDWIN C. BURLEIGH.

By the Governor,

NICHOLAS FESSENDEN,

Secretary of State.

STATE OF MAINE.

A PROCLAMATION BY THE GOVERNOR.

WHEREAS, the Legislature of the State of Maine, by the concurrent vote of both branches thereof, proposed an amendment to the Constitution of the State of Maine, by Resolves, approved April 3, 1891, as follows, to wit :

RESOLVES providing for an Educational Qualification of voters.

Resolved, Two-thirds of both branches of the legislature concurring, that the Constitution of this State be amended as follows :

‘No person shall have the right to vote or be eligible to office under the Constitution of this State, who shall not be able to read the Constitution in the English language and write his name ; provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards at the time this amendment shall take effect.’

Resolved, That the aldermen of cities, selectmen of towns, and assessors of plantations in the State, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law, at the annual meeting in September, eighteen hundred and ninety-two, to give in their votes upon the amendment

proposed in the foregoing resolve ; and the question shall be, "Shall the constitution be so amended so as to change the qualification of voters, as proposed in said resolve ;" and the inhabitants of said cities, towns and plantations, shall vote by ballot on said question ; those in favor of said amendment, voting "yes," and those opposed voting "no," upon their ballots ; and the ballots shall be received, sorted and counted and declared in open ward, town and plantation meeting, and fair lists of the votes shall be made out by the aldermen of cities, selectmen of towns and assessors of plantations, and signed by them, and attested by the clerk, and returned to the office of the secretary of State, in the same manner as votes for representatives, and the Governor and Council shall open and examine and count the same, and make return thereof to the next Legislature ; and if it shall appear that the majority of the votes cast and returned on the question is in favor of said amendment, the constitution shall be amended accordingly, and the amendment shall then be a part of the constitution, and the Governor shall make known the fact by his proclamation.

Resolved, That the secretary of State shall prepare and furnish to the several cities, towns and plantations, blank returns in conformity with the foregoing resolves, accompanied by a copy thereof.

And the lists of votes received in the cities, towns and plantations of the State, on the second Monday of September last, being the 12th day of said month, upon the foregoing proposed amendment, having been made and returned to the office of the secretary of State, and examined and counted by the Governor and Council, are found to be as follows, to wit :

Twenty-five thousand seven hundred and seventy-five votes for, and eighteen thousand and sixty-one votes against said proposed amendment.

Now, therefore, I, Edwin C. Burleigh, Governor of the State of Maine, in accordance with said resolves, a majority of the votes thrown appearing to be in favor of said amendment, do issue this proclamation, and declare said amendment adopted, and the Constitution of the State shall be amended accordingly to take effect on the first Wednesday of January in the year of our Lord, one thousand eight hundred and ninety-three.

In testimony whereof, I have caused the seal of the State to be hereunto affixed, at Augusta, this thirteenth day of December, in the year of our Lord one thousand eight hundred and ninety-two, and in the one hundred and seventeenth year of the independence of the United States of America.

EDWIN C. BURLEIGH.

By the Governor.

NICHOLAS FESSENDEN,
Secretary of State.

OFFICE OF SECRETARY OF STATE, }
Augusta, December 13, 1892. }

Amendments to Constitution of Maine, adopted in pursuance of the second section of the tenth article of the amended Constitution.

AMENDMENT XXVIII—APPOINTMENT OF ADJUTANT GENERAL.

‘SECT. 3. The major generals shall be elected by the senate and house of representatives each having a negative on the other. The adjutant general and quarter master general shall be appointed by the governor. But the adjutant general shall perform the duties of quarter master general until otherwise directed by law. The major generals and brigadier generals and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the governor.’

NOTE—The twenty-eighth amendment was proposed to the people by a resolve of the sixty-fourth Legislature approved March 31, 1891; adopted September 12, 1892; proclaimed by Governor Burleigh December 13, 1892, and took effect on the first Wednesday of January, 1893.

OFFICE OF SECRETARY OF STATE, }
 AUGUSTA, December 13, 1892. }

AMENDMENT XXIX—EDUCATIONAL QUALIFICATION OF VOTERS.

‘No person shall have the right to vote or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language and write his name; provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect.’

EXECUTIVE DEPARTMENT, }
 AUGUSTA, January 4, 1893. }

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

In accordance with the provisions of Chapter 100, Resolves of the sixty-fifth Legislature, “Concerning an amendment of the Constitution, relative to appointment of Adjutant General,” I have the honor to report that the lists of votes received in the cities, towns and plantations of the State, on the second Monday of September last, it being the twelfth day of said month, upon the proposed amendment, having been made and returned to the office of the Secretary of State were examined and counted by the Governor and Council and found to be as follows, to wit:

Nine thousand seven hundred and twenty-one votes for, and nine thousand five hundred and nine votes against said proposed amendment.

In accordance with the provisions of Chapter one, Section three of the Revised Statutes, on the thirteenth day of

NOTE.—The twenty-ninth amendment was proposed to the people by a resolve of the sixty-fourth Legislature, approved April 2, 1891; adopted September 12, 1891; proclaimed by Governor Burleigh December 13, 1892, and took effect on the first Wednesday of January, 1893.

December last, I issued a proclamation declaring said amendment adopted and that the Constitution of the State shall be amended accordingly, to take effect on the first Wednesday of January in the year of our Lord one thousand eight hundred and ninety-three.

I have the honor to be, very respectfully,

Your obedient servant,

EDWIN C. BURLEIGH.

OFFICE OF SECRETARY OF STATE, }
AUGUSTA, January 4, 1893. }

I hereby certify that the statements made in the foregoing communication are true and in accordance with the records in this Department.

NICHOLAS FESSENDEN,

Secretary of State.

EXECUTIVE DEPARTMENT, }
AUGUSTA, January 4, 1893. }

To the President of the Senate

and Speaker of the House of Representatives:

In accordance with the provisions of Chapter 109, Resolves of the sixty-fifth Legislature, providing for an educational qualification of voters, I have the honor to report that the lists of votes received in the cities, towns and plantations of the State, on the second Monday of September last, it being the twelfth day of said month, upon the proposed amendment, having been made and returned to the office of the Secretary of State, were examined and counted by the Governor and Council and found to be as follows, to wit:

Twenty-five thousand seven hundred and seventy-five votes for, and eighteen thousand and sixty-one votes against said proposed amendment.

In accordance with the provisions of Chapter one, Section three of the Revised Statutes, on the thirteenth day of December last, I issued a proclamation declaring said amendment adopted and that the Constitution of the State shall be

amended accordingly, to take effect on the first Wednesday of January in the year of our Lord one thousand eight hundred and ninety-three.

I have the honor to be very respectfully

Your obedient servant,

EDWIN C. BURLEIGH.

OFFICE OF SECRETARY OF STATE, }
AUGUSTA, January 4, 1893. }

I hereby certify that the statements made in the foregoing communication are true and in accordance with the records in this Department.

NICHOLAS FESSENDEN,

Secretary of State.