

MAINE STATE LEGISLATURE

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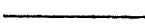
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

HOUSE.

Wednesday, March 20.

An act authorizing Melville E. Ladd and Robert Oran to construct a weir between Muscongus island and Indian island.

An act relating to taxation of certain deposits in savings banks and trust companies. On motion by Mr. Staples of Knox, Senate concurred with the House in accepting the report ought not to pass.

Report of the committee on temperance on order relating to abolishing the office of State liquor commissioner was taken from the table, and on motion of Mr. McFadden of Lincoln was referred to the next Legislature.

An act to abolish the board of county commissioners. This bill was indefinitely postponed.

An act to amend Chapter 137 of the Public Laws of 1887 as amended by Chapter 313 of the Public Laws of 1893, as further amended by Chapter 330 of the Public Laws of 1897, relating to service of subpoenas issued by disclosure commissioners, took its second reading and was passed to be engrossed.

An act to incorporate the Greenville Water Company.

An act to amend Chapter 296 of the Public Laws of 1885, relating to evidence of witnesses at coroners' inquests.

An act to enable Henry L. Stickney and Charles R. Goodrich to build a bridge in Sebago lake between Indian island and the mainland.

An act to amend section 2 of Chapter 27 of the Revised Statutes, relating to the construction of public drains and sewers.

An act to repeal Section 62 of Chapter 27 of the Revised Statutes, as amended by Chapter 7 and Chapter 366 of the Public Laws of 1885, relating to State constables.

An act to secure the preservation of testimony in trials for murder.

An act in relation to political caucuses in the city of Lewiston. On motion by Mr. Little of Androscoggin, laid on the table pending its passage to be engrossed.

The following joint standing committee, submitted their final reports: Education, banks and banking, sea and shore fisheries, libraries, Maine State Year Book, legal affairs.

On motion of Mr. McFadden of Lincoln the Senate adjourned.

Prayer by the Rev. Mr. Lewis of Gardiner.

Papers from the Senate disposed of in concurrence.

Resolve in favor of clerk and stenographer to the judiciary committee, comes from the Senate passed to be engrossed under suspension of the rules. In the House the rules were suspended, the resolve was read twice and passed to be engrossed in concurrence.

The committee of conference to which was referred bill, relating to poll taxes, reported that they were unable to agree.

On motion of Mr. Plummer, the report was laid on the table, pending its acceptance.

An act to extend the charter of the Dexter Safe Deposit and Trust Company, comes from the Senate read twice and passed to be engrossed under a suspension of the rules. In the House the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

An act to fix the terms of the supreme judicial court in the counties of Franklin, Knox, Sagadahoc, Somerset and York, comes from the Senate amended by Senate amendment A.

The House reconsidered the vote whereby the bill was passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

Mr. Sanborn of Webster, presented petition of W. A. Alexander and others of Androscoggin county in the town of Wales, in favor of increasing taxation on foreign corporations and wild lands. (Placed on file.)

The committee on financial affairs presented minority and majority reports in regard to bill relating to the Maine Eye and Ear Infirmary.

Mr. Carleton of Winthrop, moved that the minority report be substituted for that of the majority, and pending the vote, that the matter be laid on the table and assigned for this afternoon.

On motion of Mr. Plummer of Portland, the motion was amended by assigning it for 11 o'clock this morning.

On motion of Mr. Plummer, the conference report in regard to bill relating to poll taxes, was taken from the table. The bill had been indefinitely postponed in the House and comes from the Senate with a committee of conference appointed.

On motion of Mr. Carleton of Winthrop, the House refused to appoint a committee of conference.

On further motion by the same gentleman, the House voted to adhere to its former action.

Mr. Beal, from the committee on financial affairs, reported ought to pass on resolve authorizing a temporary loan for war purposes for 1902.

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

Mr. Scammon, from the committee on shore fisherier, reported ought to pass on bill, to prohibit the use of oil torches in the herring fishery.

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

Resolve in favor of aid for a ferry across the St. John river and Little Black river in Allegash plantation, was passed to be engrossed.

Mr. Walker of Starks, presented the following order:

Ordered, that the justices of the supreme judicial court are hereby requested to give to this House according to the provisions of the constitution in this behalf their opinion on the following questions, namely:

1st. Is the office of fish and game commissioner of the State of Maine an office of profit under this State within the provisions of Section 2 of Part 3 of Article 4 of the constitution which prohibits any person from holding an office for profit under this State from having a seat in either House of the Legislature during his holding of such office?

2d. It is necessary for a fish and game commissioner to resign or otherwise cease to hold that office before he

can be legally elected and qualified as a representative of the Legislature?

3d. If a person holding the office of fish and game commissioner is elected a representative to the Legislature and takes the oath of office as such representative, does such person thereupon and thereby cease to be a fish and game commissioner?

4th. Can a member of the present Legislature be legally appointed a fish and game commissioner after adjournment of the Legislature without first resigning his seat in the Legislature?

Mr. WALKER of Starks: Mr. Speaker, yesterday, I introduced an order on this subject matter asking that the attorney general of the State give his opinion upon that subject matter. The order was hastily drawn and soon after it was presented I found that he had no right to give such an opinion to this House, and that the proper method of procedure was to ask the justices of the supreme judicial court for that opinion. That is the reason why I move a reconsideration of that order and its indefinite postponement so we might proceed rightly upon this question. I believe that it is a subject matter of great importance to this State. If it be right and in accordance with the constitution for any gentleman who may be chairman of the fish and game commission to be a member of this Legislature, all right; I have no ill feelings at all toward the gentleman from Winthrop. But if it is in opposition to our constitution it is a dangerous precedent for us to establish.

Mr. CARLETON of Winthrop: Mr. Speaker, it is to be regretted that the gentleman from Starks (Mr. Walker) at this late hour in the session has just become aware of the danger of a member of the fish and game commission being a member of this House. He has sat here for 10 or 11 weeks until a little matter came up the other day which crossed him a little mite, and since then he has been wonderfully aroused to the extreme danger to which the State of Maine as he has stated to the House. Now I wish to amend his order. Of course he knows that we can get no opinion of the

court that will be of any value to us at this session, so I presume my seat is secure at least at this session, but I suppose his order means that if there should be an extra session of this Legislature he wants to know whether I have a right to sit here or not. If he had consulted any lawyer in the State or had read the books he would know that I have as good a right to my seat here as anybody. But I want to amend that order. If we are going into this matter, and this is a serious thing, and it is an emergency and one of those grave occasions when we may ask the opinion of the justices of the court for information, I do not want to be singled out and made a special object and so I want to amend the order—that the justices of the court shall also tell us whether our trustees of the Insane Asylum, trustees of the various institutions of the State, members of the cattle commission, for instance, can also be members of the Legislature at the same time. I will submit an amendment in writing.

Mr. WALKER: I will say to the gentleman from Winthrop that it is because I have read the books that I introduced this order, and if I had not read the constitution or consulted with any of the legal lights of the State undoubtedly I would never have introduced this order, but it is on account of the enlightenment which I have received that the order has gone in.

Mr. FOSTER of Oakland: At the last of the session and on the eve of adjournment, it is hardly fair in my opinion to bring up a matter like this; and I believe that I voice the sentiments of the members of this House when I make the motion to indefinitely postpone the order.

Mr. WILLIAMS of Vinalhaven: I hope the gentleman will also include the office of land agent as holding another office. I think it is a good plan to ventilate this thing now, and see who is eligible for office in the State of Maine.

Mr. WALKER: I accept the amendment offered by the gentleman from Winthrop.

Mr. CARLETON: I withdraw my amendment.

Mr. LIBBY of Poland: I move that this matter be laid on the table for one hour to give an opportunity for preparing an amendment.

The motion was agreed to.

PASSED TO BE ENACTED.

An act to amend Section 2 of Chapter 91 of the Revised Statutes relating to fees of town and city clerks for recording mortgages. (Tabled on motion of Mr. Thornton of Ashland.)

An act to ratify, confirm and define the charter of the York Water Company.

An act to prevent ice fishing in Bonneg Beg and "L" ponds, situated partly in North Berwick, Sanford and Wells, in the county of York.

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

An act to extend the charter of the Waldoboro Water and Electric Light and Power Company.

An act to amend Chapter 167 of the Laws of 1885, incorporating the Mount Hope Cemetery Corporation.

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

An act to incorporate the York Beach Village Corporation.

An act to authorize cities and towns to establish manual training schools.

An act amending an act creating the Rumford Falls municipal court.

An act to prohibit the killing of deer in the town of Swan's Island in Hancock county.

An act to authorize the judge of probate for Kennebec county to grant administration to the estate of James Lamb.

An act to amend Section 1 of Chapter 191 of the Private and Special Laws of 1899, relating to the taking of salmon in the Penobscot river above the water works dam at Bangor.

An act to authorize the Skowhegan Hall Association of Skowhegan, in the county of Somerset and State of Maine to issue bonds to the amount of \$25,000, to pay the outstanding indebtedness of said corporation, known as preferred stock.

An act in relation to the annual town meeting of Boothbay Harbor.

An act to amend Section 6 of Chapter 132 of the Revised Statutes relat-

ing to the issuing of warrants by magistrates.

An act to amend the charter of the Springvale Aqueduct Company.

An act to amend Chapter 60 of the Public Laws of 1895 entitled an act to amend Chapter 21 of the Public Laws of 1887, entitled an act to amend Chapter 280 of the Public Laws of 1885, entitled an act amendatory to Section 29 of Chapter 91 of the Revised Statutes, relating to liens.

An act to incorporate the town of Crystal.

An act to authorize the town of East Machias to erect and maintain a half tide dam across the East Machias river, on or near the site of the former dam.

An act to amend Chapter 237 of the Private and Special Laws of 1883, entitled an act to amend an act to incorporate the city of Auburn, relating to election of assessors of taxes and overseers of the poor.

An act providing that the sheriff of Penobscot county shall not be entitled to a percentage of the fees of his deputies.

An act to supply the people of South Gardiner village in the city of Gardiner, with pure water.

An act to legalize and make valid the acts and doings of the city council of the city of Saco, pertaining to the annual appropriations and the commitment of taxes for the year 1900.

An act to incorporate Union Lodge, No. 31, of Free and Accepted Masons of Union, Me.

An act to authorize the construction of a wharf or wharves into the tide waters of the Penobscot river at Bucksport.

An act to provide for the transfer of patients in insane hospitals.

An act to amend Section 54 of Chapter 80 of the Revised Statutes as amended by Chapter 328 of the Public Laws of 1897, relating to constables.

An act authorizing the Old Orchard Water Company to issue bonds for refunding and other proper purposes.

An act to prevent the throwing of sawdust and other refuse matter into the tributaries of the lakes and ponds in Vienna and Mount Vernon.

An act to prohibit the catching of trout in Tufts, Dutton and Grindstone ponds and their tributaries in the town of Kingfield, Franklin county, for sale.

An act to amend Chapter 279 of the Public Laws of 1897, relating to the packing of sardines.

An act to protect screens in lakes, erected by authority of the State, and to permit ice fishing in Green lake, in the county of Hancock.

An act to amend Chapter 42 of the Public Laws of 1899, relating to the taking of black bass in certain lakes in Kennebec and Somerset counties; also Sabattus pond in Androscoggin county.

An act establishing a salary for the sheriff of Sagadahoc county.

An act to fix the salary of the register of deeds for the county of Androscoggin.

Mr. Gardner of Patten, asked unanimous consent to introduce resolve in favor of P. H. Gardner, secretary of the committee on taxation, and moved that it take its two readings and be passed to be engrossed under suspension of the rules.

The motion was agreed to.

ORDERS OF THE DAY.

An act to regulate membership and rights of membership in the Penobscot tribe of Indians.

The bill was read twice and on motion of Mr. Swett of Kittery, the rules were suspended, the bill received its third reading and was passed to be engrossed.

Resolve, bridge across the Kennebec river at Bingham.

On motion of Mr. Plummer of Portland, this resolve was referred to the next Legislature.

Bill providing for State roads and the improvement thereof.

Mr. Chase of Portland, moved that the bill be referred to the next Legislature.

(Discussion ensued.)

On motion of Mr. Libby of South Berwick, the yeas and nays were ordered.

YEA—Adams, Andrews of Norway, Beal, Briggs of Harrison, Carleton, Carson, Chase, Cushman, Dearborn, Dunn, Farnsworth of Pembroke, Foster, Gammou, Gilmore, Hammond, Hurd, Jackson,

of Jefferson, Kneeland, Lawrence, Libby of Poland, Libbey of South Berwick, Littlehale, Mayo, McDougall, Purinton, Russ, Sanborn, Scammon, Skidmore, Smith, Some, Swett, Thomas, Thompson of Bristol, Tufts, Walker—36.

NAY—Allan of Portland, Andrews of Rockport, Ballard, Bennett, Bird, Boothby, Boyd, Brackett, Bradford, Brewster, Briggs of Hudson, Burrill, Cain, Carr, Clark, Coffin, Cook, Cramer, Crosby, Davis, Dobson, Dodge, Dudley, Eaton, Farnsworth of Beddington, Fay, Fellows, Frederick, Fuller of Auburn, Fuller of Kennebunk, Gardner, Gooding, Greene, Harvey, Haskell of Lewiston, Haskell of Windham, Hill of Belfast, Hill of Exeter, Hix, Hodgkins, Hoxie, Hyde, Jackson of Monson, Jones, Kaler, Kelley, Knowlton, Laliberte, Leathers, Little of Lewiston, Little of Monmouth, Loud, Madocks, McNamara, Mead, Merritt, Minott, Morin, Moulton of Bowdoinham, Moulton of South Portland, Page, Parkhurst, Pat-tangall, Peabody, Pettengill, Phoenix, Pike, Porter, Powers of Fort Fairfield, Powers of Pittston, Pratt, Putnam of Dixfield, Putnam of Houlton, Randall, Ross, Sargent, Shaw, Spofford, Sprague, Staples, Sturgis, Sutherland, Thompson of China, Thornton, Tornquist, Trickey, Vogell, Walls, Walter, Weatherbee, Webb, Weymou.h, White of East Machias, White of Naples, Williams, Wilson, Young—97.

ABSENT—Allen of Sanford, Bodwell, Cordwell, Daigle, Deering, Dillingham, Farrell, Hinkley, Hutchings, Libby of Burnham, Low, Noyes, Plummer, Sabour-in, Stevens—15.

PAIRED—Harris, yes; Irving, no.

So the motion was lost.

The bill was read a second time, and on motion of Mr. Moulton of South Portland, the rules were suspended, the bill received its third reading and was passed to be engrossed.

Resolve in favor of the Normal school of Gorham.

Resolve was read the second time and was passed to be engrossed.

An act in relation to the salaries of the justices of the supreme judicial court.

Mr. Walker of Starks, moved that the act be referred to the next Legislature, and called for the yeas and nays.

The call was not sustained.

The question being on the motion to refer to the next Legislature, a division was had and the motion was lost by a vote of 13 to 76.

The bill was then passed to be enacted.

Bill relating to repairs on highways.

Mr. Cook of Vassalboro, moved that it be indefinitely postponed.

Mr. Dearborn of Parsonfield, offered amendment A which was adopted.

The question being on the motion to indefinitely postpone.

The motion was agreed to.

Mr. Moulton, from the committee on financial affairs, reported in a new draft resolve in favor of Harvey D. Eaton and that it ought to pass.

The report was accepted, and on motion of Mr. Moulton, the rules were suspended, the resolve received its two several readings and was passed to be engrossed.

MAINE EYE AND EAR INFIRMARY.

Messrs. Rankin, Bryant, Page, Bodwell, Hix and Moulton, a majority of the committee on financial affairs, reported ought not to pass on resolve in favor of the Maine Eye and Ear Infirmary.

Messrs. Burns, Beal and Pettengill, a minority of the committee reported ought to pass on same.

The question being on the motion to substitute the minority report for the majority report.

Mr. Pettengill of Rumford: Mr. Speaker, as one of the minority I wish to say a word or two. At the first hearing of the committee, at which appeared the officers of the institution and at which there was not one word said in opposition to it, it was unanimously voted to recommend the usual appropriation of \$5,000 for each year for this institution. Certain charges were made on the floor of this House and as a result of those charges a second hearing was held. As has been stated here those charges were not entirely proven at the hearing, they were partially proven and they were admitted in part by the management of the hospital.

I understand the situation to be this, there is an institution there which is for a worthy object and which has done in the past a great deal of good. If the appropriation is not granted the institution will run just the same and be under the same management but there will not be so much charity

work, and they have done a great deal of charity work there. This is the reason why I signed the minority report granting the appropriation.

Mr. Bennett of Hollis: Mr. Speaker, I doubt very much if this appropriation should be made with the institution under the same management that it is now. The institution has rather a bad odor up in our corner of the State.

Mr. Phoenix of Alfred: Mr. Speaker, it seems to me that until the Maine Eye and Ear Infirmary can come before this Legislature with a reputation not as unsavory as it is today it should be denied any State aid. We have plenty of worthy institutions which are doing practically what this institution is doing, and against which we hear no objection made. I do not think that there is a member of this House but who is satisfied himself that things are not as they should be. Let us wait until the management of this institution has had a chance to remedy these defects so that we can conscientiously vote this appropriation. Until that is done, I think they had better go without it.

Mr. SCAMMON of Franklin: Mr. Speaker, this is not the first instance when charges have been brought against this institution. It has been proven on the floor of this House that such conditions have arisen previously and they have gone before the trustees of the institution, and those investigations have been smothered there. The gentleman who brought these charges was not present at the time of the first hearing before the committee. He did not know that such a hearing was being held. He did appear on the floor of this House and make certain statements, and an investigation was called for; and I want to say in all fairness that he conducted the case for his side himself, under circumstances which would have crushed nearly any of the rest of us, a man pitted against him than whom there is no abler in that particular direction in New England, and I submit to you that a man who can carry a case through against a man of such a calibre as Judge Foster and bring out the facts and sub-

stantiate them as did the gentleman from Windham, has a case before you that demands your attention, one which should receive the careful consideration of this House. I submit that this appropriation should not be granted to help this institution, the head of which comes up with his head in the air and says: "Supposing we have made these mistakes, what are you going to do about it?" Practically that is what he says. And the officers of the institution come here, brazen faced, and say practically: "What are you going to do about it?" I submit that this Legislature knows what it is going to do and that it is going to vote down that resolution, and I hope it will be buried so deep that it will never rise until this institution is placed so before the people that a case of this kind can never come up here again. (Applause.)

Mr. COOK of Vassalboro: Mr. Speaker and Gentlemen of the House, I feel handicapped here today; I cannot do justice to this question. I doubt if any of the members here with no religious preferences can do justice to it (Applause) and if they did, you could not report the speech. (Laughter). I wish to call attention briefly to the expert testimony before the hearing, and it was indeed expert testimony. Why, there were men in evidence there who received \$400 at a time for just looking wise. (Laughter). This report of the majority of the committee is a good enough text for me to talk upon. I notice that they say that the management of the clinic appears to have been left to young and inexperienced physicians largely, and that the practice of allowing inexperienced men to prescribe for patients does not meet with their approval.

In addition to what the committee say I wish to state that the expert for that institution on diseases of the nose and throat is a young man graduated in recent years from the Maine Medical school after a two years' course. This is especially wrong because they need there in that institution an expert on diseases of the nose—this stench that has been going up from that institution would spoil the of-fac-

tories of a brass monkey. (Laughter and applause). Do you call to mind how aggressive some of the witnesses for that institution were? Do you recall the testimony of the man from Waterville? How he the same as told my friend from Windham, to mind his own business, by inference at least. Now I say he was minding his own business and doing what duty required and I wish to say that the gentleman from Windham, can open more eyes and ears in an hour than that institution can in a year. (Laughter and applause). They need a better professor of biology than they have got—the very testimony here before the committee would make a man scratch his bald head. (Laughter and applause).

I wish to call attention also to the fact that the people of Portland are not demanding this appropriation on their knees, at least. There are not many of them pressing this thing. They speak more by their silence than I can here. I believe if there never had been a charge against this institution it ought not to have this appropriation. It stands within a stone's throw of the Maine General Hospital and the Maine General Hospital covers the whole ground. The Maine General Hospital treats all diseases with just as much skill as does this institution. The substance of this majority report is that they have their Farrington fund, their bank account and expense account so mixed up that you cannot tell what their income is, but the probable conclusion is that it is a very large one. And I would oppose this appropriation on the ground that the institution is not doing its work properly. One surgeon never ought to be placed over another. Dr. Holt never ought to be there, the executive surgeon, having authority over the other great surgeons of Portland. It is all wrong. Dr. Spaulding was on the executive staff of that institution for seven years and never was called in consultation once, and that very fact should condemn the management of that institution. In one case there was a poor woman who went there with impaired eyesight and still she could tell the time of day and see to do her work. One of her eyes

was operated upon by Dr. Holt and the eye was ruined. Before that eye was sufficiently recovered, before she was well from that surgical operation, the other eye received the same operation and she went away blind forever. A consultation would have saved that woman's eyesight. I simply mention this to show the great wrong there was in not calling Dr. Spaulding in consultation in a case like that when he could have been called just as well as not; and Dr. Spaulding stands at the very head of his profession in regard to those things.

Now, then, we do not want to give this institution this help because it is not conducted on the proper basis. Let them get rid of their executive surgeon and put someone in charge under the supervision of a sub-committee of those trustees, and all will go well; but until they do that they should not look for aid from the State. These trustees are men of undoubted character and high standing. There can be no word said against those trustees except that they have not "sand" enough to discharge that executive surgeon and place that institution upon a proper basis. Again, we should not grant this appropriation because we have a similar institution right opposite it and because the financial condition of that institution does not demand it. (Applause.)

Mr. RANDALL of Portland: Mr. Speaker and gentlemen of the House: I only desire to say a few words on this question, and at the outset I will state that I do not stand here to apologize for, or to uphold any mismanagement that may have taken place in this institution.

I realize that in institutions of this and kindred nature, things sometimes happen which none of us would approve. But I claim that the proper way to correct these errors if they exist is not to withhold the appropriation and thereby cripple the institution.

I take deep interest in this hospital on account of city and State pride—I have seen it grow from a small room in a small building in the lower part of our city to the splendid edifice that it occupies today, and I personally

know of the good work it has done among the poor people, not only in the city of Portland, but also throughout the State of Maine, and I do not hesitate to say here on the floor of this House that among the many institutions of the State—educational, charitable or otherwise—and I would not say if I did not think so, none is more worthy of your support than the Maine Eye and Ear Infirmary.

During the seven years that I was connected with municipal offices in Portland I had especial opportunity to observe the kind acts and good work it performed, and had I the inclination and the time I could relate to you a hundred of them, and I will if you will permit me, mention one incident that came under my observation which I think ought to give this institution a warm place in all hearts.

In the year 1898, during the Spanish war, it was, my fortune to be mayor of my city. One day in the autumn of that year I received a telephone message from the adjutant general of the State, informing me that a hospital train with 175 sick soldiers from the fever stricken camp at Chickamauga was on its way to Portland, and asking me if I would assist him in taking care of them.

I immediately went to work. I placed in the Auditorium over 150 cots, with all things necessary for a temporary hospital. Later I went with Adjutant General Richards and Surgeon General Maybury, who had arrived from Augusta to visit the city hospitals. We first called upon Dr. Holt, the executive surgeon of the Ear and Eye Infirmary. We stated our case and asked the doctor how many men he could conveniently take care of. His reply was: "It is not a matter of convenience but it is our duty. We will take care of all you will send us. If we cannot take care of them at the infirmary we will make other arrangements."

The next morning the train arrived, and I then saw the saddest sight I had seen since the Civil War. I saw brought out from the train on stretchers over 100 living skeletons of men who only three months before I had seen march through the streets of Portland in the full vigor of health.

They were quickly transferred to the hospitals, and thanks to the kind and tender care received at the Maine Eye and Ear Infirmary and the Maine General Hospital, nearly all of these men are alive today.

But I honestly believe that had it not been for the Maine Eye and Ear Infirmary and Maine General Hospital 50 per cent. of these men would have died within a month.

That is what the Infirmary did for us then, and no one knows when we may have to call upon it again for a similar purpose, and I ask you members of the G. A. R. whom I see about me, and I ask every member of this House, if an institution that has saved the lives of 50 or 100 soldiers of the republic, men who went forth to fight the battles of the country and uphold the honor of the flag, is not entitled to some consideration at your hands. And I ask you if this act alone, to say nothing of the tens of thousands of people who have been treated at this institution, does not outweigh the trivial charges of the gentleman from Windham?

But the gentleman from Vassalboro says that the institution should be above suspicion—and he compares it with the Maine General and says he would be glad to vote an increase to that institution, and so would I; but does the gentleman know that a few years ago the Maine General Hospital was under suspicion and passed through an ordeal of investigation which compared with this, would be as the mountain to the mole-hill, but I have yet to learn that any Legislature refused them an appropriation on that account.

But it is also said that this Infirmary has a large endowment and does not need the money, and the gentleman from Windham makes it at over \$256,000, but to do this he takes into consideration the construction account. Now every business man knows that this is an error. You might as well say that this State House was a source of income to the State.

Now take the Farrington fund. There is \$160,000 of this fund in the hands of Seth L. Larrabee as trustee, but \$94,000 of it is invested in notes of the cor-

poration, drawing interest, so that all the fund available for income to the Infirmary is \$12,000, on which it gets interest to the amount of about \$400 annually.

The total income producing property held by the Infirmary is:

Stocks, bonds and cash	\$102,357.94
Balance of Farrington fund	12,009.00
Value of stores	15,000.00

Total

It is fair to suppose that when Mr. Ira P. Farrington willed this large sum to the Infirmary he intended to establish a fund that would enable it to extend its usefulness, but if the State is to take away the appropriation, he might as well have left it to the State as far as it will extend the benefits of the Infirmary.

Now, gentlemen, do not attempt to punish the institution for the shortcomings of any of the staff, but pass the resolve and allow this hospital to continue its good work in the future as in the past. (Applause.)

Mr. HASKELL of Windham: Mr. Speaker, I think there is no member of the House who does not recollect the charges which I made against this institution upon the floor of this House one month ago today, and when, after piteous appeals from the gentleman from Bangor (Mr. Beal) and the gentleman from Portland (Mr. Randall), I allowed the matter to go back to the finance committee in order that an investigation might be held. We had an investigation before that committee, the longest investigation that has been held before any committee during this session of the Legislature, at which was submitted evidence in support of the charges then made, and which, according to the majority report of this committee, have been sustained to such an extent as to warrant them in saying that this resolve ought not to pass. I believe that I not only substantiated the charges which I made but I showed in evidence, and it was not contradicted, yea, rather it was admitted, that there has been put in the management of that institution within the last year and a half a man who is a carpenter who is today fitting glasses and testing eyes in that institution; and one of the trustees in his testimony before this tribunal admitted that he knew that that was the fact, and what had he done? Not one single thing. I also submitted evidence in support of the charges that people had been turned away from that institution to the office of the executive surgeon for treatment. I cited a specific case and I submitted affidavits signed and sworn to reporting that specific

charge. And not only that particular case but I produced witnesses here who testified that they had been turned away from that institution to the office of the executive surgeon because they had been told by the clerk that they had not the apparatus in that institution to treat their particular kind of disease. What did they put up in opposition to that? They put up the executive surgeon, the clerk and the house physician who testified that they did not know that such was the case. I submit that those witnesses who testified, and the affidavits, that they had been turned from that infirmary to the office of the executive surgeon for treatment are worth one hundred of those people who are connected with that infirmary who can only testify that they did not know anything about it. I put in positive testimony that such was the fact. I leave it to you whether an institution which does a thing of that kind deserves and should receive an appropriation from this State.

In regard to that young doctor, I submitted evidence at the hearing, and it was not contradicted, that although the trustees knew of the assault which he had committed upon that boy, yet they endeavored in every manner possible to shield him from his shame and to hush the matter up. That is the kind of management they are having in that institution. And he was not asked to resign until it was found that they were obliged to ask for his resignation. Now the executive surgeon and his surgeon said that this matter of people being turned away from that institution was because of a misunderstanding, a misapprehension and a mis everything else except mismanagement. I submit to you in the face of that testimony that that management should see that no more of those misunderstandings and those misapprehensions take place at that infirmary, and that the people of this State who go there for free treatment are not misled. With your permission I want to read a letter which has been placed in my hands in the last 15 minutes. I will read first a circular letter sent out by the Maine Eye and Ear Infirmary:

Portland, Me., March 9, 1901.

Will you write to or interview your representative (list enclosed) at once, and urge him to favor the appropriation in aid of the Maine Eye and Ear Infirmary.

Please let me know what you have done.

Very truly yours,

F. W. Searle, Sec'y.

Here is another letter which has been passed to me as an answer to that one. It is written to a member of this House:

Lee, Me., March 14th, '01.

Mr. A. Weatherbee,
Lincoln, Me.

Dear Sir: The inclosed letter, which was received by me, yesterday, will inform you why I am writing.

I hardly know what to say in favor of the Eye and Ear Infirmary. The sign on the hospital building reads: "For the poor, only." I think if this was added:

"Only patients with money need apply," would fit the case completely.

Two years ago now, I wrote Dr. Holt to get me a chance as free patient, for we had paid out so much for my eyes that we did not feel able to pay for treatment. He sent me word to come any time and he would see what he could do for me. And I went, understanding that I was to receive free treatment. When I reached there, was charged \$1 per day, then he charged \$15 for treatment and two pair glasses that have never fitted. The night I reached the hospital I was asked if I had been to supper. He replied "no, for I have just come on the train;" but I did not receive any supper that night, and can prove it if necessary. Was told that other patients had been treated in the same manner. The day patients leave the hospital, if in early morning, they are charged full pay, \$1 or \$2 as the case may be. I asked Dr. Holt if I should pay any extra, and he said only for lodging or extra meals. When I came to settle up at the hospital I told them what Dr. Holt said. They did not believe me and refused to telephone to Dr. Holt until I asked them to. So I only paid for lodging and breakfast. But the way and manner they used was insulting.

I haven't any word in favor of Dr. Holt, for he has used me most unkind. He has fitted, or tried to, to four pairs of glasses in six years' time, one pair never could use. I have paid him \$59 in money besides over \$31 for car fare and board, and all for one pair of poorly fitted glasses and no other benefit received. Certainly I shall never go to Dr. Holt or to the Infirmary again, if it is possible. Now I do not know as this is the information wanted, and will answer any questions necessary.

Yours truly,

Mrs. Nell M. Thurlow,

Lee.

Not one paper published in Portland, except one published by one of the board of trustees of this institution, comes forward to defend it. That is significant, gentlemen. What does one of the papers of Portland say?

"If any of the legislators want to know the sentiment of the people of this city relative to the Eye and Ear Infirmary, and the propriety of voting it an appropriation, let him come up here and investigate. We venture to say that he may walk from the Union Station to Munjoy Hill without meeting a man or woman, unless a trustee or visitor, who will say a good word for the concern. He will find the atmosphere charged with stories reflecting unfavorably upon it. If any Portland representative undertakes to say in the House that the people of Portland want any State money appropriated for it, or that they will feel that Portland has been 'turned down,' if no appropriation is made, he will say what is not true, and what, if he knows anything about the matter, he will know is not true." This is from a Portland paper, gentlemen. (Applause).

I do not deny but what that institution has done some good work. I do not deny that work in regard to the soldiers, and I submit that an institution which is getting \$5000 a year from the State only performs its duty when it does everything possible for those poor soldiers; and the Maine General Hospital and the other hospitals did the same thing. Now, we want to discipline the management of that institution so people can be treated free and not be deceived by any such letters as that we have seen was written to this lady. I hope you will support the majority report of this committee and not grant this appropriation. (Applause).

The question being to substitute the minority report for the report of the majority,

The motion was lost.

The question being on the acceptance of the majority report,

The report was accepted.

Mr. Haskell moved to reconsider the vote whereby the majority report was accepted, and stated that he did so for the purpose of killing the resolve.

The motion was lost.

On motion of Mr. Carleton of Winthrop, Adjourned.

Afternoon Session.

An act to legalize the present pipe system of the Butler Spring Water Company.

This bill comes from the Senate read twice and passed to be engrossed under a suspension of the rules.

In the House the rules were suspended, the bill received its three several readings and was passed to be engrossed.

Resolve in favor of the town of Mariaville.

Mr. Pettengill of Rumford, moved that the resolve be indefinitely postponed.

On motion of Mr. Libby of Poland, the resolve was laid on the table.

Resolve in favor of paying unexpired licenses of hawkers and peddlers.

This resolve comes from the Senate amended by Senate amendment A, read twice and passed to be engrossed under suspension of the rules.

In the House the rules were suspended, the amendment was adopted, the resolve was read twice and was passed to be engrossed as amended in concurrence.

An act to prevent the shooting of human beings by persons in pursuit of game or game birds. (Read three times

and passed to be engrossed under suspension of the rules.)

Resolve in favor of protesting records in secretary of State's office.

Read twice and passed to be engrossed under suspension of the rules, in concurrence.

An act to authorize the county commissioners of Somerset county to borrow a sum of money with which to build an extension to the court house in said county.

This comes from the Senate, House amendment rejected and the Senate insisting on its former action in passing the bill to be engrossed.

On motion of Mr. Greene of Madison, the House voted to insist.

An act to amend Chapter 81 of the Public Laws of 1895, relating to certain property for pious uses the legal custodian of which is unknown.

This bill comes from the Senate amended by Senate amendment A.

The House reconsidered the vote whereby this bill was passed to be engrossed, Senate amendment A was adopted and the bill was passed to be engrossed as amended in concurrence.

An act to incorporate the Androscoggin Telephone Company.

This comes from the Senate indefinitely postponed.

On motion of Mr. Libby of Poland, the matter was laid upon the table until tomorrow morning.

An act to incorporate the Prout's Neck Water Company.

This comes from the Senate amended by Senate amendments A, B and C.

The House reconsidered the vote whereby this bill was passed to be engrossed, Senate amendments A, B and C were adopted and the bill was passed to be engrossed as amended in concurrence.

Mr. Williams, from the Piscataquis county delegation, reported ought not to pass on bill, an act to amend Chapter 77 of the Revised Statutes, as amended by Chapter 227 of the Private Laws of 1899, and by Chapter 258 of the Private Laws of 1897.

Mr. Farnsworth, from the committee on taxation, reported in a new draft bill, an act in relation to trust

and banking companies and that it ought to pass.

On motion of Mr. Carleton of Winthrop, the report was laid upon the table pending its acceptance, and was especially assigned for tomorrow morning.

Mr. Libby, from the Androscoggin county delegation, on order of the Legislature, reported bill, an act relating to the compensation of the sheriff of Androscoggin county.

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

PASSED TO BE ENACTED.

An act to establish East Macnias Light and Water Company.

An act to amend Section 1 of Chapter 7 of the Public Laws of 1887 relating to the salary of the clerk of courts for the county of York.

An act to regulate the killing of deer in the county of Waldo.

An act to establish a State flag.

An act to amend Section 145 of Chapter 82 of the Revised Statutes as amended by Chapter 174 of the Public Laws of 1893 entitled an act relating to exceptions and stenographers.

An act to open Main stream, a tributary of Moose pond, above the dam near the outlet, to fishing.

An act to incorporate the Jonesport Light and Water Company.

An act to amend Chapter 142 of the Revised Statutes relating to the Maine Industrial School for Girls.

An act to amend Sections 5, 9, 16 and 17 of Chapter 127 of the Revised Statutes relating to malicious mischief.

An act for the assessment of a State tax for the year 1901, amounting to the sum of \$927,725.94.

An act for the assessment of a State tax for the year 1902 amounting to the sum of \$927,725.94.

An act to amend Section 6 of Chapter 67 of the Revised Statutes relating to the appointment of guardians.

An act to incorporate the Calais Trust Company.

An act to incorporate the Long Pond Improvement Company.

FINALLY PASSED.

Resolve in favor of the Passamaquoddy tribe of Indians for rebuilding a church at Pleasant Point in the town of Perry.

Resolve in favor of the town of Brookton.

Resolve in favor of B. Walker McKeen, secretary of the board of agriculture.

Resolve in favor of the joint standing committee on agriculture.

ORDERS OF THE DAY.

Resolve in aid of building a highway bridge across the Aroostook river.

Mr. Chase of Portland, withdrew his motion that the resolve be indefinitely postponed and moved that it be referred to the next Legislature.

The motion was agreed to.

Mr. Libby of Portland offered amendments A, B, C, D and E to the order introduced by Mr. Walker of Starks, requesting the opinion of the justices of the supreme judicial court in regard to the eligibility of members.

The amendments were adopted and the order received a passage as amended.

Majority and minority reports 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.

(Discussion ensued.)

On motion of Mr. Pattangall of Machias, the yeas and nays were ordered.

YEA—Andrews of Rockport, Ballard, Beal, Bennett, Bird, Briggs of Harrison, Briggs of Hudson, Burrill, Carr, Chase, Cook, Cordwell, Cramer, Crosby, Chase, born, Deering, Dillingham, Dodge, Dunn, Farnsworth of Beddington, Foster, Frederick, Gammon, Gardner, Gooding, Greene, Hammond, Harvey, Hill of Belfast, Hill of Exeter, Hix, Hoxie, Hurd, Jackson of Monson, Kelley, Kneeland, Knowlton, Libby of Poland, Libbey of South Berwick, Little of Monmouth, Littlehale, Manley, Mayo, McDougall, McNamara, Mead, Merritt, Minott, Morin, Pattangall, Phoenix, Powers of Fort Fairfield, Purinton, Putnam of Dixfield, Ross, Russ, Sanborn, Shaw, Skidmore, Smith, Staples, Sturgis, Sutherland, Swett, Thompson of China, Tufts, Walker, Walls, Walter, Weatherbee, White of East Machias, White of Naples, Wilson, Young—74.

NAY—Allan of Portland, Andrews of Norway, Boothby, Brackett, Bradford, Carleton, Carson, Clark, Davis, Dobson, Dudley, Eaton, Fay, Fuller of Auburn, Fuller of Kennebunk, Harris, Haskell of Lewiston, Hodgkins, Irving, Jones, Ka'er, Laliberte, Lawrence, Little of Lewiston, Low, Maddocks, Page, Peabody, Patten-gill, Porter, Powers of Pittston, Pratt, Randall, Scammon, Somes, Spofford, Sprague, Thomas, Thompson of Bristol, Thornton, Tornquist, Trickey, Webb, Williams—44.

ABSENT—Adams, Allen of Sanford, Bodwell, Boyd, Brewster, Cain, Coffin, Cushman, Daigle, Farnsworth of Pembroke, Farrell, Fellows, Gilmore, Haskell of Windham, Hyde, Jackson of Jefferson, Leathers, Libby of Burnham, Loud, Moulton of Bowdoinham, Moulton of So. Portland, Noyes, Plummer, Putnam of Houlton, Sabourin, Sargent, Stevens, Vogell, Weymouth—29.

PAIRED—Hinckley, yes; Pike, no. Hutchings, yes; Parkhurst, No.

So the minority report was substituted for the majority report.

On motion of Mr. Pattangall the rules were suspended, the bill received its several readings and was passed to be engrossed.

Mr. Gardner, from the committee on taxation on order of the Legislature, reported a recommendation that the State assessors use extra effort to arrive at the true value of the wild lands in this State in order that State lands may be assessed and taxed to their full value.

An act to repeal certain obsolete, private and special laws relating to shore fisheries.

This comes from the Senate, rules suspended and passed to be engrossed.

In the House the rules were suspended, the bill received its three several readings and was passed to be engrossed.

An act to consolidate and simplify the laws pertaining to sea and shore fisheries as contained in Chapter 40 of the Revised Statutes, and in the amendments and additions thereto.

This bill was passed to be engrossed under suspension of the rules in concurrence.

On motion of Mr. Gardner of Patten,

Ordered, that after the disposition of the majority and minority reports of the committee on shore fisheries, now on the table and assigned for Thursday morning, March 21, debate shall

be limited to five minutes to each member on any subject.

Resolve in favor of the Lee Normal Academy came up in its regular order.

Mr. Bennett of Hollis, moved that the resolve be indefinitely postponed.

(Discussion ensued.)

The question being on the motion to indefinitely postpone, a division was had and the motion was lost by a vote of 26 to 70.

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

Resolve in favor of the Farmington Normal School was finally passed.

Bill in relation to the further protection of fish weirs.

The bill was read a second time.

On motion of Mr. Bradford of Eastport, the rules were suspended, the bill received its third reading and was passed to be engrossed.

Bill empowering the county commissioners of Aroostook county to dispose of the holdings of said county in the preferred stock of the Bangor & Aroostook Railroad Co.

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

On motion of Mr. Libby of South Berwick,

Adjourned.