

# MAINE STATE LEGISLATURE

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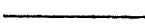
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

**SENATE.**

Augusta, Feb. 25, 1901.

Senate met according to adjournment and was called to order by the secretary in the absence of the president.

Prayer by Rev. Mr. Livingston of Augusta.

On motion of Mr. Macfarlane of Piscataquis, it was ordered that, in the absence of the president of the Senate, the Hon. Peleg O. Vickery of Kennebec, be and hereby is elected president pro tem.

At the request of the secretary Mr. Alden of Kennebec, conducted the president pro tem. to the chair.

Journal read and approved.

Papers from the House disposed of in concurrence.

On motion of Mr. Burns of Cumberland, it was ordered that the House of Representatives be notified of the election of Hon. Peleg O. Vickery as president pro tem. of the Senate in the absence of the president.

Mr. Burns of Cumberland, was instructed to convey the message to the House of Representatives, and subsequently reported that he had discharged the duty.

On motion of Mr. Dudley of Aroostook, it was ordered that the Governor and Council be notified of the election of Hon. Peleg O. Vickery as president pro tem. of the Senate, in the absence of the president.

Mr. Dudley of Aroostook, was instructed to convey the message to the Governor and Council, and subsequently reported that he had discharged the duty.

The following communication was received from the secretary of State:

To the President of the Senate and Speaker of the House of Representatives: I have the honor to herewith transmit the report of the joint committee of the Senate and House of Representatives of the commonwealth of Pennsylvania to confer with the Legislature of other states regarding the election of United States senators by popular vote. Very respectfully,

(Signed)

BYRON BOYD,  
Secretary of State.

On motion of Mr. Weeks of Somerset, the foregoing communication was referred to the committee on judiciary.

The following bills, petitions, etc., were presented and referred (private legislation under suspension of the rules.)

**JUDICIARY.**

By Mr. Fernald of Androscoggin—Bill, an act to authorize the Lewiston and Auburn Electric Light Co. to supply electricity for power.

**LEGAL AFFAIRS.**

By Mr. Stearns of Oxford—Bill, an act amendatory to Chapter 508 of the Private and Special Laws of 1885, establishing a municipal court in the town of Norway, relating to the jurisdiction thereof.

**EDUCATION.**

By Mr. Weeks of Somerset—Remonstrance of G. C. Hight and 32 others of Appleton against the passage of any law requiring towns to form school districts.

**INLAND FISHERIES AND GAME.**

By Mr. Fisheries of Cumberland—Remonstrance of Joseph H. Card and 23 others against the prevention of shooting geese, coot, megansers, whistlers and old squaws.

By Mr. Noble of Franklin—An act to correct certain clerical errors and make plain the meaning, and amend Chapter 30 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1899, relating to inland fisheries and game.

Also petition of W. H. Farrar and 78 others, asking that the law prohibiting fishing on Main stream be repealed.

**REPORTS OF COMMITTEES.**

Mr. Noble, for the committee on fisheries and game, on remonstrance of Ferguson Haynes of Biddeford, and 150 others of Biddeford and Saco, against closing outlet streams and tributaries of Bartlett pond in Waterboro, reported that same be referred to the commissioners on inland fisheries and game, as the subject matter properly comes under their jurisdiction by the provisions of the general law.

Also on bill, an act to provide for the protection of fish in the inlets of upper Kezar pond, in Oxford county, that same be referred to the commissioners of inland fisheries and game.

**READ AND ASSIGNED.**

Resolve in favor of Melinda B. Davis, administratrix.

An act to amend Chapter 266 of the Public Laws of 1893, as amended by Chapter 128 of the Public Laws of 1899 relating to the militia.

An act to prohibit fishing in Pleasant pond and its inlets situated in Sumner, Oxford county.

An act to extend the charter of the Winn Water and Power Co.

Resolve in aid of navigation on Moosehead lake.

An act to authorize John P. Yerxa, Arthur Gilpatrick and Selden R. Tracy to construct and maintain a dam across the Little Madawaska river, in Aroostook county, and build and maintain piers in said river.

On motion of Mr. Burleigh of Aroostook, this bill was laid on the table.

An act to authorize telephone, telegraph, electric light, heat and power companies to place their wires under the surface of public ways.

An act to amend Chapter 104 of the Revised Statutes as it was amended by Chapter 85 of the Public Laws of 1895, by adding thereto Section 49 relating to the settlement of titles to real estate.

An act relating to the Malison Power Co.

An act to incorporate the Sandy Stream Dam and Improvement Co.

An act to amend Chapter 419 of the Private and Special Laws of 1897, as amended by Chapter 155 of the Private and Special Laws of 1899, relating to the East Branch Log Driving Co.

On motion of Mr. Burns of Cumberland, this bill took its two several readings under suspension of the rules and was passed to be engrossed.

An act to incorporate the Bridgton Water Co.

**PASSED TO BE ENGROSSED.**

An act to amend Chapter 419 of the Private and Special Laws of 1897 as amended by Chapter 155 of the Private and Special Laws of 1899, relating to the Penobscot East Branch Log Driving Co.

An act to amend Section 9 of Chapter 106 of the Revised Statutes relating to draft of jurors.

An act to increase the authority of the judge of probate in Kennebec county for a certain purpose.

An act to authorize the town of Roque Bluffs to maintain a wharf.

Resolve in favor of Howard Whittier for an increase in State pension.

Resolve to provide means for examination of claims for State pension.

An act to apportion representatives to Congress.

An act to incorporate the Poland Telephone Co.

An act to authorize the Milbridge & Cherryfield Electric Railroad to construct and operate its railroad over the Narraguagus river in Milbridge.

On motion by Mr. Fernald of Andoscoggin, the vote whereby bill, an act to authorize the Lewiston & Auburn Electric Light Company to supply electricity for power was referred to the committee on the judiciary was reconsidered; and on the further motion of that senator, the bill took its two several readings, under suspension of the rules, and was passed to be engrossed.

Resolve providing for the expenses of Company M, 1st Infantry, Company C, 2d Infantry, and the Signal Corps, National Guard of Maine, while attending the ceremonies incident to the inauguration of President William McKinley in Washington, March 4, 1901.

Mr. STAPLES of Knox: I desire to call for a division, that I may make a record that I have voted against the bill passing to be engrossed.

Mr. WEEKS of Somerset: I suppose it would be safe, in most instances to vote against the Senator from Knox, but I would like to have some information upon this subject.

Mr. MACFARLANE of Piscataquis: There are two companies, one from Westbrook, and one from Bath and the Signal Corps from Portland, who desire to attend the inaugural ceremonies. These several companies have raised about \$1600 for the purpose of defraying their expenses. They lack about \$1000 in order to have the required amount, so that they may go there. I may say to the Senators that this is no junketing trip. It is an object lesson. These men are going down there in company with a great many other military organizations from other sec-

tions of the country, and they will be thrown in contact with those men, and as a result they will receive a certain amount of instruction by observation, as well as by coming in contact with those men. Not only that—but at the commencement of a new century it seems eminently proper that the State of Maine should assume her position that she is clearly entitled to among the rest of the states. For one I have a certain amount of State pride in seeing our militia go down there, and being compared with the rest of the troops from the several states, and I am sure they will present an appearance that will do credit to the State, as well as to these men. Not only that; but, those who have had any familiarity with military affairs must recognize the fact that a little encouragement upon the part of Maine has a tendency to go a long way to establish a spirit which is necessary in all army organizations; and, in this matter, I think the State will be amply repaid in paying this small tribute to these men. Not only that—you must bear in mind that these men stand ready at all times to risk their life in support of your property and in defense of it; and it seems to me the State of Maine can ill afford to allow this matter to pass by.

A vote being had on the passage of the resolve, a division was ordered, and the Chair declared that 12 had voted in favor of its passage and one opposed. So the resolve was declared passed to be engrossed.

Resolve in favor of the hospital of the Society of the Sisters of Charity of Lewiston, Maine.

On motion by Mr. Staples of Knox, this resolve was laid on the table pending second reading and assigned for Thursday next.

Resolve in favor of Young Women's Home at Lewiston.

On motion by Mr. Staples of Knox, this resolve was laid on the table, pending second reading and assigned for Thursday next.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healy Asylum of Lewiston, Maine.

On motion by Mr. Staples of Knox, this resolve was laid on the table, pend-

ing second reading and assigned for Thursday next.

An act relating to Sheridan Plantation.

On motion by Mr. Dudley of Aroostook, this bill was laid upon the table pending its passage to be engrossed.

Mr. WEEKS of Somerset: I desire to make a motion in relation to House Document No. 159. Resolve to provide means for examination of claims for State pension. It seems, Mr. President, that there is considerable interest and considerable haste about this bill. I move that the vote whereby it received its second reading, and the vote whereby it passed to be engrossed be reconsidered.

The motion prevailed.

Mr. WEEKS: I make the point of order that there is no statement of facts accompanying this order.

Mr. VIRGIN of Cumberland: I move that the matter lie upon the table until a statement of fact is furnished. The motion prevailed.

Mr. McFADDEN of Lincoln: I desire to say, Mr. President, that that resolve carries no appropriation really,—that the appropriation is to be paid out of the appropriation for State pensions for the years 1901 and 1902, so that it does not add anything to be taken from the treasury. The resolve reported for State pensions was eighty thousand; and the committee were satisfied that some appropriation might be necessary to investigate the claims in certain cases; and we concluded that the appropriation already made was sufficiently large to give by this resolve the authority to use not exceeding. I believe, \$400 for that purpose.

The PRESIDENT: The matter is on the table. There is nothing before the House. Do you wish to take it from the table?

Mr. McFADDEN: I did not know the vote had passed,—to lay it on the table. I merely wanted to state the fact so it would be understood. I did not know as it was observed by the senator from Somerset and others that the sum was to be paid out of the appropriation for State pensions. It does not add any new appropriations.

Mr. VIRGIN of Cumberland: I move that the matter be taken from the table. The motion prevailed.

Mr. WEEKS of Somerset: Mr. President, while this resolve does not carry a specific appropriation, it provides that \$400 may be taken from the appropriation there already made or to be made. Now, of the pension fund is to be reduced in this way, and this is one particular case, why may it not be reduced in lots of ways? The pension fund, it seems to me, appropriates for our State a rather sacred fund,—perhaps to my mind more sacred than any other appropriation that is made. I do not think this fund should be impaired without a full, fair statement of facts accompanying the resolve; and if the senator from Lincoln is prepared at the present time to explain to the Senate fully the reasons for calling for an expenditure of \$400 called for by this resolve, out of the pension fund, then I have no objection to its going along. If, however, he is not prepared at the present time to explain it fully, then I should have objection to its going along; and should like to have it tabled awaiting a full statement of facts.

Mr. McFADDEN of Lincoln: I agree with the senator fully, that the pension appropriation is a sacred one; and for that very reason it should be guarded against fraud. Now, it is a fact, disclosed by the experience of the pension clerk, and I think largely by men who have had experience in town affairs.—I think it has been disclosed to me in that way, that these claims to the pension appropriation,—false claims, I mean, do get in sometimes; and town officers have not backbone enough to stand up and say: You are not an object of charity. You are able to take care of yourself,—we won't sign your application. And there are many cases that arise where to guard this sacred appropriation, it is necessary to have some means of investigation, and the pension clerk in the discharge of that duty must travel, and if he travels on a free railroad pass,—as I presume he does when he goes on railroads,—yet he has much travel that is private,—that is over other lines of travel, and perhaps with a hired team. He has to go, sometimes, and does go to towns remote from railroad lines,—and that was the reason why

he would not, perhaps want to make public any statement of facts or names of parties that have made false claims heretofore, many of which he has go on to in one way and another. Those are substantially the facts and the reasons that induced the committee to report the resolve; and if the senator wishes for more light, I have no objection to its lying on the table.

Mr. WEEKS of Somerset: Mr. President, of course I place full and implicit reliance upon any statement that the senator from Lincoln might make; and yet, in my dull mind I have not received full light; and I therefore would insist upon the point of order that there is not a statement of facts accompanying this resolve. I think we should have a full statement of facts from the pension agent. I move that the matter lie upon the table awaiting a statement of facts.

The motion prevailed.

#### PASSED TO BE ENACTED.

An act relating to academies, seminaries and institutes.

#### FINALLY PASSED.

Resolve in favor of Maine School for the Deaf.

Resolve in favor of the Central Maine General Hospital.

#### ORDERS OF THE DAY.

Mr. VIRGIN of Cumberland: Mr. President, it is my painful duty to announce to the Senate, the death of Hon. Joseph Y. Hodsdon, one of the senators from Cumberland county, since the last meeting of the Senate.

It was only a week ago last Thursday morning that he occupied his accustomed seat in this chamber—that seat now covered with emblems of mourning. At that time, he appeared to all of us, the picture of health, but his immediate and intimate friends knew that such was not the fact. He had already recently had two severe attacks of the same illness of which he finally died. His friends, his physicians, advised him seriously that he ought not to come to the Legislature, that his health demanded that he undergo an operation in order that it might be preserved for years to come. He deemed it his duty to obey the summons of his constituents and come here

to undertake the work which they had elected him to do.

He has been a very valuable member of the Senate, especially of the committee on taxation of which he was chairman on the part of the Senate. Since he has been here, he has endeared himself to all of the members of the Senate, and in particular to the members of that committee; and one of that committee has probably expressed to me in short an epitome of his character, for he said that Senator Hodsdon was continually casting oil on the troubled waters of the committee.

We all know his kindly disposition, his love for his fellow members, his desire at all times to do others a favor if it lay in his power. He was with us. He is now gone, and lives only in memory; and it seems fitting, at this time, that an order should be introduced for passage in this body; and I introduce this order: That a committee of five on the part of the Senate, of which number the President pro tempore shall be one, with such members as may be joined on the part of the House, be appointed to attend the funeral of the late Senator Joseph Y. Hodsdon at Yarmouth, on Wednesday, February 27, at 3 o'clock P. M., and that the secretary of State transmit a copy of this order to the family of the deceased.

The order received a passage.

The President appointed as a committee under the foregoing order on the part of the Senate, Messrs. Virgin of Cumberland, Murchie of Washington, Noble of Franklin, Fernald of Androscoggin and Vickery of Kennebec.

Mr. VIRGIN of Cumberland: I think it may be in order to state that, at a proper time a committee on resolutions should be appointed; and a day set apart for the discussion and consideration of the resolutions. I do not think it will be introduced at the present time; but probably at a later session of the Senate.

Mr. VIRGIN of Cumberland: As a mark of further respect to the deceased senator, I move that the Senate do now adjourn.

Adjourned.

## HOUSE

Monday, Feb. 25.

Prayer by Rev. Mr. Leshar of Augusta.

Papers from the Senate disposed of in concurrence.

A message was received from the Senate through Mr. Burns of Cumberland, conveying the information that in the absence of the President of the Senate the Honorable P. O. Vickery of Kennebec, had been elected President Pro Tem.

The following Senate bills were read and assigned:

An act authorizing and empowering the Great Northern Paper Company to erect and maintain piers and booms in the West Branch of the Penobscot river.

An act to amend Chapter 172 of the Private and Special Laws of 1891, relating to the consolidation of certain railroad companies.

This bill came from the Senate amended by Senate amendment A. In the House the vote was re-considered whereby the bill was passed to be engrossed, Senate amendment A was adopted and the bill was passed to be engrossed as amended, in concurrence.

On motion by Mr. Gilmore of Turner, bill, an act relating to academies, seminaries and institutes, was taken from the table and was passed to be enacted.

On motion of Mr. Harris of Auburn, bill, an act authorizing the Lewiston & Auburn Electric Light Company to supply electricity for power, received its three several readings and was passed to be engrossed under a suspension of the rules.

Bill, an act relating to the Penobscot East Branch Driving Association, was read the third time and was passed to be engrossed under a suspension of the rules on motion of Mr. Gardner of Patena.

The following bills, petitions, etc., were presented and referred:

## JUDICIARY.

By Mr. Davis of Waterville—Bill, an act to amend an act, Chapter 195 of the Private Laws of 1887, relating to the city of Waterville.