

MAINE STATE LEGISLATURE

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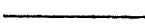
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

HOUSE.

Tuesday, March 19th.

Prayer by the Rev. Mr. Small of Gardiner.

Papers from the Senate disposed of in concurrence.

The following Senate bills received their several readings and were passed to be engrossed under suspension of the rules.

An act to establish a municipal court in the town of Pittsfield.

An act to incorporate the Frankfort Power Company.

An act in relation to trustee process.

An act authorizing the construction of a wharf into the tide waters of Penobscot river in Winterport, Me.

An act to amend Chapter 64 of the Private and Special Laws of 1899, which is an act to incorporate the Wilson Stream Dam Company.

An act to incorporate the Riverside Cemetery Association.

An act to authorize the sale of mortgaged estates subject to contingent remainders.

An act to supply the town of Houlton with pure water, had been by the House referred to the next Legislature, and comes from the Senate re-committed to the committee on legal affairs.

The House receded and concurred with the Senate in its reference.

Resolve in favor of establishing a fish hatchery and feeding station at Moosehead lake.

On motion of Mr. Hammond of South Paris this resolve was laid on the table pending its second reading.

On motion of Mr. Hix of Rockland, the rules were suspended, and that gentleman introduced resolve in favor of Frank H. Haskell to reimburse him for money paid for securing witnesses to attend the hearing on resolve in favor of the Maine Eye and Ear Infirmary.

On motion by Mr. Hix the rules were suspended, the resolve received its two readings and was passed to be engrossed.

Mr. Carleton of Winthrop asked unanimous consent to refer to the

committee on legal affairs bill, an act to legalize the doings of the town of Farmingdale in annual town meeting held March 11, 1901.

The motion was agreed to.

Mr. Frederick of Winterport asked unanimous consent to refer to the same committee bill, an act to legalize the doings of Ashur H. Mayo as justice of the peace and quorum.

The motion was agreed to.

Mr. Dearborn of Parsonsfield asked unanimous consent to refer to the committee on legal affairs bill, an act to amend Section 104 of Chapter 11 of the Revised Statutes relating to the duties of State superintendent of schools.

On motion of Mr. Walker of Starks, Ordered, that the attorney-general be respectfully required to communicate to the House of Representatives his opinion upon the following question: "Can the same man at the same time be chairman of the fish and game commission and a member of the House of Representatives?"

REPORTS OF COMMITTEES.

Mr. Chase from the committee on judiciary reported ought not to pass on bill, an act to repeal Chapter 100 of the Public Laws of 1891, entitled an act to create a forest commission and for the protection of forests.

Mr. Harris from the same committee on order of the Legislature reported resolve for the revision and consolidation of the Public Laws.

On motion of Mr. Carleton of Winthrop, the rules were suspended, the resolve was given its two readings and was passed to be engrossed.

Mr. Hix from the committee on financial affairs reported ought not to pass on resolve in favor of the State museum.

Mr. Putnam from the committee on legal affairs reported ought to pass on resolve in favor of repairing and rebuilding a bridge in the town of Orient.

On motion by Mr. Putnam the rules were suspended, the resolve received its two readings and was passed to be engrossed.

Mr. Trickey from the committee on taxation reported ought not to pass on bill, an act to provide for returns of telegraph and telephone companies to the State.

Same gentleman from same committee reported same on bill, an act to provide revenue for the State by charging a fair compensation for the use of lakes, ponds and rivers of the State for log driving and other purposes.

Same gentleman from same committee reported ought to pass on bill, an act to abate taxes on Township No. 4, Range 5, west of the Kennebec river in Somerset county.

On motion by Mr. Trickey the rules were suspended, the bill received its three readings and was passed to be engrossed.

The same gentleman from same committee reported ought to pass on resolve in favor of the town of Rockport for taxes unlawfully assessed.

On motion by Mr. Trickey the rules were suspended, the resolve received its two readings and was passed to be engrossed.

READ AND ASSIGNED.

An act to amend Section two of Chapter 315 of the Public Laws of 1897 relative to dead human bodies. (Tabled pending second reading on motion of Mr. Carleton of Winthrop).

An act to secure the preservation of the testimony given in trials for murder. (Passed to be engrossed under suspension of the rules on motion of Mr. Bennett of Hollis).

Resolve in favor of aid for a ferry across the St. John river and Little Black river in Allagash plantation.

PASSED TO BE ENGROSSED.

Resolve providing for the topographical survey for the years 1901 and 1902, and for the geological survey.

Resolve in favor of A. J. Cameron.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of repairing Mattawamkeag bridge.

Resolve in favor of Rev. C. S. Cummings, chaplain of the first regiment, National Guard.

Resolve in favor of the Maine Industrial School for Girls at Hallowell.

(Tabled pending second reading on motion of Mr. Chase of Portland).

Resolve to provide for the expenses of the Maine Industrial School at Hallowell. (Tabled pending second reading on motion of Mr. Chase of Portland).

PASSED TO BE ENACTED.

An act to correct clerical errors and make plain the meaning of and amend Chapter 35 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1899 relating to inland fisheries and game.

An act to regulate the herring fishery in the towns of Jonesport and Addison.

ORDERS OF THE DAY.

Today assigned: Bill relative to building bridge from Indian Island, Sebago lake, to mainland.

Mr. Purinton of Gorham offered amendments A and B to correct verbal inaccuracies.

The amendments were adopted, the bill was read the third time and was passed to be engrossed as amended.

Today assigned: Bill, relating to public drains and sewers.

Mr. Brewster of Lisbon offered an amendment to Section two, by striking out in the 21st line all after the word "purpose" as far as the word "and" in the 23rd line.

The amendment was adopted.

On motion by Mr. Brewster the rules were suspended, the bill was read the third time and was passed to be engrossed as amended.

Today assigned: Bill relating to salaries of assistant superintendents, stewards and matrons at the Insane hospital.

The bill was read the third time and was passed to be engrossed.

Today assigned: Bill relating to repair of highways.

On motion of Mr. Frederick of Winterport the bill was laid on the table and assigned for tomorrow afternoon.

Today assigned: Motion to substitute minority for majority report of committee on railroads, telegraphs and expresses reporting ought not to pass and ought to pass on bill to incorporate the Androscoggin Telephone Company.

Mr. BEAL of Bangor: Mr. Speaker, I move to substitute the minority report of that of the majority, as I signed the minority report it is proper that I should give my reasons for doing so. In the early stages of the session the principle of the State was well defined that there should be no monopolies or trusts in the telephone business in the State of Maine. We have granted charter after charter since that time, many charters were in existence before, and they amount to something like fifty. This is a matter more local than anything else, and is interesting more to the people who ask for the charter than for the State at large. There seems to be no reason under the established policy of the State why the charter should not be granted; and in order to be consistent with my former action and with the principle laid down by the Legislature I have made a minority report on this bill which is in effect that the charter should be granted.

Mr. LITTLE of Lewiston—Mr. Speaker and Gentlemen of the House: As a member of the committee from which came the majority report signed by nine members, of ought not to pass on the act to incorporate the Androscoggin Telephone Company, I deem it fitting at this time to explain our reasons for so doing and leave it to the good judgment and sound discretion of this House to accept the majority report of the committee.

We feel that charters for telephone companies are franchises, that this State should deal sparingly with and be careful in the distribution of, and we do not feel that this State should give such a broad charter as this one asked for, especially when there appeared no public or general demand for it, and when the promoters had not an inch of wire or a single pole, and no definite plans as to the aim of the company or the backing it should receive. If we give a charter so broad as this one covering three of the most populous and prosperous counties in the State for no greater reasons than those made at the hearing, we should establish a precedent that any one could come and receive valuable State franchises without any

sufficient reason other than he wants a charter, and the books of our State would be lumbered down with useless charters, and the owners of which would have the satisfaction of carrying around these free gotten public spoils in their vest pockets, to the disadvantage of the existing companies operating with honest intent in the State.

Admitting as you will that a State charter is valuable, you will certainly agree that anything valuable should not be given away unless value is received for it in public convenience or otherwise.

The natural questions for a committee to ask are: What do they want to do? Where do they want to go? Is there any demand for it? And what prospects there are of its success.

Your committee endeavored to ascertain these facts without any satisfaction. They could tell us what they wanted; because if, you give one a good thing he will take it. But they could not show us why we should give them this charter. They could not show us where they wanted to go, or that there was any demand for it or that they had an inch of wire or a single pole. The bill came to us evidently as a hurried copy, inasmuch as it came as a surprise, and as the same printed act was used, as this Legislature printed for the Poland Telephone Company, only the names of the incorporators were cut out and other names inserted, and the word Poland was drawn through with ink, and the word Androscoggin written over it.

You will see gentlemen of the House that it was not then a parallel case by any means with the Eastern Telephone Company's request. It was simply this: When it was found that a company had already asked for a charter for the territory composed of such men as the Ricker Bros. of the world renowned Poland Springs, of the Hon. Senator Fernald and other men who were in close touch with the territory over which they asked leave to spread their lines, men who are annually distributing hundreds of thousands of dollars to the dealers and farmers in that community, and who

already have 70 miles of wire in successful operation; it was then that the so-called Androscoggin Telephone Company asked us for an almost exact copy of the charter that we were to give the Poland Telephone people, and the only definite reason we could infer for their wanting it, inasmuch as they could give us none, was that they either wished to hold the same for some personal reasons which did not appear to the committee, or to use it as a hindrance to the Poland Telephone Company, that we were unanimous in favor of giving a charter to for such good reasons. In this particular case, the sole party appearing for this company and for himself, said he would be satisfied for the committee to amend this charter as they saw fit and inasmuch as your committee gentlemen, with the kindest of feelings for the applicant, wished to give him as much as they could conscientiously with the best interests of the State in view, inasmuch as the only places he had in view of connecting was a fish pond where some people had a summer cottage and wished to talk to Mechanic Falls, and running a line to a summer hotel now in process of construction, that are already customers of the Poland Telephone Company's, we thought we might give him that, and although we thought it a small matter to come to the State and ask a charter for we did not see why he should ask for so broad a one covering three counties. However, being perfectly willing to give him anything we could with reason, and not forgetting that he said we could amend his charter as we saw fit, we appointed a sub-committee to confer with him with the idea in view of ascertaining the location of the territory he wished to cover more definitely so we could amend his charter as he suggested. But he evidently forgot his remarks at the hearing, or changed his mind, for he informed our sub-committee that he did not care for a charter unless he could have as much as the other company had gotten. We therefore could not amend his charter so as to give him a wire to his fish pond, as on looking at the maps we found so many ponds in the neighborhood of Me-

chanic Falls, we did not know which one he meant. Therefore our only alternative was to consider the charter he asked for originally. I will say right here, gentlemen of the House and Mr. Speaker, that no members of the committee present at the hearing thought we should grant the charter asked for, the minority report being brought by a member not present at the hearing. To conclude, our State is prodigal in granting charters, and charters granted by the State of Maine are worth something, or they would not be sought after, and if people come to the State of Maine and ask for special privileges, the State has a right to know what they want, and a right to demand that it shall be for the benefit of the State at large. Our people do not believe in our dealing out these public franchises too freely and for nothing; and I leave it to you, gentlemen, do they ask for this charter for any good purpose, to subserve the best interests of any considerable class of people, or do they want it simply to be used to hinder existing enterprises, to to be used simply for private gain? I will leave it, gentlemen, to your good judgment, and believing that you have the best interests of the State at heart, I feel assured that you will accept the majority report of our committee, who viewed the matter in an entirely unprejudiced manner.

Mr. LIBBY of Poland: Mr. Speaker, the principles underlying this matter are the same as those in regard to the Eastern Telephone matter. I presented this bill and I presented it honestly and fairly after I supposed it had been decided by the Legislature of this State that there was to be no monopoly in this matter of telephones. The gentleman said that this bill covers the same ground as the Poland telephone matter. Did the gentleman oppose the Poland telephone charter? He must know that that charter covered three counties, this one covers but two. That one had a large capitalization, this one has but \$10,000. This one was asked for in the name of some honorable gentlemen who live in my town Mechanic Falls. We have a population of almost 2000, living upon about a mile

square of territory. The gentlemen who hold the Poland charter live out in the country eight or ten miles away from us, in a sparsely settled country district. Now it is said that they have and operate a telephone line in our town. The iniquity of the thing is that where anybody has a telephone strung of any charter or kind in your town or to your town are precluded from setting up an instrument or a wire or anything without their consent or the consent of this Legislature. I was surprised considerably and a great deal more disgusted to find after the policy of this State had been established and when I supposed there would be no question raised at all and could be none in a matter of this kind, to find appearing before the committee in opposition to the granting of this charter two men and two only. One was the attorney of the New England Telephone Co. and the other was a champion of the Eastern Telephone Co. in the fight which we had here, and when I appeared before the committee with this charter I found these two gentlemen there locked hand in hand to oppose this. I asked the representative of the New England Telephone Company if he had consented to the passage of the Poland Telephone charter through the committee. He said he had. I immediately thought the voice was indeed the voice of Jacob, but the hand was the hand of Esau. (Laughter.) I could not understand how in a short space of three weeks, this thing could have so turned about that the New England Telephone Company's attorney and that champion of the Eastern Company had linked hands, having got in out of the cold under a charter and were then ready to slam the door in everybody else's face.

Let me state to you that the only line which the people who claim to be incorporated under the charter this Poland Company had in our town, is a single string of old wire which has been standing for 15 years, built by private individuals and connecting our town with his saw mill four miles away, and they bought it for \$115, instruments and all, and there isn't a pole on the whole line that a respectable cat would dare to climb for fear

of its life. (Laughter and applause.) That is the kind of a line they now undertake to make a monopoly of and to shut us out from a charter. Here we are with 2000 people; they are out in the country ten miles away; they have got four miles of this line. It may be good policy for candidates for Governor to be taking positions of that kind. (Laughter and applause.) It is a wide, open door, and free contribution until after we get in, and then the door is to be shut. If that is the policy of the State, I am willing to go down with this charter. I believe it should be an open field, I believe the advantages of the telephone should be put where everybody can reach them and avail themselves of them. Everybody should have the right if they desire to build a telephone. I submit to you that this charter has been asked for in good faith by the people of a village of 2000 inhabitants in order that if they see fit they may connect themselves wherever they will. I hope before passing upon this question that the House will consider it in the light of what has already transpired in this Legislature. I refer to the fight which is now somewhat famous between the Eastern and the New England Company; and I hope you will grant it upon the same line and for the same reason.

Mr. DEERING of Saco: Mr. Speaker, a bill has been reported here that we shall repeal the whole of Chapter 103 in regard to one telephone company getting the consent of an other company in the same field. That bill removes one of the objections which the gentleman from Poland, makes against the majority report. When the Poland Company came before us five or six men were there and presented their claims. They presented a very strong case and showed that they needed a telephone. A few days afterwards the same bill with a few interlineations was sent in there and the only man who favored that charter was the gentleman from Poland, and he is the only man who has raised his voice at all before the committee in favor of that charter. I think if we go to the extreme advocated by the gentleman from

Poland, we would have a ruinous and destructive competition. I think there should neither be destructive monopoly or destructive competition. I submit if we grant another charter over almost the same territory that we have granted the Poland telephone charter we will have a destructive competition which is as bad as a destructive monopoly. I say to be consistent we must stand on that middle ground and keep it all the way through our action.

Mr. BIRD of Rockland: Mr. Speaker, the Poland Telephone Company certainly showed what they were doing and that they had good grounds to have their charter granted. When this charter for the Androscoggin Telephone Company was put in there it was an exact copy of the Poland telephone charter, word for word, excepting that the names were changed. Before the committee Mr. Libby stated that he wanted to connect a fish pond with Mechanic Falls, and he stated to the committee that if the committee did not see fit to grant it all, he was willing to take out Cumberland county or anything else that the committee might suggest. That was his principal point, to connect those places and that was practically what he asked for. The committee in a spirit of fairness appointed a sub-committee and various members of that committee consulted with Mr. Libby. Mr. Libby told me himself that that was what he wanted. The sub-committee took the matter up with Mr. Libby and he then stated that he guessed he did not want that but he wanted the whole; and that was the position in which it came before the committee. Mr. Libby told me the day he put in that telephone charter to the committee, he said to me: "Has Fernald got a charter put in?" I said he had. He said, "What is the matter with my having a charter?" and that as I understood was the basis on which it was put in. But that had no effect on the decision of the committee. We tried to meet the wants of Mr. Libby until the sub-committee reported that they were unable to make any terms with him.

Mr. LIBBY: This charter has been criticised on the ground that it was an

exact copy of the Poland charter. I ask any gentleman if he would not suppose that the charter which had already passed through a committee's inspection would be a good form for another one. That is the reason that I took that as a model, in order that there could be no criticism upon it. I took the Poland charter and changed it to meet the conditions we desired. I informed the committee that I would be willing to have them strike the eminent domain clause out of the charter.

The question being on the motion to submit the minority report for the report of the majority, on motion of Mr. Beal of Bangor, the yeas and nays were ordered.

YEA—Adams, Andrews of Rockport, Beal, Boyd, Briggs of Harrison, Briggs of Hudson, Carr, Carson, Coffin, Cramer, Crosby, Cushman, Davis, Dodge, Dunn, Farnsworth of Beddington, Gardner, Greene, Harvey, Hill of Belfast, Hill of Exeter, Hix, Jackson of Jefferson, Jackson of Monson, Kneeland, Lawrence, Leathers, Libby of Burnham, Libby of Poland, Loud, McDougall, McNamara, Minott, Morin, Moulton of Bowdoinham, Page, Parkhurst, Pattangall, Peabody, Porter, Powers of Fort Fairfield, Pratt, Purinton, Putnam of Dixfield, Putnam of Houlton, Ross, Russ, Skidmore, Somes, Stevens, Sturgis, Thomas, Thompson of China, Thornton, Trickey, Tufts, Walker, Walls, Walter, Young—60.

NAY—Allan of Portland, Allen of Sanford, Ballard, Bennett, Bird, Boothby, Brackett, Brewster, Burrill, Cain, Carleton, Chase, Clark, Cook, Cordwell, Deering, Dillingham, Dobson, Dudley, Eaton, Farnsworth of Pembroke, Fay, Fellows, Foster, Frederick, Fuller of Kennebunk, Gammon, Gooding, Hammond, Haskell of Lewiston, Haskell of Windham, Hodgkins, Hoxie, Hurd, Irving, Jones, Kaler, Kelley, Libbey of South Berwick, Little of Lewiston, Littlehale, Low, Maddocks, Mayo, Mead, Merritt, Sargent, Scammon, Shaw, Smith, Staples, Sutherland, Thompson of Bristol, Vogell, Webb, Weymouth, White of Naples, Williams, Wilson—59.

ABSENT—Andrews of Norwar, Bodwell, Bradford, Daigle, Dearborn, Farrell, Fuller of Auburn, Gilmore, Harris, Hinkley, Hutchings, Hyde, Knowlton, Laliberte, Little of Monmouth, Moulton of South Portland, Noyes, Pettengill, Phoenix, Pike, Plummer, Powers of Pittston, Randall, Sabourin, Sanborn, Spofford, Sprague, Swett, Tornquist, Weatherbee, White of East Machias—31.

The bill was then read twice. On motion of Mr. Libby, the rules were suspended, the bill received its third reading and was passed to be engrossed.

Today assigned: Motion to substitute minority for majority report of

committee on salaries, reporting ought not to pass on bill to increase pay of members of Legislature and to prohibit use of railroad passes or other free transportation by members of Legislature, and ought to pass on bill in new draft under same title.

Mr. GARDNER of Patten: Mr. Speaker and gentlemen of the House: The pending question before this House is the acceptance of one of the reports from the committee on salaries, and a motion has been made that you adopt the minority report, which offers the subject matter in a new draft instead of the majority report of ought not to pass on the original bill.

In other words, that majority report is negative and advises this Legislature to do nothing on the question of increasing the pay of members of the Legislature, and also, in fact, suggests and advises that the present semi-public custom of free passes from railroad corporations to members of the law making branch of our government be continued.

The minority of the committee recommend positive action and a decided change in some of the methods and practices now in vogue, and we hope, at least, to show some reasons for our position.

I feel that I am justified in saying here that some of my colleagues on the committee who have not taken action with the minority and who have not perhaps exactly the same view of the question as have some of the committee are frank to admit that the position of the minority is theoretically correct and the things we ask for right, and that the bulk of the argument against our proposition is "that it may not be expedient at this time."

The majority report having customary adoption it devolves on us to show reasons why it should not prevail in this case.

Now while the relation of the two propositions contained in this bill are intimate so far as they affect and relate to members of our next Legislature, because in fact, they both relate to the compensation for his services—so far as discussion in the abstract is concerned they are entirely separate and for that reason I shall treat them

in my brief argument as distinct propositions.

I will first call your attention to Section 1 of the bill which calls for an increase in salary of members of the Legislature to \$300 per session. Now I believe it is fair to assume that a very large majority of the members of this Legislature will admit in a private interview that beyond any question the salary of members of the Maine Legislature should be increased—even more than the bill under consideration calls for.

The present salary is a relic of the time of annual sessions and of a time when relative to the standard of living and to an average of earning power of our citizens a dollar filled a much larger place than at the present time.

It might be said that the question of salary is not a consideration to any man contemplating filling the position of a member of the Maine Legislature and that no man would be debarred from the position by the reason of the meagre salary. I disagree with such a conclusion and submit that if such is the case, no easier way could be found to assist State exchequer than by exacting a premium for a seat in either branch.

This argument carried to an extreme would lead to the conclusion that because some members of this Legislature may have been given a seat only after expending a large sum, that would-be legislators would be willing to pay a round sum for a seat, and yet I hardly think that any who might say we can get legislators enough at the present salary would conclude this a healthy condition.

For purposes of comparison, here are a few of the salaries paid by other states:

Ohio, \$1200 per session; 12 cents per mile.

Arkansas, \$6 per day; 20 cents each way mileage.

California, \$8 per day; 10 cents each way mileage.

Dakota, \$4 per day; 20 cents each way mileage.

Florida, \$6 per day; 10 cents each way mileage.

Montana, \$6 per day; 20 cents each way mileage.

Indiana, \$6 per day; \$5 for every 25 miles travel.

Louisiana, \$8 per day; — mileage.

Illinois, \$5 per day; 10 cents mileage.

New Hampshire, \$200 per session and mileage.

New Jersey, \$500 per session and travel free of charge.

Massachusetts, \$750 per session; \$2 per mile travel.

Iowa, \$550 per session; 5 cents per mile.

Pennsylvania, \$1500 per session; 20 cents per mile; \$50, stationery; \$100, postage.

Maine, \$150 per session; 10 cents per mile.

It is evident by these comparisons that Maine is behind the times and a bit "near."

The question also suggests itself, have not the few who control our State affairs been a bit selfish? Also have not many worthy men been debarred from aspiring to a position in the Legislature because they did not feel willing to go to the expense necessary to enable them to live at the State Capitol as they felt they might be called upon to do?

Also are not present conditions working towards a time when a class only of our citizens will feel able to fill Legislative positions most successfully—namely, the well-to-do?

Briefly the opposition to and arguments against an increase of salaries are: Indifference, extreme conservatism, and a vague feeling that it might not be politically expedient for some.

I believe it a sound, business move to increase the pay of our legislators and hope this House will so vote.

Mr. Speaker, in approaching a discussion of the questions brought out by Section II of the bill before us any proponent of the ideas therein contained must necessarily feel a certain restraint and delicacy in handling the matter as too frank speaking might be considered by some over sensitive member in the nature of a criticism of his personal position.

For this reason I wish to say in beginning that I trust my remarks will be taken wholly in a general way and that

nothing I may say will be taken as a reflection upon any.

Allow me also to say that during my brief legislative career I have been the recipient and user of railroad passes. Mr. Speaker the distribution of railroad passes to all members of the Legislature has not been the custom until within a few years, for until quite recently such favors were confined to a few of the leading and most influential members of the Legislature. It has been said that no legislative action will prevent the use of passes or a substitute by members, but I believe that if the law of our State ever so mild is against such a practice it will be respected by all.

Now it is a simple solution of the reason for free passes to put it this way—human nature is the same everywhere. Railroad corporations issue passes to members of the Legislature for one of two reasons; either to help the members or to help themselves. One conclusion seems more plausible than the other unless we decide that both reasons enter into it and that the real reason is to help the members help them.

If passes are given to help the members it is evident to all and but natural to conclude that the railroad corporations in this State feel that they owe something to the people of the State.

It is also safe to assume that they are not over-paying and but reasonable to suggest that any such self-assumed debt would be more equitably paid to the whole people by a general reduction of transportation rates.

If passes are given to help the corporation giving such, then those corporations expect and most certainly got value received or the practice would be discontinued. I am satisfied and glad to believe that the combination of the two reasons and the milder conclusion is nearer correct, and that to help us help them is the aim, and that the pass is considered a good business investment by certain corporations on the broad principle that men dislike to "look a gift horse in the mouth" and that few men can "hew to the line" in matters concerning their friends and benefactors.

It is evident that there are grave reasons why special favors from some sources to law-makers should be discontinued as quite a few States have laws against such practices. In most such

States railroad passes are prohibited, while in some cases free transportation is demanded for members of the Legislature and State officials as a special tax, but the general trend of law and the almost universal sentiment of the public is against private and personal arrangements between corporations and public men, and strongly against subsidies to law-makers.

It is in connection with public sentiment that the strongest objections to the use of passes arise, for there is no question that the respect of the people for the legislative branch of our government is the starting point of the respect for our laws—laws which are the result of the character and judgment of those who enact them.

Mr. Speaker, no member of this House will dispute that since the railroad pass has been generally used by members of both branches of our Legislature there has been much criticism of the practice by the people of our State nor will any member deny that many of our citizens openly charge that a certain great railroad corporation in this State largely controls and unduly influences legislation.

Gentlemen, such a belief even if entirely without cause is not a condition we can allow to exist if possible to prevent, and I submit that it is our duty to use every honorable means to discourage and prevent prejudice and class feeling in our State.

We are bound to make, if necessary, some personal sacrifice to this end. Gentlemen, it may be argued that the increase of salary called for in this bill, costing about \$15,000 a year, is a burden we should hesitate to assume, but I firmly believe that the tax payers of this State will most willingly pay this sum to do away with a questionable practice and to avoid any possible stigma upon the legislative branch of our government and its doings. I firmly believe the railroad corporations of our State could well afford to contribute double this amount to be free from any possible suggestion of an attempt to influence legislation for their gain.

Gentlemen, I firmly and honestly believe that the passage of this bill will be for the best interest of all. Pay the members of the next Legislature a salary at least somewhere near a fair compensation for their services. Relieve the railroad corporations of a situation placing them in the eyes of many of our citizens in a position most distasteful and from which they cannot easily free themselves.

Relieve any member of the Legislature who personally objects to receiving and using a railroad pass from any possible suspicion that his position is for effect.

Relieve members of subsequent Legislatures from the easily acquired habit and general custom of using railroad passes from any possible charge that thereby any member's position on questions concerning railroad corporations and coming before a Legislature of this State might be influenced.

Gentlemen, "the speech of people" is a tangible factor in all affairs of life, and it is most certainly our duty in legislative affairs to show a due and proper regard for it. I ask you to enact this bill for the dignity of the Legislature of Maine and to the credit of our State.

Mr. COOK of Vassalboro: There is no call for the State of Maine to pay the members of the Legislature any larger salary. It cannot be said that it requires a larger salary to get abler men. As for that, I think \$3000 will hire just as good a sheriff as \$5000. There are plenty of men for these positions who will take them for the salaries that the State has been paying all these years, and there are plenty of men who are willing to come here for the \$150 that they receive. Not that they come for that—of course not. There are plenty of men who could not afford to come here one week for the pay they get, and yet they are here and are willing to come again. If you would not say anything about it in the district which I represent I will admit that I would be willing to come here again for \$150. (Laughter). If I had a horse to sell worth \$150 I would feel ashamed to ask \$300 for it. (Laughter). We ought to serve the State and we are willing to serve the State as do the commoners of England, for the love of the work, for the interest we have in the State; and as long as we are willing to do that what is the use of burdening the State with another dozen thousand dollars? Three hundred dollars is no salary at all. It should be \$1000 in order to adequately pay the members.

In regard to railroad passes I wish to say that I am very grateful to the railroads for the passes they have given us winter. I like to use them. (Laughter). As to its influencing legislation I do not think the action of this Legislature this winter shows that these passes have bought them altogether. It seems to me that we had better let this alone. It is all right as it is.

The question being on the motion to substitute the minority report for the report of the majority, on motion of Mr. Cramer of Washington, the yeas and nays were ordered.

YEA—Adams, Carr, Carson, Fay, Gardner, Harris, Haskell of Lewiston, Kelley, Knowlton, Libby of Poland, McNamara, Pattangall, Peabody, Powers of Fort Fairfield, Putnam of Houlton, Russ, Weymouth, White of Naples—18.

NAY—Allan of Portland, Allen of Sanford, Andrews of Rockport, Ballard, Beal, Bennett, Bird, Brewster, Briggs of Harrison, Briggs of Hudson, Burrill, Cain, Chase, Clark, Cook, Cordwell, Cramer, Crosby, Cushman, Davis, Dearborn, Deering, Dillingham, Dobson, Dodge, Dudley, Dunn, Eaton, Farnsworth of Beddington, Farnsworth of Pembroke, Fellows, Fredrick, Fuller of Auburn, Fuller of Kennebunk, Gammon, Gooding, Greene, Hammond, Harvey, Hill of Exeter, Hodgkins, Hoxie, Hurd, Irving, Jackson of Jefferson, Jackson of Monson, Jones, Kaler, Kneeland, Lawrence, Leathers, Libby of Burn-

ham, Libbey of South Berwick, Little of Lewiston, Little of Monmouth, Loud, Low, Maddocks, Manley, Mayo, McDougall, Mead, Merritt, Minott, Morin, Moulton of Bowdoinham, Moulton of South Portland, Page, Pettingill, Pike, Porter, Powers of Pittston, Purinton, Putnam of Dixfield, Ross, Sanborn, Sargent, Scammon, Shaw, Skidmore, Smith, Somes, Staples, Stevens, Sturgis, Sutherland, Swett, Thomas, Thompson of Bristol, Thompson of China, Trickey, Tufts, Vogell, Walker, Walter, Webu, Williams, Wilson—35.

ABSENT—Andrews of Norway, Bodwell, Boothby, Boyd, Brackett, Bradford, Carleton, Daigle, Farrell, Foster, Gilmore, Hill of Belfast, Hinkley, Hix, Hutchings, Hyde, Laliberte, Littlehale, Noyes, Parkhurst, Phoenix, Plummer, Pratt, Randall, Sabourin, Spofford, Sprague, Thornton, Tornquist, Walls, Weatherbee, White of East Machias, Young—33.

PAIRED—Coffin, no; Haskell of Windham, yes.

So the motion was lost.

The majority report was then accepted.

Today assigned: Report of committee on temperance, reporting ought to pass on bill to amend Chapter 27, Revised Statutes, relating to the sale of intoxicating liquors.

Mr. Shaw of Bath, moved that the bill be indefinitely postponed.

Mr. CHASE of Portland: This bill is a proposition to declare that any beverage containing more than one per cent. of alcohol is intoxicating within the meaning of Chapter 27 of the Revised Statutes, within the meaning of the prohibitory law. The bill means that this Legislature shall declare something intoxicating which is not intoxicating. A more absurd and ridiculous proposition was never presented to the Legislature. I do not mean any criticism on the prohibitory law, but I do object to passing an act which will make the prohibitory law ridiculous and the laughing stock of this State and of every other. It would be just as sensible to declare that coffee and milk were intoxicating as to declare that these one per cent. beverages are intoxicating. I trust that the motion to indefinitely postpone will prevail.

Mr. FULLER of Kennebunk: I would like to refer the gentleman to a law passed in Massachusetts recently and sustained by the supreme court of that state. that one per cent. of alcohol is intoxicating.

Mr. CHASE: I was perfectly well aware that there is such a law in Massachusetts, and it was placed on the statute books by the consent and the aid and at the suggestion of the licensed liquor dealers of Massachusetts. They all wanted it to drive out the one per cent. fellows and to drive men who would drink those beers into their saloons where they would buy intoxicating liquors.

Mr. DAVIS of Waterville: This proposed legislation it seems to me, is very reasonable, and I hope it will not be indefinitely postponed. I sincerely believe that we should help our temperance friends in their efforts to enforce the prohibitory law. If you are consistent I ask you not to indefinitely postpone this bill, but brace up these men who are doing what they can for temperance in the State of Maine.

Mr. BEAL of Bangor: Buttermilk contains more than one per cent. of alcohol, so if we pass this act we shall not be able to sell our buttermilk.

Mr. KELLY of Lewiston: Mr. Pearson appeared before the committee on temperance and requested the passage of this bill. It is similar to one in Massachusetts. If it is necessary for him to have such a law as this, I shall certainly vote for it. As regards the reference to buttermilk made by the gentleman from Bangor (Mr. Beal) perhaps they may use milk in Bangor, but I doubt it. (Laughter and applause.)

Mr. ALLAN of Portland: I do not think the bill is ridiculous in any sense. It will be an aid in the enforcement of the liquor law in our county, at least, if not all over the State. Cumberland county has taken a pronounced view on this liquor question. In the enforcement of the law, our sheriff has found that the shops where light beers are sold have been a hindrance to the enforcement of the law. In one case he made certain seizures. The matter went to our court and the decision was that the beers were not intoxicating and they were given back. The effect was that within 24 hours in the city of Portland, shop after shop was opened for the sale of these beers. But the people do not want to drink these beers. These shops are opened

and under cover of these small beers the harder liquors are sold without so much liability to detection. There is now pending in our court a case where an officer has been sued for damages because he has seized liquors that were not intoxicating. The effect of that will be that when liquor sellers find that the officers are not seizing lithia beer every kind of liquor will be marked lithia or uno beer in order to escape the enforcement of the law. I submit for the reason that it will help us enforce our law, we should pass this bill. (Applause.)

The question being to indefinitely postpone the bill, on motion of Mr. Kelley of Lewiston, the yeas and nays were ordered.

YEA—Adams, Ballard, Beal, Bird, Bur-rill, Carleton, Carr, Chase, Cordwell, Deering, Dobson, Dudley, Dunn, Fellows, Frederick, Fuller of Auburn, Gardner, Harris, Harvey, Haskell, of Lewiston, Irving, Lawrence, Leathers, Libby of Burnham, Libby of Poland, Libby of So Bedwick, Little of Lewiston, Mayo, Page, Parkhurst, Porter, Powers of Fort Fair-field, Powers of Pittston, Pratt, Putnam of Houlton, Russ, Shaw, Skidmore, Thom-as, Vogell, Walls, Webb, Williams, Wil-son—45.

NAY—Allan of Portland, Allen of San-ford, Boothby, Boyd, Bradford, Brewster, Briggs of Harrison, Briggs of Hudson, Cain, Clark, Coffin, Cook, Cramer, Cros-by, Cushman, Davis, Dearborn, Dilling-ham, Dodge, Eaton, Farnsworth of Bed-dington, Farnsworth of Pembroke, Fay, Foster, Fuller of Kennebunk, Gammon, Gooding, Greene, Hammond, Hill of Bel-fast, Hill of Exeter, Hix, Hodgkins, Hoxie, Hurd, Jackson of Jefferson, Jack-son of Monson, Jones, Kaler, Kelley, Kneeland, Knowlton, Little of Monmouth, Littlehale, Loud, Low, Maddocks, Mc-Dougall, Mead, Merritt, Minott, Moulton of Bowdoinham, Moulton of South Port-land, Pattangall, Pike, Purinton, Putnam of Dixfield, Ross, Sanborn, Sargent, Sta-ples, Stevens, Sturgis, Swett, Thomp-son of Bristol, Thompson of China, Trick-ey, Tufts, Walter, Weymouth, White of Naples—71.

ABSENT—Andrews of Norway, And-rews of Rockport, Bennett, Bodwell, Brackett, Daigle, Farrell, Gilmore, Has-kell of Windham, Hinkley, Hutchings, Hyde, Laliberte, McNamara, Morin, Noyes, Peabody, Petengill, Phoenix, Plummer, Randall, Sabourin, Scammon, Smith, Sones, Spofford, Sprague, Suther-land, Thornton, Tornquist, Walker, Weatherbee, White of East Machias, Young—34.

So the motion was lost.

On motion by Mr. Foster of Oakland, the rules were suspended, the bill was

read twice and tabled on motion of Mr. Powers of Fort Fairfield.

Bill, an act fixing the amount of al-louance for clerk hire in the office of the adjutant general.

Came up as a special assignment.

On motion of Mr. Deering of Saco, the vote, whereby the House, March 14, adopted House amendment A, was re-considered, and the amendment reject-ed, and the bill then passed to be en-grossed.

Bill, an act for the better protection of shell fish within the towns of West Bath and Brunswick.

Came up as a special assignment.

Mr. Minott of Phippsburg, offered House amendments A and B, which were adopted. Mr. Wilson of Bruns-wick, moved to reconsider the vote whereby the House adopted amend-ment B.

The question being on the adoption of amendment B.

Mr. SHAW of Bath: Mr. Speaker and Gentlemen of the House, I hope and trust that the amendments offer-ed by the gentleman from Phipps-burg, will not be adopted.

The petitions asking for this bill were introduced by myself and were the petitions of residents of West Bath and also non-resident property owners in that town, all or nearly all of whom, I think are residents of the city which I have the honor to represent.

The territory covered by the bill is comparatively small, being the New Meadows river. The flats protected under this bill are all small, as com-pared with most of the clam flats on our coats.

Along the shore of this river, are lo-cated many farms and summer cottag-es; the cottagers and farmers have been able, until the past few years, to secure what clams they wanted for their own use, but during the past few years, people who live further down the river, have been digging them for shipment to the Boston and other mar-kets and for bait, so that today, it is very difficult for one to dig enough for the ordinary family consumption.

When these petitions were intro-duced, the residents and cottages owners on the Brunswick shore, oppo-

site the town of West Bath, thought it would not be fair to protect the West Bath shore, without protecting their shore opposite, which was certainly a reasonable claim on their part, as without such protection, those who are making a business of digging clams for the market and for bait in that section, would all be driven to their shore and would absolutely annihilate the clams there. For this reason, that part of the Brunswick shore was included in this bill.

Now I do not want the members of this House to understand that I am opposed to the towns of Phippsburg, Georgetown, or any other coast town, having the same protection as is incorporated in this bill for the towns of West Bath and Brunswick, because I believe that it is as much the duty of every town along our coast, to protect its clams, as it is to protect the lobsters, smelts, alewives, and other fish; but I believe the residents of such towns should first consider the matter and decide as to what they require in the way of laws to protect their respective interests, and that the members of the Legislature will not presume to know what they require, as the conditions might differ in different sections.

I believe that such bills should be introduced in the regular order, referred to the proper committee and a hearing granted to all parties in interest, especially when such important interests are affected as would be, by including in this bill the towns named in this amendment.

The only objection the friends of this bill have to including other towns in it is, that they fear that in two years, the people in the several towns, who earn a support for themselves and families, from this source, might come here in such force for the repeal of this law, on account of the restrictions which might be imposed by the selectmen of the several towns, that the law would be repealed.

If the gentleman from Phippsburg wants a similar bill for the several towns, let him introduce it tomorrow or today and I will support it, if I can feel satisfied that the people in inter-

est want it; in fact, I will go further than that, I am perfectly willing that the gentleman introduce a bill covering the towns in question, and I will support it without its reference to a committee, knowing that if it is not what his people want, the fault will rest on his shoulders and not on ours; and if the bill should not be satisfactory to the residents of the several towns, they can have it repealed in two years without disturbing this bill.

I do not want this bill killed either now or at the next session of the Legislature, as I know it is just what the people in the sections covered by it want.

I am informed that this bill was read at the town meeting recently held in West Bath, unanimously approved, and a vote passed requesting their representative, the gentleman from Phippsburg, to support the same.

Notice of such action was sent to the gentleman by the town clerk, the original of which, I have seen. (Applause.)

Mr. MINOTT of Phippsburg: Mr. Speaker and gentlemen of the House: It is a fact patent to all who live in the towns on the coast which have extensive clam flats within their limits that the statements contained in the report of the commissioner of sea and shore fisheries in relation to clams are true. While we all agree with him that this is the true state of affairs which exist, we probably should not agree with his observation on the necessity of legislation; neither should we agree with him in his ideas of what he thinks will be the best legislation. As I fear that his report is not familiar I will read from the same so that you may get an idea of his views:

THE CLAM AND SCALLOP INDUSTRY.

Sixteen hundred and seventy-seven (1677) persons were engaged in the digging of clams and the dredging of scallops in this State during the year 1900. In most sections this is done in connection with some other fishery or employment, and few if any of the above enumerated persons are in the business the entire year. Still, the three items of catch shown in the

table for this year, amount to the total equivalent of eight hundred and seventy-four thousand, four hundred and ninety (874,490) bushels, and while the factories in five counties utilize a large amount of the total yield, it is a fact that a great quantity was shipped out of the State to the Boston and New York markets in barrels, both shucked and in the shell. That this part of the business has grown greatly within a few years is a fact, both the canning and the shipping, while of course the consumption in the State—which somewhat increases necessarily—figures as a very small part of the total yield. As to shipping, I will give an illustration of the increase, that in my opinion, as compared with twenty years ago, five hundred barrels are now shipped out of the State where one barrel was shipped then, and I think that this year the markets in the states of Massachusetts, Rhode Island and New York are largely supplied from our shipments. The returns for clams and scallops for the year have been a considerable sum, amounting to three hundred and sixty-one thousand, one hundred and forty-seven dollars (\$361,147) and brings a considerable amount individually to those prosecuting it as they do for but a portion of the year, but the opinion generally prevails that the fields of clams are being gradually exhausted and at the present rate of utilization in a few years will result in extermination. While this statement may be overdrawn, I am satisfied that clams are not nearly so numerous or easily procured as in former years, and that some of the best fields of clams are undoubtedly being too heavily drawn upon for factory packing and shipping purposes, and that in many places where they were abundant a few years ago, now there are few or none. Reasons are given by the fishermen for the depletion of some of the more prolific sections of a few years ago. One class of men are of the opinion that when the flats were dug over in the cold winter weather, the growing clams and those too small for use are thrown out on top of the grounds in digging, and are thus exposed to freezing before the tide returns to cover them

with water and they are thus killed. On the other hand the opinion is expressed by many that when the flats are dug over in the hot summer days the young clams are thrown out in the same way and before the water returns to protect them the direct rays of old Sol beating upon the exposed young and tender clams, kill them. Both classes demand a close time, one in summer and one in winter. The above refers to large and prominent fields which are dug over thoroughly and systematically and all "turned up" as a potato field would be dug over. Section 1 of Chapter 32 of the Laws of 1890 was enacted to protect the more important fields of clams from entire exhaustion, and appears to do so by a close time for the months of June, July, August, and a part of September, but it does not in my opinion benefit the State. In certain sections the clams are thus allowed to grow for three months and become more plentiful when at the end of the protective period a large gang of men are ready to commence digging and shipping, and at the end of three months the result which would have been arrived at without a close time has been accomplished, simply by the employment of more men during a shorter period, and the flats have been as thoroughly dug and if possible more thoroughly "dug" and drained than they would without a close time. * * * * *

I have at this time no suggestions to offer as to restrictive legislation. To limit the size of the clam marketed as proposed by some would be impossible of enforcement. The demand for the State of Maine clams is certainly rapidly increasing and as certainly the store is being depleted, the demand being more than the supply, therefore the price should naturally be enhanced—the supply gradually decreasing, the price as gradually increasing—then by the law of compensation where the price gets beyond a certain limit the pendulum will swing back, the demand will be less, the price will go down, and perhaps upon that theory of economics the clams will protect themselves and the State be as well off without a change in the present law.

Now, gentlemen, this idea of the thing regulating itself by economic laws, I do not believe, nor do I believe it will be readily accepted by you. The demand for the State of Maine clams is certainly rapidly increasing and the store as certainly being depleted, the demand being more than the supply, and yet under these conditions the clams being unable to protect themselves and multiply. I know in my own town there is not one barrel dug and shipped now where there were four a few years ago, and the flats are dug over and over again, to obtain that one, and larger stretches of flats where the best digging was, have no clams in them at all now. Does it not seem more reasonable to think as the price is enhanced by the decreasing supply, that the flats will be dug over more thoroughly so that the higher price may be obtained?

Now, Mr. Speaker and gentlemen, what is it that brings a bill such as this bill before you? We have a bill reported unanimously from the committee on sea and shore fisheries ought to pass. What are the general Statutes relating to clams. Section 25, Chapter 40 as amended in 1899, reads:

Section 25, Chapter 40. A town may at its annual town meeting or the city council of any city, by ordinance 1899, fix the times in which clams may be taken within its limits and the price for which its municipal officers may grant permits therefor; and unless so regulated by vote residents of the town may take clams without written permit, but without permit any inhabitant within his own town or transient person therein may take clams for the consumption of himself or family. This section does not apply to hotel keepers taking clams for the use of their hotels nor does it interfere with any law relating to the taking of shell fish for bait by fishermen. Whoever takes clams contrary to municipal regulations authorized by this section shall for each offence be fined not more than \$10 or imprisonment not more than 30 days.

Perhaps as you have listened to the reading of this you have wondered why having such a general law as this

it is necessary to enact a special law like the one before us. The trouble is found in the following sentences of the previous section:

"But without such permit any inhabitant within his own town may take shell fish for the consumption of his family and any fisherman may take anywhere such fish suitable for bait and necessary for his use not exceeding seven bushels in the shell."

Now in practice a town votes certain restrictions—we have made various regulations from time to time in my own town and in the town of Georgetown, across the Kennebec river, and appointed wardens to enforce the same. The trouble arises, not from the inhabitants of your own town, but suddenly you will find a lot of strangers digging for dear life. If you accost them and inform them they are not permitted by the regulations of the town to dig clams they inform you that they are fishermen and can dig seven bushels per man. It is not possible to follow them up always and find out if they are using them for bait and the result is, under this guise, the town regulations are evaded and when they have depleted the flats they seem to be satisfied.

Sometimes they come in vessels, and by the time you have hunted up a warden and driven them off they have dug all that they could anyway as the tide is covering the flats and they are perfectly willing to sail away and go at work either on the flats in the next town, when the tide falls or in some other distant part of the same town and the fisherman clause seems to be a convenient loop hole when they are brought in court. Now gentlemen, you will see if you look at the law before us, that it does exactly what Section 25 purports to do and does not give the control of the clam flats to the towns absolutely.

I represent here this winter, six towns, three of which border on the salt water and are identified with the clam industry; Georgetown, with a population of 800; West Bath, with a population of 300, and my own town, with a population of 1250. Now West Bath adjoins my town and there will

be flats if this bill is passed as it now is which will be divided by the town boundary so that it will be unlawful for residents of my town to dig on the West Bath side of the line, while residents of West Bath can dig up to the seven bushel limit on the Phippsburg side of the line. I therefore, have desired to have Phippsburg included in the same law, and I have not felt that I should be properly looking out for the interests of Georgetown which I represent here, unless I also asked to have Georgetown included. Last Friday afternoon, I received the following letter from a resident of Georgetown, and these are the articles in the warrant of March 4 which he says were adopted:

Georgetown, Me., March 14, 1901.

Hon. Charles V. Minott, Jr.:

Dear Sir—Noticing an article in the Bath Enterprise of Wednesday, Nov. 13, in regard to taking of clams in West Bath, I hope if any chance comes to include our town in making the law more strict you will not fail to do so. In proof that this has the backing of the people here, I must respectfully refer you to our town warrant, Arts. 21, 22, 23, which were adopted. I send you by this mail our town report.

Art. 21. To see if the town will prohibit the digging of clams that are to be sold or transported out of the State; this prohibition to cover one year from the taking of this vote.

Art. 22. To see if the town will prohibit all persons not residents of the town, from digging clams to be sold in or out of the State.

Art. 23. To see if the town will authorize the selectmen to enforce the town and State law in regard to the digging of clams.

Knowing as I do the sentiment in my own town, and having this for a guarantee of the sentiment in Georgetown, I do not see, gentlemen, how I can adopt any other course than offer the amendment which I have been trying to get agreed on for the past two weeks, and I hope you will look at this law as the beginning of some legislation which is bound to come, and like the law of 1895, which made a close time for the towns of Cumberland, Yarmouth, etc., from June 1

to Sept. 15, which was enacted by the Legislature of 1899 to cover the whole State; so this law, experimental as it now is, I hope will be so successful that it will not take even four years to get a State law on the same general lines. Mr. Speaker, I submit this amendment.

Mr. WILSON of Brunswick: Mr. Speaker, I was hoping that I might get through this session of the Legislature without inflicting upon you a speech or an attempt thereto, but this matter of the clam having come up, and as many of my constituents are interested in this one article of food which God planted on our flats for the food in part of our poor people, and as that food is fast disappearing and in a short time will be absolutely exhausted in many localities, compels me to speak on the subject.

The bill under discussion was introduced into this House some weeks ago for the purpose if possible to prevent the utter extermination of clams in New Meadows river. The area of flats on this river is not large, but large enough to give the people who live on the banks of this river the clams necessary for their consumption for all time if they can be properly protected. The people of West Bath and Brunswick pray that the flats of this river be protected. Within a few years many hotels and cottages have been built on the banks of this beautiful river and have added many thousands of dollars worth of taxable property to West Bath and Brunswick.

The gentleman from Phippsburg wishes to amend this bill and take in all the flats east of this river so far as the historic town of Pemaquid. Now the people of Brunswick do not ask for protection of all the flats, of which we have many hundreds of acres, but would like to have this small area protected so at some future time our grandchildren might at least have preserved for them a specimen of this juicy and delicious bivalve. Now, what we want is this bill to pass as originally drawn. We want New Meadows river protected. If the gentleman from Phippsburg has certain flats in his town on which he wishes protection, I have no objection, in fact will do what

I can to assist him in obtaining the desired result, but I don't think it right, I don't think it just to amend this bill and bring upon it the opposition of the fishermen and market clam diggers of four or five towns. There can be no objection from anyone or from any source for the protection of the flats on New Meadows river, but if all the coast towns are going to be attached to this bill, I see its finish, and the people in Brunswick in a few years will not be able to find even a specimen clam on any of our flats. Mr. Speaker and gentlemen of the House, I hope the amendment will not be adopted. (Applause.)

Mr. MADDOCKS of Boothbay Harbor: Mr. Speaker, I will not undertake to add anything to the able statements made by the gentlemen from Bath and Brunswick. I will only state in a few words what took place in our committee room in relation to this bill.

After the usual notice was given parties who own cottages and hotels along New Meadows river appeared and gave their testimony in favor of the passage of this bill and so far as I know there was not opposition to it. The conditions which surround this locality are far different from other towns where they fish for the market or for bait, and I do not think it fair to include such towns as are interested in the clam fishery as an industry, which is distinctly opposite from the interests which surround West Bath and Brunswick on the New Meadows river; hence, I trust, Mr. Speaker and Gentlemen, that this amendment will not be accepted and that the bill will pass in its original form.

Mr. Minott offered House amendment C which was also rejected.

On motion of Mr. Shaw of Bath, the rules were suspended, the bill was read the third time and was passed to be engrossed as amended by House amendment A.

On motion of Mr. Parkhurst of Bangor, the rules were suspended, and the bill in regard to the Wesleyan Camp-meeting Association, was taken from the table.

On further motion by Mr. Parkhurst

the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Parkhurst offered amendment A which was adopted.

Mr. Hill of Belfast, offered amendment B. The amendment was adopted, and the bill was passed to be engrossed as amended.

Today assigned: Majority and minority reports of committee on legal affairs, reporting ought to pass and ought not to pass on bill to repeal law relating to State constables.

The House voted to limit the debate to 20 minutes to each side.

On motion of Mr. Hill of Belfast,
Adjourned.

Afternoon Session

The following Senate bills were read and passed to be engrossed under suspension of the rules:

An act relating to fraternal beneficiary organizations.

Resolve authorizing the representation of the State at the Louisiana Centennial Purchase Exposition to be held at St. Louis.

Mr. Libby, from the committee on legal affairs, reported ought to pass on bill, an act to legalize the doings of the town of Farmingdale in annual town meeting held March 11, 1901. (Read three times and passed to be engrossed on motion of Mr. Libby of Poland.)

Mr. Libby, from the committee on legal affairs, reporting ought to pass on bill, an act to legalize the doings of Ashur H. Mayo as justice of the peace. (Read three times and passed to be engrossed under suspension of the rules, on motion of Mr. Fellows of Bucksport.)

Mr. Putnam, from the committee on legal affairs, on bill, an act to supply the town of Houlton with pure water, reporting ought to pass in new draft bill, an act to enable the town of Houlton to purchase the stock and franchises of the Houlton Water Company, or in part thereof. (Read three times and passed to be engrossed under suspension of the rules, on motion of Mr. Putnam of Houlton.)

Mr. Page, from the committee on financial affairs, reported ought not to

pass on resolve in favor of Cyrus W. Davis.

Mr. Harris, from the Androscoggin county delegation, reported ought to pass on bill, an act to fix the compensation of the clerk of courts for Androscoggin county. (Read three times and passed to be engrossed under suspension of the rules on motion of Mr. Harris.)

On motion of Mr. Walker of Starks, the vote was reconsidered, whereby the House directed the attorney general to give his opinion as to whether the same man could hold the position of chairman of the committee on inland fisheries and game and be a member of the House of Representatives at the same time.

On further motion by Mr. Walker, the order was indefinitely postponed.

The following bills were passed to be enacted:

An act relating to the Standish Water and Construction Company.

An act relating to the fees of the sheriff of Cumberland county.

Today assigned: Majority and minority reports of the committee on legal affairs, reporting respectively ought to pass and ought not to pass on bill, an act to repeal Section 62 of Chapter 27 of the Revised Statutes as amended by Section 7 of Chapter 366 of the Public Laws of 1885, relating to State constables.

Mr. HILL of Belfast: Mr. Speaker, At the outset I am well aware that any doubt as to the wisdom of any provision of Chapter 27 is looked upon by some as a species of heresy, and I want it distinctly understood that this is no move to render less certain the enforcement of the prohibitory law and that it does not come from saloon keepers or their supporters, as they are well satisfied with present arrangement and I think they ought to be.

The petition from my city in favor of this bill is headed by two Sunday school superintendents and signed by 480 of the best citizens of Belfast.

A man who for personal reasons is opposed to this bill, applied to several clergymen for statements from them, but for reasons best known to him he did not make known the results. Two hearings were advertised on this bill and it has been a matter of common knowledge and talk all over Waldo County, and the only

person who appeared in opposition is an interested party, a trial justice who issues warrants to one of the State constables. Many members of this House are familiar with this question but some have never had these officers in their county and that there may be no misapprehension as to the purposes of this bill I wish very briefly to call attention to a few facts in connection with the law as it now stands and to its workings. Section 62 of Chapter 27 of the Revised Statutes provides that 30 or more well known tax payers in any county may petition the governor and council to appoint two or more State constables. All that the petitioners are required to show is that the provisions of Chapters 17 and 27 are not well enforced by county or local officers. If the governor and council find that such is the case the statute requires them to appoint two or more State constables. Their term of office is four years and their compensation is the same as that of sheriffs and their deputies. Here is a statute which practically allows 30 people to elect two county officers for a term of four years, responsible to no one in the county and who must be paid by the county. I submit that this is not and never was good legislation and that results have shown it.

Three years ago the 23rd day of February last, the governor appointed two State constables for the county of Waldo as the statutes required him to do, it having been shown that the prohibitory law was not well enforced in that county and there never has been a moment from that time to this that it could not be shown that precisely the same conditions existed. There has been no improvement whatever, and if the State constables have closed a single place where liquor is sold in the county of Waldo since their appointment three years ago, I have been unable to learn of it.

The united delegation from Waldo county to this Legislature, backed by the county commissioners and a great majority of the best citizens of that county, ask for a repeal of the law creating the office of State constable for several good and sufficient reasons, some of which I will give.

1st, the number of places where liquor is sold and the amount sold is not lessened by the State constables. Their failure has been laid at the door of judges and county attorneys, but experience has shown, in Waldo county at least, that no county attorney has been able to procure conviction on more than a certain number of cases against one individual at any one term of court.

One county attorney who procured all the indictments possible with the intention of driving certain men out of the business, settled over 50 cases against one man for \$500, or less than \$10 per case including costs, and then turned over 298 cases to his successor without evidence upon which to convict. The county attorney can secure all the indictments he can handle, and if he needs search and seizure cases to back them up the sheriff of

Waldo county is ready and willing at any time to serve honestly and faithfully all processes placed in his hands.

2nd, the divided responsibility which comes from having one man appointed to do another man's work.

If the people of a county do not want the law enforced, neither the sheriff nor the State constables can enforce it. If the people of a county want the law enforced, then let the responsibility fall upon the regularly constituted officers, and if they do not do what the people desire let them elect those who will. We want this law repealed now and our county officials placed on record for the next two years and allowed to show just what they will do. We know that the State constable law is of no use in Waldo county. Now as to other counties, no other county has State constable or has had for years.

Before introducing this bill I consulted with many well informed men, among them Rev. W. F. Berry of Waterville, and he gave me his opinion that the State constable law has been a failure everywhere it has been tried; and as he considered it of no use he was willing that it should be repealed.

There is now a strong movement in various parts of the State to enforce the prohibitory law, but nowhere has any one shown any desire to use this worse than useless Section 62 for that purpose, as it is a thoroughly established fact that all enforcement of law must come through the regularly constituted officers supported by a healthy sentiment among the people.

3rd, the expense. If our State constables had prevented the sale of liquor in any considerable degree very few people would question the cost, but under the circumstances it is a serious objection. I find by the pay rolls of the county treasurer that the fees and per diem of State constables, and costs created by them in police court and before trial justices during the last three years, amount to over \$4000; and that of the 119 cases appealed to the supreme court, as they tell me, only one case was settled in 1898, one case in 1899 and one in 1900, amounting to \$330 in all. It is true that one of the State constables procured and testified to before the grand jury the list of persons paying the U. S. tax as retail liquor dealers, and that indictments were found on the same and fines collected therefrom; but this work would be done as well by the sheriff and is so done in the other counties of the State.

If representatives from other counties desire to have this law for their county we are amply willing to allow this bill to be enacted for that purpose, but I sincerely hope that this House will respect the wishes of hundreds of the best citizens of Waldo county and give this bill a passage. (Applause).

Mr. ALLAN of Portland: Mr. Speaker, I simply wish to present the views of the committee on legal affairs in regard to these two reports. There

were a large number of petitioners from Waldo county asking that this act should be repealed. It was followed by a bill repealing the act. There was a hearing given at two different times, one on the petition and another on the act itself. The matter was thoroughly discussed on both sides and the committee after considering the matter came to the conclusion that they ought to present these two reports. The majority of the committee, if I understand them correctly thought that as this law was not applied to any county except Waldo it might as well be repealed. The minority of the committee claimed that as this petition came only from Waldo and as the law itself covered the whole State and as the facts in this case and the law itself showed no other way out of Waldo's troubles they reported to you that the bill should not pass. The law says that State constables appointed under this section shall give bonds with sufficient sureties in the sum of \$500, and that they may be removed from office by the Governor and Council for good and sufficient reasons and their places may be filled by appointment. This law I find in the Public Acts of 1885, Chapter 366. It would seem from this act that if any abuses grow up the citizens of Waldo could remedy the trouble by petition to the Governor and having these two men removed. Furthermore the facts showed that the terms of these two constables expire February 23, of next year. With the law as I have stated it, and with the fact of the expiration of the term of office of these liquor deputies, it was not deemed expedient to recommend that the entire law be repealed. For these reasons the committee reported as they did, and for these reasons I hope that the majority report will not be accepted but that the minority report may prevail.

The question being on the adoption of the majority report, a division was had and the majority report was accepted by a vote of 65 to 6.

The bill was then read twice, and on motion of Mr. Hill of Belfast, the rules were suspended, the bill was read the

third time and was passed to be engrossed.

Today assigned: Reports A and B of committee on inland fisheries and game, reporting ought to pass on bill relating to taking deer in September for food purposes, and leave to withdraw on petition for repeal of September law.

Mr. WILSON of Brunswick: Mr. Speaker and Gentlemen of the House, I hope you will bear with me while I consume a few moments of your time in expressing to you a few ideas in regard to the September law, so-called, which is now before you.

You have two reports from the inland fish and game committee on the bill calling for the repeal of the September Law. The law today, allows a person to kill one deer in September for food purposes, providing he pays the State \$4 if he be a resident and \$6 if he be a non-resident. Five men on the committee voted, "ought to pass," and five that "legislation was inexpedient," consequently you have two reports before you. Now, the question for you gentlemen to decide is which report will you accept.

I believe in the September law. I believed two years ago, when the law was enacted, that it was a good law, and I have seen nothing and have not heard of anything that would lead me to change my mind. I am aware that some of the wild land owners are opposed to this law on the ground as they claim that September hunting is dangerous; from the fact that September is usually a dry month, and the chances for fire, are greater on account of this law, which brings more people here to camp in September. Admitting that more people go into the woods in September than formerly, is not the risk of big fires lessened by having a corps of guides, whose duty it is to look after all fires kindled by them for the purpose of cooking or for any other purpose? Every guide, today, who takes out a license is an appointed fire warden and he is zealous in the performance of his duty. There are something over 1800 registered guides in the States of Maine. Allowing that half of them were employed in

September, you have three fire wardens for every two men who purchased a license to shoot a deer, for there were but six hundred licenses sold in the State of Maine last year. Now there must have been many hundreds of men in the woods last September without guides, and without licenses. I venture the assertion that although the woods were full of sportsmen in September in 1899 and 1900, and a severe drought occurred in this month both years, less damage resulted from fires than during any month of similar drought, with possibly two exceptions, that occurred prior to the time visitors began flocking into our State, and I believe the reason for this was wholly on account of the careful way that fires were looked after and extinguished by the guides in charge of the various parties. Now when the men who paid for licenses to shoot a deer in the month of September took with them fire wardens who were always on the alert for fires and ever ready in case they found one left by some camper without a guide to put it out, and thereby save what might have resulted in the destruction of many thousands of dollars worth of property had they not been on the ground.

Of all the licenses sold, 60 per cent. of them were sold at Moosehead lake, the gateway to the vast wilderness of the North, and yet not a dollar's worth of property was destroyed by a fire during that month in all that vast section. In Washington county there were extensive forest fires which did a great deal of damage, but the September law did not cause those fires, for only one license was sold in the locality where those fires started, and that was one not used. I again venture the assertion that had many licenses been sold in that county, and each sportsman been accompanied by a guide, even those fires would have been extinguished by the guides, for they would have been upon the ground and put them out before they gained headway.

To me it seemed that the strongest evidence we had before the committee why the law should not be repealed came from the gentlemen who own wild lands and who went before the

committee for its repeal. It is a significant fact that the land owners in locations where the larger part of the licenses were sold last September are not for the repeal of this law. Many of the wild land owners of this State are opposed to this law; many are in favor of it, and I honestly think that should this law be repealed, they would welcome the day when it would again be enacted. Be that as it may, Mr. Speaker and gentlemen, I leave it for you to decide. I will move, Mr. Speaker, that the petitioners have leave to withdraw. (Applause.)

Mr. SHAW of Bath: Mr. Speaker, I am interested directly or indirectly in from 75,000 to 80,000 acres of timber lands in the vicinity of Moosehead lake, some of them I believe as valuable as any timber lands in the State, as will be shown by the report of the State assessor. I am in favor of the September law as it is, because I firmly believe that it affords us the greatest protection that we can possibly have. I am slightly interested in the sporting business around Moosehead lake, but it is not enough to be worth mentioning. It has been stated to me today that some one had reported that I would be in favor of this law because I own the Kineo property. I want to say that I never owned a dollar in the Kineo property; neither do I own a dollar in that property today. I am heartily in favor of this present law because I believe it affords us protection.

Mr. PAGE of Skowhegan: Mr. Speaker, I am heartily in favor of this September law. I believe that it benefits every land owner in protecting his lands.

Mr. LAWRENCE of Gardiner: Mr. Speaker, as a land owner in the State, and our lands are principally in the vicinity of Moosehead lake, I wish to say that I am decidedly in favor of the present law as it is and I surely hope that it will not be repealed.

Mr. BEAL of Bangor: Mr. Speaker, I should judge from what has been said that this is legislation pure and simple for the timber land owners of the State of Maine. I think I can show you that this is not so. Let us suppose a case. A man may own 1000 acres of

land. It is worth to him whatever he can get for it. He sells a permit to some log men to go on that land and cut timber by the thousand. We will suppose he gets a dollar a thousand for the stumpage. The timber land owner is interested in the preservation of that timber only to the extent of one dollar a thousand on the timber. The lumberman goes in in the fall of the year with perhaps one hundred men upon that land. Perhaps he has contracted for five millions. He cuts it and then takes perhaps a hundred horses and he hauls those logs to the landing. When it comes spring he or someone goes up with another crew of perhaps one hundred men to raft those logs down to the mill. They may be lumber mills. If so, it takes them two or three months to get them down, so far do they have to be rafted. All this time is adding a great many dollars to every thousand of lumber that was cut from the stump. When he gets to the saw mill the men engage in manufacturing this lumber are numerous. And so it is, not only the manufacturer of the lumber in that mill, but the hauling of it on cars, and on the rivers, in vessels, and particularly on the cars I will say because that adds to the wealth of the State. You have been legislating all winter trying to get a revenue from the gross receipts of the railroad. This lumber which comes out on the cars is worth at least two dollars a thousand to the railroad, and that adds so much to the gross revenue of the road from which you are getting anywhere from one-half to four per cent. When that lumber is manufactured and ready to use in buildings it stands nearer the value of \$30 a thousand than it does one when it was on the stump. What has become of the rest of that value? Has it not gone into the labor in its various forms? Is that not what makes our State what it is? That is what gives our State the name of being a State with plenty of material and men and money, and gives us credit which we could get in no other way. We do not have the hard times that they have in other places for the reason that we employ our men.

Now when it comes to these men who come here with their petitions and ask us to repeal the September law, it is not for them but someone must move in the direction of repealing a dangerous law which is not only dangerous to the property owners of this State but to the State itself, and what is worth one dollar to

the property owners of this State is worth twenty dollars to the State. Take the man with ten or one hundred thousand acres—and they don't all live in Bangor who have that. They have this timberland on their hands. They have got nearly all they have in the world in those lands. If a man is permitted to go on there and build fires—and he will build fires if he goes at all—these land owners are nervous, they cannot help being nervous, they know that their property is jeopardized; but we are not nervous, we do not realize that the State of Maine is in danger twenty dollars where the land owner is in danger only one. They are obliged to carry what you might call an insurance policy to insure themselves against what? Against the law passed by the Legislature of the State of Maine for the benefit of the men who go into the woods on pleasure bent as against real honest, downright, hard, labor-earning money as it is earned by the laborers of this State. It is simply a question of whether we want to cater to the men who go into the woods for pleasure as against all the interests of the State combined, in the month of September, or whether we will ask them to wait until after we have had a good rainstorm, and then we do not object to their going in.

Now, Mr. Speaker, I will offer an amendment to the motion of the gentleman from Brunswick. I move to substitute the report of the committee whereby they reported a bill in a new draft and that it ought to pass, for the bill as offered.

Mr. Burrill of Ellsworth: Mr. Speaker, I find on looking over the petitions in favor of the repeal of this law that they are signed by the owners or representatives of the owners of fully nine per cent. of the timber lands in the county of Hancock. I also find that they are signed by every mill owner and operator on the Union river, which runs through the city which I have the honor to represent; and the people in our county are all opposed to it and I hope the new bill will pass.

Mr. FARNSWORTH of Beddington: Mr. Speaker, I represent a district which is strongly represented in the lumber industry. My constituency has petitioned me to use my influence in favor of the repeal of this law, and I wish to go on record here as being strongly in favor of it. It has been said that the guides are fire wardens. It is true that they may be, but they discharge their duties in very much the same way as many of our liquor deputies discharge their duties, in rather a questionable manner. I believe the law should be repealed and repealed at once, because I believe it is the wish and desire of a great majority of the timber land owners of the State of Maine.

Mr. WILLIAMS of Sangerville: Mr. Speaker, On two occasions when matters that have awakened the liveliest and widest interest were under consideration, aware that the House was impatient to reach a decision I have refrained from saying a word. It ought not to be thought strange that one should wish to

give reasons for the faith that is in him, especially as when, as on one occasion, it was more than intimated that one must be in favor of free rum who wanted to see an end of the most flagrant hypocrisy, the climax of humbug, within the knowledge of man. (Applause). I mention this to show how people seek to reach the same end by different means. My friend on the left whose brilliant fancy I so much admire, asserted that all re-embissionists were ready to swallow all the links of the sausages, ruin, ruin and re-embission (laughter), even spiced with the fatal lightning of his terrible swift sword and seasoned with the fiery wrath of Mrs. Nation, alias Vesuvius. On another occasion when it was assumed that one must be opposed to municipal ownership because he did not want to see property properly acquired depreciated, because in the mouth of village gossips, assisted by a wonderfully fertile and prolific imagination, a finger long cel has been made to assume the proportions of the often seen but never captured sea serpent.

I need not talk for I believe I know something about forest fires, for a speech long drawn out knowledge must be lacked for it is easy to talk if you don't know the facts. You can spread yours out on the sweepiest wings, loose as thistle down blown, and not run against things. Last fall when the forest fires were raging over in Penobscot above Bangor, when 10 or 12 miles off the nostrils were apprized by the peculiar odor that the very earth was burning from which the green trees sprung, aware of the wealth that the kindly earth yields without the care and toil of man, and aware that the murky soil of the low lands burns with fiercer heat and more complete destruction than the growth above, and often leave a scene of such barren desolation that ages must pass before any valuable growth can be renewed, I believe there is not a man here who would not have done anything to safeguard the forest lands. At that fire, whose lurid flames and all-prevading smoke was seen and suffered for miles around, hundreds of men were engaged day and night fighting a frantic, often losing, battle, filling the whole region with reasonable dread. It cost the towns where it raged a very considerable sum, yet it was not in the vast and continuous forest. Had it been in the great lake regions the loss no man can estimate. Their summer resorts would no longer have attracted admiring tourists; those forest regions would no longer been a vast deer park and game preserve; no sportsman

would have been attracted hither, but a wild and dreary scene of desolation, a worthless barren waste of fire-doomed desert where now the big game roves, the huntsman seeks health and pleasure and the lumberman people the wilds and make the winter scene both profitable and useful.

Realizing how much was at stake I became an alarmist; perhaps as much of an alarmist as the gentlemen in the House at a certain convenient period. Regarding this question I am an alarmist still. But my time is limited and I must not go farther except with casual remarks. I am always sorry to differ in any essential manner from men whom I so highly esteem, and regard as men in many respects possessed of better judgment than myself, but I cannot change my opinion on this question, I have avowed them, they are honest and I must stick by them. I am certainly in favor of everything that promotes material interests or the facilities for enjoyment and happiness of the people whether our own or those who come among us.

As it appeared at the hearing before the committee (in evidence) that there were as many men went into the woods—as shown by hotel and railroad records—before the September license was allowed, there can be no harm to transportation or hotel interests. With regard to the fear that land owners feel, it is shown in what my friend Henry Hudson of Guilford, who has just sold a part of a township, told me a few days ago, that one of his reasons for selling was the fire risk. His house is three stories with tower above, from which the lands were in sight, and last September he used many times a day to go up into that tower, although he kept a man patrolling the lands all the time. Now, for the sporting interests, it appears to me (and I have heard the same expressed by men who have gone into the woods to hunt every year) that the September law would work the greatest injury ultimately to the sporting interests, for the October hunters would find the game frightened or driven to inaccessible places and cease to find it sport to come and get nothing, or if persist-

ing 'till they did would find deer altogether too dear.

Now, the land owners are willing their property should be made a game preserve if their rights can be reasonably guarded. The fact that some are willing their lands should be entered in September ought not to deprive those who do not regard it as safe or proper protection. The loss of the forests of Maine would be a disaster to the whole people a hundred times above the present cash investment of individuals. For these reasons I favor repeal of the September law. (Applause.)

Mr. Beal of Bangor, moved to substitute report A.

Report A was adopted and the bill read twice.

Mr. Carleton of Winthrop, offered House amendment A which was adopted.

On motion of Mr. Beal of Bangor, the rules were suspended, the bill was read a third time and passed to be engrossed as amended.

Mr. Putnam of Houlton, asked and obtained unanimous consent to introduce a resolve in favor of the secretary of the committee on legal affairs.

On motion by Mr. Putnam, the rules were suspended, the resolve received its two several readings and was passed to be engrossed.

Today assigned: An act to incorporate the Long Pond Improvement Company.

Mr. Jackson of Monson, offered an amendment by striking out and inserting "this act shall not be construed to grant to said Long Pond Improvement Company or other persons the right to erect or maintain a dam at the outlet of Lake Onawa of greater height than the present dam at the outlet of said lake."

Mr. JACKSON of Monson: Mr. Speaker and gentlemen of the House: I have not heretofore trespassed upon the time of this House, and you may wonder at my temerity in presuming to do so in the closing days of the session, after having listened to the flights of oratory that have come to our ears when we fought the battle of the University of Maine, the salvos of artillery at the Gettysburg of resub-

mission, and entering upon the smoking woods of the Wilderness where we stood the solid fire coming from the floor of this House and the shots that came from the masked batteries located in the corridors where the lamented member of the third House was slain and the Camden water bill reached its "Waterloo." (Laughter and applause.) But, Mr. Speaker and gentlemen, emerging from these hard fought battles victorious, I have the courage to address this House for a few minutes upon a more peaceful subject.

In introducing this amendment I desire to state, in explanation, that at a hearing before the committee on interior waters in regard to the granting of this charter to the Long Pond Improvement Company, it was mutually agreed between the parties presenting the bill and those representing the property owners whose interests would be effected, that they did not wish to change the height of the present dam, that it would be perfectly satisfactory to have that limit embodied in the bill. But, Mr. Speaker and gentlemen, when the bill was reported (Senate bill No. 26), there was no limit to the height to which they might raise this dam, situated at the foot of Lake Onawa in upper Piscataquis county. And here let me say in passing, that Lake Onawa is the Long Pond valley is surrounded on all sides by towering mountains, the veritable Switzerland of America. Situated on the shores and islands of this beautiful inland lake are numerous cottages, some of them costing thousands of dollars, owned by parties living in Massachusetts, New York and other states, who go there every season, remaining throughout the summer and fall, and spending their money freely in that section of the State for those things which they may need and to the benefit of all the people in that locality.

Now, Mr. Speaker and gentlemen of the House, I appeal to you if it is not fair, in view of the fact that these property owners living out of the State and many of them unaware that this bill is before the House, to adopt this amendment, thereby granting all the friends of the bill ask for as we understand it, and also protecting the in-

terests of those affected thereby. (Applause.)

Mr. SHAW of Bath: It has been stated that this was a mutual agreement between the parties in interest that the bill should be so amended, but no such statement was made or evidence produced before the committee. The decision of the committee was unanimous. This bill was considered more in the nature of an extension of the existing charter or, if you please, ratifying what the company had already done who supposed that they were legally organized. The original charter was granted in 1895 and amended in 1897. This charter gives them no more rights than they have under that charter. They, not being familiar with the organization of corporations, supposed that they were legally organized and built their dam and proceeded under their charter, but they discovered that they were not a legal corporation under their charter, so to ratify what they had done they came here for a renewal or extension of their charter. The committee did not deem it necessary to amend it as suggested because if this company should raise that dam the people could recover full damages; and so the report was unanimous as I have stated.

The question being on the motion to refer the bill to the next Legislature,

The motion was lost.

The question being on the adoption of the amendment offered by Mr. Jackson of Monson, a division was had and the amendment was adopted by a vote of 56 to 29.

On motion of Mr. Beal of Bangor, the rules were suspended, the bill received its three several readings and was passed to be engrossed as amended.

Today assigned: Bill relating to building extension to court house in Skowhegan, county of Somerset.

The bill was read a second time.

Mr. Greene of Madison, offered an amendment by striking out Section 2 and substituting "this act shall be of no effect or force until it shall have been submitted to the legal voters of said county at the next general elec-

tion, and a majority of those voting shall have approved it."

Section 2. "This act shall take effect when approved except as otherwise provided."

Mr. PAGE of Skowhegan: We came to this Legislature asking the authority for our county to borrow the sum of \$15,000 for the purpose of extending the building or making needed repairs. The county buildings in our county were erected in 1872. They were a present to the county of Somerset by ex-Governor Coburn who was a life-long resident of that county. It has not cost in the lifetime of the oldest inhabitant one dollar for a court house in the county of Somerset. These buildings were erected under the direction of the county commissioners. But the buildings are not large enough. The offices in the court house are too small. The library is far too small. The traverse jury rooms are not more than 12 feet square. The judge's room is not over 7x8 feet square. We ask that our commissioners have the right to use this money if, after notice and hearing, they deem it advisable, for the purpose of extending the east end of this building to provide a suitable space for enlarging the various rooms which the building contains. I hope the amendment will not prevail.

Mr. MORIN of Embden: I do not think it is wise at the present time to increase our debt by a law to enlarge our court house.

Mr. DILLINGHAM of St. Albans: This bill was brought here by the lawyers of Somerset county and referred to the judiciary committee. They entirely ignored the representatives of Somerset county. I never knew that bill was in here until the day of the hearing before the committee; but at last the committee consented to let us in and have a hearing and then referred it to the Somerset county delegation. This was done and after several hearings we decided to have a minority and majority report. There were five in favor of submitting it to the people and five for the bill as it was presented. About the time this bill was to be presented the one who was to

present the majority report failed to do what he agreed to do; therefore the bill comes from the Senate as though it were reported by a unanimous vote of the delegation. I believe today that we have five of the delegation in favor of submitting it to the people. I believe in the referendum. I believe in government of the people by the people; and I believe that the people who bear the burdens of taxation should say how heavy their burdens should be. I do not believe that the lawyers of Somerset county ought to place on the poor people of Somerset, who are now burdened with taxes, just what they see fit. They have started here with \$15,000. That is only a starter. When that court house is repaired it will take more than \$30,000. This court house has been used for 28 years, and I believe that we have got some as good decisions from that court house as you can expect from any court house and it is just as big today as it ever was. (Laughter). Only perhaps the court house has not expanded with some of the minds of some of the lawyers. (Laughter and applause). I hope and trust that the people of this Legislature will say to Somerset county people that they can vote upon what is going to be taxed upon them. (Applause).

Mr. HOXIE of Fairfield, stated that he would like to be recorded as in favor of the amendment.

The question being on the adoption of the amendment, a division was had and the amendment was adopted by a vote of 63 to 29.

On motion of Mr. Page of Skowhegan, the rules were suspended, the bill received its three several readings and was passed to be engrossed as amended.

On motion of Mr. Eaton of Calais, majority and minority reports of committee on judiciary reporting ought not to pass on bill to change place of holding April term of supreme judicial court, county of Washington, and ought to pass on bill in new draft under same title, were eaken from the table.

On further motion by the same gentleman the reports were especially assigned for tomorrow afternoon at 3 o'clock.

On motion by Mr. Chase of Portland, order, relating to printing appropriation bill together with titles and amounts carried by other bills and resolves appropriating public money in three daily or weekly papers in each county within 30 days after adjournment of Legislature, was taken from the table.

On motion of Mr. Chase the order was indefinitely postponed.

On motion of Mr. Weymouth of Biddeford, bill, an act relating to collateral inheritance tax was taken from the table.

The bill was then passed to be enacted. Report of the committee on claims reporting ought to pass in new draft, resolve in favor of East Livermore, came up in its regular order.

On motion of Mr. Pettengill of Rumford, the resolve was referred to the next Legislature.

Resolve in aid of building a highway bridge across the Aroostook river, came up in its regular order.

Mr. Chase of Portland moved that the resolve be indefinitely postponed, and pending the question of indefinite postponement that the bill lie on the table until tomorrow afternoon.

Bill, an act to amend Chapter 295 of the Public Laws of 1885, relating to evidence of witnesses at coroner's inquests, came up in its regular order.

The bill was read the third time and was passed to be engrossed.

Bill, an act relating to dependent soldiers and sailors and their families, came up in its regular order.

On motion of Mr. Carleton of Winthrop, the vote was reconsidered whereby amendment A was adopted in reference to the war of 1861.

On further motion by Mr. Carleton, the amendment was rejected.

The bill was then passed to be engrossed.

Resolve in favor of Max Dondas came up in its regular order.

The resolve was read a second time and was passed to be engrossed.

Resolve in favor of Normal school trustees came up in its regular order.

The resolve was read once, and on motion of Mr. Walker of Starks, the rules were suspended, resolve received its second reading and was passed to be engrossed.

Resolve providing means for examination of claims for State pensions, came up in its regular order.

On motion of Mr. Bird of Rockland, the vote was reconsidered whereby this resolve was passed to be engrossed.

Mr. Bird offered amendment A, which was adopted, and the bill was then passed to be engrossed as amended.

Bill, an act empowering the county commissioners of Aroostook county to dispose of the holdings of said county in the preferred stock of the Bangor & Aroostook Railroad Company, came up in its regular order.

Mr. Irving of Caribou, offered amendment A.

Mr. Powers of Fort Fairfield stated that he wished to be recorded as protesting against the adoption of the amendment.

Mr. Irving of Caribou, spoke in favor of the amendment.

On motion of Mr. Thornton of Ashland, pending the adoption of the amendment, the bill was laid on the table until tomorrow morning.

Order relating to furnishing by commissioners of inland fisheries and game a list of acts relating to inland fisheries and game, came up in its regular order.

On motion of Mr. Thornton of Ashland, the order was indefinitely postponed.

Bill, an act in relation to corporations and to provide for a revenue therefrom, came up in its regular order.

Mr. Powers of Fort Fairfield, offered amendment A.

The amendment was rejected.

Mr. Davis of Waterville, offered amendment B.

The amendment was rejected.

The bill was then passed to be engrossed.

Mr. Thompson, from the committee on shore fisheries, reported bill, an act to amend Chapter 280 of the Public Laws of 1897, relating to sea and shore fisheries, and that it be referred to the next Legislature.

The report was accepted.

Messrs. Bradford, Maddocks and Thompson, a minority of the committee on shore fisheries, reported ought not to pass on bill, an act to amend Chapter 263 of the Private and Special Laws of 1887 entitled an act relating to the herring fishery of the St. Croix river.

Messrs. Pierce, Wilson, Buck, Sargent, Powers, Pike and Scammon, a majority of same committee, reported ought to pass in regard to same.

On motion of Mr. Bradford of Eastport, pending the acceptance of either report, the matter was laid on the table for printing and assigned for Thursday.

On motion of Mr. Little of Lewiston, bill, an act relative to caucuses in the city of Lewiston was taken from the table.

The bill was then read the third time and was passed to be engrossed.

On motion of Mr. Webb of Portland, resolve relating to legislative apportionment was taken from the table.

Mr. Webb offered amendment A which was adopted, and the resolve was then read the second time and was passed to be engrossed as amended.

On motion of Mr. Bennett of Hollis, resolve relating to Lee Normal academy was taken from the table and assigned for tomorrow afternoon.

On motion of Mr. Pettengill of Rumford, Adjourned.