

MAINE STATE LEGISLATURE

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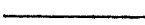
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

SENATE.

Augusta, March 5, 1901.

Senate met according to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Newbert of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

READ AND ASSIGNED.

An act in relation to railroad crossings.

An act to amend the charter of the Portsmouth, Kittery and York Street Railway.

An act to incorporate the trustees of the Coburn Classical Institute.

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

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

An act to amend and extend the charter of the Buckfield Water Company.

An act to amend Section 1 of Chapter 35 of the Public Laws of 1891 relating to salaries of assistant superintendents, steward and matron of the Insane Hospital.

An act to amend Chapter 495 of the Private and Special Laws of 1893, entitled, an act to prevent the destruction of fish in the Eastern Penobscot river in the town of Orland.

A communication was received from the office of the secretary of State, transmitting joint resolution of the General Assembly of Virginia, to promote the septenary celebration of the settlement of Jamestown, and endorsement of the Business Men's Association of Williamsburg, Va. On motion by Mr. Rankin of York the same was referred to the committee on financial affairs.

A communication was received from the secretary of State, transmitting joint resolution of the Assembly of Montana, relating to election of United States senators by direct vote of the people. On motion by Mr. White of Androscoggin the same was referred to the committee on the judiciary.

The following bill was presented under suspension of the order, and referred:

INTERIOR WATERS.

By Mr. Jones of Penobscot—Bill, an act to authorize the Penobscot Log Driving Company to rebuild and raise the head of North Twin Dam, or to build a new dam to take the place of said North Twin Dam.

ORDERS.

By Mr. Macfarlane of Piscataquis—Ordered, that a message be sent to the Governor, requesting the return to the Senate of resolve, providing for the expenses of Company M, First Infantry, Company C, Second Infantry, and Signal Corps, National Guard, State of Maine, while attending the ceremonies incident to the inauguration of President William McKinley, in Washington, March 4, 1901.

The President subsequently announced that the foregoing resolve had been returned in compliance with the foregoing order; and on motion of Mr. Macfarlane of Piscataquis, the vote whereby the resolve was finally passed, was reconsidered; and, on the further motion of that senator, the same was laid on the table.

By Mr. Murchie of Washington—Ordered, that a message be sent to the Governor requesting the return of Senate Document No. 58, resolve in favor of the permanent employment of a cataloguer for the Maine State library.

The President subsequently announced that the foregoing resolve had been returned in compliance with the foregoing order. On motion of Mr. Murchie of Washington, the vote whereby the same was finally passed, was reconsidered; and on the further motion of that senator, the same was laid on the table.

REPORTS OF COMMITTEES.

Mr. Virgin for the committee on the judiciary, on Bill, an act to create the Cumberland Trust Company, reported same in a new draft under the same title, and that it ought to pass. Bill tabled for printing under the joint rules.

PASSED TO BE ENGROSSED.

An act to amend Chapter 186 of the Public Laws of the year 1897, relating to railroads.

An act to authorize the Great Northern Paper Company to increase its capital stock.

An act in relation to the probate court in Androscoggin county.

An act relating to and amendatory of Chapter 254, Special Laws of 1891, entitled an act to incorporate the Mousam Water Company.

An act to incorporate the Wilton Electric Light and Power Company.

An act to fix the terms of the superior court in Kennebec county.

An act to prevent ice-fishing in Little Sebago pond in the towns of Gray and Windham.

An act prohibiting fishing except in the ordinary method of angling with artificial flies in any of the ponds lying on Saddleback mountain, or the outlet of same flowing into Dead River pond or Rangeley lake, or any of the tributaries emptying into said outlet, or in Salmon lake, formerly known as Gull pond, situated in Dallas plantation, in Franklin county.

An act pertaining to ice-fishing and to close certain tributaries to certain lakes and ponds in Oxford county.

An act pertaining to ice-fishing in certain lakes and ponds in Kennebec county.

An act to amend paragraph 8 of Section 6 of Chapter 6 of the Revised Statutes as amended by the Public Laws of 1895 relating to poll taxes.

An act to amend Section 31 of Chapter 285 of the Public Laws of 1897 relating to a weekly close time for the taking of fish.

An act to incorporate the Union River Water Storage Company.

An act imposing a franchise tax upon sleeping and palace cars. On motion by Mr. McFadden, of Lincoln, this act was amended by inserting the word "wholly" after the word "done" in the eighth line of Section 1.

Mr. McFadden of Lincoln: I wish to state that the committee on taxation when considering this matter, had it in mind, and had a bill made up to impose a tax of two per cent upon the gross receipts but we changed that to

a tax of four percent on business within the State. The word "wholly" was omitted, somehow, in copying, and it is simply for the purpose of correcting an error in copying that the amendment is offered.

An act to amend the charter of the Portland Gaslight Company.

PASSED TO BE ENACTED.

An act to apportion representatives to Congress.

An act to amend Chapter 123 of the Public Laws of 1899, entitled an act in relation to foreign banking associations and corporations.

An act authorizing and empowering the register of deeds for the county of Cumberland to make an accurate copy of the contents of Vol. I. of the Cumberland county records of deeds, and to certify that it is a true copy of said records.

An act to authorize the town of York to supply light for public uses.

An act authorizing the Milbridge and Cherryfield Railroad Company to construct and operate its railroad over Narraguagus river in Milbridge.

An act to grant a charter to the Union Telephone Company.

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.

Mr. Adams of Penobscot: In relation to this bill, I will say that parties who are interested, inform me this morning, that there is a little clerical error in drawing the bill; and, consequently, I would like to have the bill laid on the table to be examined; and will so move.

The motion prevailed, and the bill was laid on the table.

An act to authorize the Maine and New Hampshire Granite Company to maintain a tramway across the county road in the town of Jay.

FINALLY PASSED.

Resolve in favor of Cyrenus B. Downs of Winterport in the county of Waldo.

Resolve in favor of Kings' Daughters Home of Bangor.

On motion by Mr. Burns of Cumberland the foregoing resolve was laid on the table.

ORDERS OF THE DAY.

Mr. VIRGIN of Cumberland: Mr. President, At the request of the committee to prepare a memorial service in honor of the late Senator Joseph Y. Hodsdon, I ask that the matter be re-assigned for Thursday, March 14th, instead of Wednesday, March 6th, as it appears by the calendar; and I so move.

The motion prevailed; and the matter was re-assigned for Thursday, March 14th, 1901.

On motion of Mr. White of Andros-coggin, House document, No. 196, an act to amend the charter of the Portland Gaslight Company, tabled pending its second reading, was taken from the table; and on the further motion of the same senator, the bill took its second reading, and passed to be engrossed.

Mr. WHITE of Andros-coggin: Mr. President, I wish to say, at the very beginning, that it is not my purpose to inflict upon the Senate a speech upon the pending bill (House Document No. 79), the appropriation bill, may be called for in addition to what which has been somewhat fully discussed in previous sessions of this body. However, it does seem to me, has already been said upon that question.

Starting out, the senator from Knox has stated that the appropriation bill for the current year, 1901, carries \$1,-\$07,648.89, and that the corresponding appropriation bill of two years ago carried \$1,605,799.38, showing an increase of \$201,849.51. Starting with that admitted fact as a text, this Senate and the people of this State have been read a very remarkable lecture upon economy. I do not wish to be understood as disagreeing with the sentiment of any senator that there should be economy in the administration of public affairs; but it seems to me that if there ever was an instance of an ill-directed attack upon an appropriation bill, this is one of those cases.

I confess, from the arraignment which the senator made of this appropriation bill, and without examination and knowledge of it, anyone would get the impression that there was extravagance somewhere in this bill. To be sure, when you come to his specifica-

tions, when you come to read the speech of the senator in detail, you would find that his specifications fall far short of any proof necessary to any averse judgment upon this appropriation bill.

Now, Mr. President, what is the simple question before this Senate, so far as this bill is concerned. If it be true that the bill is extravagant in any of its details, if it be true as a matter of fact that there are introduced into this appropriation bill, items which are extravagant, which create new liabilities and new obligations on the part of the State, it is indeed very proper for us to examine it carefully. I have taken pains, since the last session of the Senate to make a somewhat careful analysis of this bill; and to compare it with the appropriation bill of 1899. This bill contains 123 items in all. Eighty-eight of the 123 items in this appropriation bill are identical in amount and in matter with the appropriation bill of 1899, they are neither increased nor diminished; and, as a matter of fact, every one of these items are matters over which, and as to the amount of which the finance committee have no more control than they have over the tides; because they are regular appropriations for matters which relate to things which follow in due and proper execution of the laws of this State. So that, when this appropriation bill is attacked upon the ground of its extravagance because it carries \$201,000 more than the appropriation bill of 1899, you want to bear in mind the first fact, that eighty-eight of these items of a total of 123 items are precisely the same as they were in 1899, neither increased nor diminished a single penny.

Now, another matter. There are in this appropriation bill, 22 items which are either increased or diminished—let us see what those are. In the first place, let me state what the gross result is—the gross amount of increase of the items of this appropriation bill is \$141,946.11—that is of the 22 items in this bill which are either more or less than the corresponding 22 items in the appropriation bill of 1899. The increase is \$141,946.11, and the decrease is \$12,-

679.57, showing a net increase on these 22 items of \$129,266.54.

Let us examine these items for a moment—let us see what foundation there is for the charge that this bill is extravagant. Let us see what justification there is for the claim that this Legislature, in passing this appropriation bill along, as it ought to, in the due, usual and orderly course of affairs, is committing itself to any extravagance.

In the first place, the first item is the school fund and mill tax, which is to be found on page 2. The school fund and mill tax in 1899 was \$513,923.12. In 1901 \$532,204.24—an increase of \$19,171.12. Will any Senator explain why there is extravagance in this Legislature—why there is extravagance in this finance committee for reporting that as an increase. They have no control over it, whatever. It is the mere result of the operation of the law of the State. It is a subject over which the finance committee do not exercise any control whatever. It is simply a matter of bookkeeping, nothing more or less.

The next two items, increase of temporary loan, which, in the bill of 1899 was \$100,000, and which, in the present bill is \$150,000, showing an increase of \$50,000. The next is the temporary loan for war purposes, \$100,000 in 1899, \$150,000 in 1901, an increase of \$50,000. Now I am not a very wise man, perhaps, in financial affairs; but I suppose, in the administration of the affairs of the State, that it becomes the duty of that body when it is making appropriations, to meet maturing obligations, future demands, for the period which is to be covered—that is, if the maturing obligations of the State for 1901, happen to be \$100,000, more than they happen to be in 1899, it is the duty of the State to make an appropriation to meet those maturing obligations—and that is something over which the financial committee or this Senate has no control whatever. It is inevitable. It is the duty of the State to make appropriations to meet the maturing obligations of the State of Maine for the year 1901; and they cannot evade or avoid that responsibility; and it is not fair to charge upon this committee, or upon this Legislature extravagance

in making appropriations which are necessary to meet its maturing obligations from time to time, as they mature.

The next item of the 22 is \$700 increase for salaries. I have not looked that up to know just how it happened to be \$700 more. Perhaps the salary of a county attorney has been raised or that of one or two throughout the State, that has made the salaries of public officers \$700 more in 1901 than in 1899. It is one of those instances over which we have no control.

State prison, subordinate officers, increase \$100.

Trustees insane hospital, increase of \$1000 in the visiting committee of the insane hospital, \$400. That is perfectly apparent to anyone who gives the matter a moment's thought. We have two insane asylums, and need an additional trustee. How can the finance committee or the State, or anyone decently avoid the payment of such an obligation as that; and why should we be accused of extravagance for making appropriations which we are bound by law to make, and which, in common decency, we should make? The item of insane beneficiaries has already been fully explained. Look this bill through,—you will find that an appropriation of \$68,000 was found to be insufficient by \$5,640.33; and hence the appropriation for this current year is made \$74,000,—enough, substantially, to cover the deficiency bill of the previous year, and so that there perhaps may not be any for the year to come. The next item, county taxes, shows a decrease of \$5,907.18. That is not the result of any economy, any more than the other is the result of extravagance. It simply comes about as a matter of book-keeping. It is the same in relation to railroad and telegraph tax due towns. There is a decrease of \$478 from two years ago. That is not the result of any matter of economy or extravagance. It is simply the natural operation of the business of the State in relation to this particular case. Interest on lands reserved, etc., there is an increase of \$2100. Burial expenses, soldiers and sailors \$1000. Now, I am not going through with these various items in detail. I only refer to these as illustrating what will be found to be the fact in

relation to every other item; but I wish to call the attention of the Senate to this fact, that in the gross increase of the 22 items in 1901 over 1899 of \$129,266.54, that \$120,000 in round numbers are made up by reason of the increase of the amount of maturing obligations in the State in 1901; and almost \$20,000 increase on school funds and mill tax appropriation, leaving, so far as these 22 items are concerned, less in fact than \$10,000 increase upon the entire appropriation bill. It is true as a matter of fact, that there are certain items found in the bill of 1901 not found in the bill of 1899, just the same as it is equally true that there are certain items found in the appropriation bill of 1899 which are not found in the appropriation bill of 1901. There are thirteen items which are new items, in this bill, items not found in the bill of 1899, and so I designate them as new items. What are they? Look them over for a moment. Schooling children in unorganized townships, \$1500. I suppose that every senator knows that is simply the result of the law of 1897 and 1899 by which provision is made for the schooling of children in unorganized townships in this State,—that is simply the explanation of that. The next item of \$2000. Superintendence, towns comprising school unions. Under the provisions of the school law certain towns are allowed to club together, and there are provisions of law in relation to what is termed here school unions; and there is an item of \$2000, which is now there, but that is something over which the finance committee has no control whatever. It is a provision of the law, and it is their duty to make provision for it. They would be negligent of their duty if they did not. Another item is \$230, uniformity of legislation, too small to spend any time on. Insane beneficiaries, \$5640.55, that I have already adverted to. Is it extravagant of the State, where there is a deficiency of that amount, relating to a matter of that kind, to make an appropriation of that amount to pay its honest debt. Must we be arraigned here as extravagant because we are paying our honest debts, what it is our bounden duty to do. The same, in relation to the next item, burial expenses, soldiers and sailors, deficiency \$2715.20. If you should look back to that, you would

find that the appropriation for that was \$5000, two years ago, showing a deficiency of \$2715.22 and the appropriation was increased to \$1000 this year. Expenses of Australian ballot, and expenses of Australian ballot deficiency.

We had two special elections. Traveling libraries \$1000. That is an entirely new matter. The Legislature of 1899 saw fit to pass that law relating to traveling libraries. I have never heard anybody complain of it. On the contrary I have heard great praise of it. People speak in the highest terms of it; and that calls for an appropriation of \$1000. Suppose the bill is re-committed, is that to be stricken out? Is there any complaint to be made in relation to such an item as that? Next come two large items, which practically explain the entire increase of the appropriation bill, as far as the new items are concerned, that is the item of the Eastern Maine Insane Hospital, \$60,000, and the Eastern Maine Insane Hospital, \$36,000, making \$96,000. That subject has been passed upon. It has been acted upon early in this session. There is nothing for this finance committee to do except to make an appropriation to meet that. The next item is Topographic Survey of the State of Maine, new matter, created by the Legislature of 1899, which it is the duty of the Legislature to meet and pay. So that the total amount of increase is \$121,571.38. In figuring this, of course you deduct the items in 1899, not found in 1901. Without taking up the time of the Senate to go over that in detail, they amount to \$48,088.41, so that the net of the new items, \$73,482.97, with the increase on the 22 items which I have already been over, amounting to \$129,266.54, explains the increase in the appropriations of \$201,000.00.

Certainly, when I sat down to look this subject over, I did not approach it with any desire to find fault with the bill, nor to defend it. I approached it with a desire to ascertain what was the truth in relation to it, what was the fact, what business sense there was in the attack upon this appropriation bill. I desired to know whether there was any just foundation for the charges that this bill was extravagant,

or that it carried expenditures of money which it ought not to carry. I confess that I arose from my examination of that bill satisfied that it was idle and a waste of time for this Senate to sit here and discuss the items of that bill—not one of which are not provided for by the law of the State; and if this bill should be returned to the finance committee they would do nothing with it except to return it to this Senate in the condition in which it is, today. I am aware, Mr. President, that this discussion has taken a somewhat wide range. I want to say this, so far as the creation of new expenditures—so far as new appropriations are concerned, so far as the increase of existing appropriations are concerned, I am willing to stand shoulder to shoulder with any senator here in saying that the affairs of the State shall be honestly and economically administered. I will go as far as anyone to meet the just and reasonable expectations of the people in respect to these things; but when I come to consider the fact that the simple question is whether this bill should be recommitted, I can find no justification whatever for the onslaught upon this bill; because, as I have said to you, it carries with it nothing but what it is the duty—the bounden duty of the state to pay, and which we could not evade paying if we are honest men.

Mr. VIRGIN of Portland: Mr. President, what is the question now before the Senate?

The PRESIDENT: The question before the Senate is on the motion of the senator from Knox to recommit House document No. 79 to the committee.

Mr. STAPLES of Knox: Mr. President, I feel it a duty that I owe myself, and perhaps to this Senate, to reply in a few words to the honorable senator from Androscoggin in regard to House document No. 79. I am a little surprised that he should beg the question that I put to this Senate the other day. Does he mean to say that if the Senate or the Legislature of 1899 was extravagant, that we should follow in the same line, today? Does he mean to tell this Senate that if there are extravagant offices created in 1899

and 1897, that this Legislature has not the power to abolish them? Does he mean to tell this Senate that if this bill is recommitted to the finance committee that they have not the right to recommend—and if they recommend the abolishment of any office, this Senate cannot place a bill in here and abolish it? Does he mean to tell the people of the State of Maine that the militia appropriation, although it is enacted by law, of \$36,000 is not extravagance? Does he mean to tell me that the finance committee has not a right to cut that down? Does he mean to tell the people of the State that this Legislature cannot control it in any manner that they please? Does he mean to tell me and this Senate that the \$20,000 voted to the Agricultural College at Orono, or the Maine University—if it was wrong in its inception—that this Legislature has no power to control it? I say that the \$20,000—the promise that the State made by resolve, five years ago, to pay the Agricultural College at Orono, of \$20,000 a year was wrong, and an outrage upon the taxpayers of this State; and I am sorry to see the senator from Androscoggin standing up here in this Senate and saying that that appropriation is right, because he knows—and if he does not know, if he will take the pains to investigate—he will find that the \$200,000 appropriated, \$100,000 already expended has not been expended for the purpose for which it was created. Are you going to give them \$20,000 more, this year? You are not bound to do it. There is no law upon our statute books requiring it. I believe in every man—even the State—paying their honest debts; but I do not believe that it is the duty of the senator from Androscoggin to vote against sending that bill back to the finance committee. Why! He would have everybody believe that if there are useless offices created, that we have no remedy—if there is an office that he believes to be useless, we must continue it because the Legislature in times past has made it a law. Take the cattle commission, for instance. I say that is a useless appropriation; and if this matter goes back to the finance committee, then they should recommend to this Senate

the abolishment of that; and if they do, they have a right to do it—then we can vote to abolish it, if we want to practice what we preach. Take the matter of bureau of industrial statistics. There is not, I apprehend, one-tenth part of the voters of the State of Maine, today, but what believe that is an extravagant appropriation and a worthless office. Is he willing to say that that should not be abolished and save \$3500 to the tax-payers of this State? I understand, Mr. President—and I meant to be understood, the other day—that I would be willing to vie with you to send this matter back to the committee on finance for them to recommend, by the senator from Androscoggin going before them, and any other senator, and recommending what we can do in this matter. I said nothing about the mill tax the other day. That is something you cannot affect in any way—nobody wants to affect it. That is not the extravagant part of it; and I say to the senators here assembled that if you will allow these useless offices like the office of insurance commissioner for the investigation of fires, like paying \$20,000 to the University of Maine, and the labor statistics, and other matters that I have mentoned, the other day—if you and others of this Senate allow these matters to remain upon your statute books, the people will say that you are extravagant and did not do your duty. I would not touch—as I said the other day—the pension. I would not touch in any way the educational matters of the State. They are for the use of everybody and nobody will find any fault, but, I say, as I said the other day, that we are up to our constitutional limit. It is a fact, if you take these figures, that you are \$200,000 in excess of the appropriation made, two years ago. You have already passed resolves in this Legislature amounting to \$368,000; and if you are up to the constitutional limit, you have either got to stop making further appropriations or else you have got to cut down by abolishing certain offices in this State. Would not the senator agree with me if there is an office on the statute book created in 1897 that is no benefit to the State of

Maine—wouldn't he be in favor of abolishing it?

Now, fellow senators, I felt it my duty to reply to the senator from Androscoggin. Let us recommit this to the finance committee. Let us all go before that committee and see if we cannot lop off something here and something there. I do not believe that you ought to pay the \$20,000 to the University of Maine. The very items that I spoke of, the other day, I believe you can lop off, and if you do that you will save \$90,000 of the appropriation. Cut that down. It can be cut down, and the business of this State be done just as well, and be accomplished just as well for the interest of the tax-payers of the State, as though you left it there. Because the Legislature of two years ago was extravagant, must we continue in the same line? If there is an office created by the Legislatures of 1897 or 1899 that is useless—let us drop it off. If there is an appropriation that is too large, this Legislature has full and complete power to remedy it, no matter what the Legislature of 1897 or that of 1899 did. I believe in legitimate appropriations. The senator will bear me witness that I have never raised my voice against legitimate appropriations. I am aware as well as he is, that it takes a certain amount of money to carry on the legitimate expense of government; but when you get beyond that is what the people are finding fault with, regardless of party in the State of Maine, that you have created useless offices that are eating out the substance of the people. The militia fund of \$36,000. This same militia that gets \$7000 from the general government every year, that would make \$43,000 for the use of the militia in this State. Do you believe in it? Do you think we need a militia in this State to expend \$36,000 upon? Take the history of the militia in this State for the last ten years, and answer me that question. Can we not save something there? Do not you think the State of Maine will be just as well off if we cut that down to \$15,000? The same power that created it can abolish it. The same power that gave wrongfully in its inception \$200,000 to the University

of Maine, can abolish it. The same power that made the law of 1897 for the investigation of fires, \$2000, can abolish it. Take the topographical survey. If they have accomplished anything in the past, rightfully and legitimately, they should have their pay; but I do not believe, in the present condition of finances in the State, that it is our duty to appropriate one single dollar there. You must recollect we are between \$700,000 and \$800,000 in debt. It is always better to be just before you are generous. The senator would have you believe that this is an attack upon the appropriation bill that is unwarranted. I take my chances before this Senate and the tax payers of the State of Maine, whether what I have said is legitimate or whether it is an attack upon the appropriation bill. I have not charged any department with extravagance. I deny the charge. You cannot find it in the remarks I made last Thursday that I charged extravagance to any of the heads of departments. I do not say it is extravagance. You have placed that amount of money in their hands by legislation. I say that is wrong. You should take it out by abolishing the office. If you do that I believe it will cut down \$60,000, and that was my purpose in sending it back to the finance committee. Let us look the matter over calmly and deliberately, and I will be satisfied. If the senator from Androscoggin will convince me that the \$3500 for the bureau of labor statistics is any benefit to the State of Maine to warrant that amount of expenditure, why, then, as a good, law-abiding citizen, I will yield. If what I say is true, that the \$20,000 appropriated for the University of Maine has been used, the \$100,000 they have already had for the purposes for which it was created, if he will convince me that that \$20,000 is legitimate, and that in good conscience we ought to continue paying it, I will yield. If he will convince me that the other appropriations to which I referred are legitimate, if the people of this State can be benefitted by it, I will yield; but I have a duty to my constituents—I have a duty that I owe the tax payers, not only of my county but of the State of Maine, and I do protest

that the bill is extravagant when you create an office that does no good to the people of Maine—I say it is an extravagance; and you cannot wipe it out. If you are content to let that bill go through here giving \$20,000 to the University of Maine, that they may squander in their measure up there in Orono, then you must take the responsibility, and not I. I am willing to take the responsibility as far as I can in cutting down the expenditures and abolishing useless offices that are eating out the substance of the people.

Mr. BURNS of Cumberland: Mr. President, I understand if the senator from Knox believes as he really says he does, that there are useless offices, that it is not only his privilege, but his duty, to take such steps as will repeal those laws and abolish those offices. He refers to the cattle commission. I believe in that office and I wish the cattle commissioners had treble at their disposal the amount they already have. He also referred to the University of Maine. I voted for that resolve originally, and I believe in it. I am not ashamed of it; but if the senator really believes that these offices should be abolished, he should take steps to do it, and not throw the responsibility upon the finance committee. It is quite as much his duty to do it as it is ours.

Mr. WHITE of Androscoggin: Mr. President, just a word in reply to the senator from Knox, and only a word. The simple fact remains that the charge against this appropriation bill is that it is extravagant. I have pointed out to this Senate that 88 of the items in the bill are precisely the same as they were in 1899. I have pointed out to the Senate that of the remaining 22 items, where there is increase or decrease, that the gross increase of \$129,000 is made up of \$100,000 to pay maturing obligations of the State, and nearly \$20,000 of the school fund and mill tax, leaving less than \$9000 of increase; hence his charge that that appropriation bill is extravagant falls to the ground, and there is no justification whatever for his position before this Senate asking that this bill be re-committed to the committee.

I was about to make the same suggestion the senator from Cumberland

has just made; as I do not understand that it is the duty of the finance committee in reporting an appropriation resolve to inquire into every law which they find upon the statute books, and pass any judgment upon them, and then come in here and ask to have them repealed. That is in my mind one of the most absurd positions for a man to take in relation to the duties of the finance committee, where they are charged with the duty of reporting a resolve.

As to one or two other items which he has referred to. He has referred frequently to the State College. Well, I do not know. It seems to me that it behooves the State, in the first place, to be honest, and to be just. I do not know—was no part of the Legislature and had nothing to do with it, and knew nothing about the details of that appropriation resolve. I suppose we all know, as a matter of fact, that that matter which was fully, elaborately and extensively discussed at the time; and the Legislature in its wisdom thought it best to pass the resolve.

In the remarks of the senator from Knox in his original speech, he called upon the lawyers in this body to know whether they thought this Legislature was bound by the action of a previous Legislature. It was an idle and useless question. We all know that we are not bound by that—that is, we are not bound to make an appropriation to meet that; but what I undertake to say is this, that if the State has entered into a trade or contract of that kind, through its Legislature, and has gone into it openly, with its eyes open, and understandingly, that it is the duty of the State to keep its contract, as much as it would be in the case of an individual. Even in a horse trade, people are looking to see a man stand by his trade. I am not discussing the question whether the State acted wisely at that time or not. I do not know. I simply know that they did, after full discussion, after very elaborate discussion, I know that they did make that trade; and it seems to me that in common honesty and common decency the State should keep its faith and make an appropriation in accord-

ance with the contract and understanding which was made at that time.

Another item which he has attacked, the topographic survey. Let us look at that for a moment. The Legislature of 1899 in its wisdom, or unwisdom—I am not prepared to say which—did create that commission and there was no appropriation for it and they have gone on and performed that labor, and there is an item of \$5000 to pay them for the labor performed. Is not the laborer worthy of his hire? Would it be common decency and common honesty for this Legislature to undertake to repudiate the payment of that obligation? I do not know but what that is honesty down in Knox county. I thank God that it is not honesty in Androscoggin, and I do not believe it is in the rest of the State of Maine.

Mr. STAPLES of Knox: Mr. President, down in Knox county we have not had the benefit of the State's money to educate us so much as they have had up in Androscoggin. They have had appropriations for the Sisters of Charity, for the asylums and the Woman's Beautiful Admiration Society up there; and therefore it is not expected, where they are surrounded with all these beneficent things that the senator from Knox or anybody from Knox county should have so clear an idea of what is right as the senator, perhaps, from Androscoggin.

Let me refer to one thing. He says if a senator wants to repeal certain offices he should put in a bill here. I have done so. I have not been very fortunate in succeeding, however. I put in a bill here to repeal the office for the investigation of fires. That law was made in 1897; and the senator from Androscoggin was the first one to vote against me. Therefore that was one of the matters that I referred to. There is one crumb of comfort, however, that I get as I go through my course in this Senate. I was somewhat amused the other day when the appropriation of \$1000 to send the militia out to Washington came into the Senate, and I asked a division, and I noticed that the gentleman from Androscoggin was very zealous in voting for that appropriation.

Mr. WHITE of Androscoggin: I do not think that is correct. I do not think I voted that way, either.

Mr. STAPLES of Knox: Perhaps you will later. I had the privilege of voting against it, and I stood all alone against that appropriation. I was extremely gratified, this morning, that that bill has been recalled from the Governor's table and will go where the woodbine twineth—where it ought to go. I am very glad of that. There is one crumb of comfort that I pick up in the course of my career.

Now, I do not know that another senator in this body agrees with me. I have examined this matter thoroughly and I did it with no partisan purpose. I did it as a tax payer of this State, in the interest of the tax payers of the State; and I say to you, if you will allow these useless offices to remain upon your statute books instead of going before the finance committee, and talking with them about it, and recommending its abolishment, if you pass this appropriation as it is, if you pass the appropriation already in here, \$368,000, you have got to adjourn—you may as well adjourn; because you will then have exceeded the constitutional limit of legitimate expenses of government. You pay your money and take your choice.

Mr. BURNS of Cumberland: Mr. President, I understand if this appropriation bill be passed, and if, in the wisdom of this Senate or Legislature, you see fit to abolish the offices that the senator from Knox calls useless, that not one dollar of that money will be paid out. It will remain in the State treasury, so that we are just as well off if we pass this appropriation bill and then abolish the offices as we are today.

Mr. WEEKS of Somerset: Mr. President, I see there is a little ripple of excitement here, this morning, and as peace-maker of the Senate, I am in hopes of stemming the tide. There is only a difference as to the method of proceeding. The senator from Knox can stand upon his rights and can maintain his rights by proceeding in the usual manner. Now what is the usual manner? It is for him to introduce bills touch-

ing upon all the subjects that are in his mind. The senator from Knox is a man of great versatility. I imagine if he should introduce bills upon all the subjects that are upon his mind now, that this Legislature would not adjourn in time to celebrate Independence day.

Now, then, how is the senator from Knox going to get at this matter. He and I agree to a certain extent upon certain details, but I cannot agree with him upon method. There is nothing for this Legislature to do unless it desires these items cut down, except to pass this general appropriation bill. We cannot send this back to the committee. They would have no jurisdiction over the repeal of laws that establish offices—none whatever. All they could do would be to cut down the appropriations.

I will take, for instance, the office of labor commissioner. The office is established by law. Suppose the committee on finance struck out the appropriation for the labor commissioner, he would still have a legal obligation against the State of Maine, and the State of Maine would still have to pay him. This question I submitted to the senator from Cumberland, the other day. He suggested that it was a question of law. I asked the senator from Cumberland what would be the practical effect if we should strike out the item providing for the salary for the commissioner of labor; and he said it was a question of law. I thought then it was a question of finance. Now I find that it is a question of both law and finance.

The legal proposition is as I have stated. The answer to the legal proposition is as I have stated, that the State of Maine will be legally and morally liable to pay the salary of the commissioner of labor as long as he serves under the existing law. I find that position fortified in the 79th Maine Reports, in the case of Andrews vs. Portland. It is only necessary for me to read one sentence of that opinion to convince this Senate that my opinion upon the law is correct: "The legal right to the office carries with it a right to the salary or emoluments of the office." So that, as long as a man has a

legal right to an office he has a legal right to the salary.

Now the only way to get at that item is to repeal the law; and the finance committee, I fairly submit, here and now, before this dignified body, has no jurisdiction, if this bill is recommitted to it, to report back a bill to this Senate to repeal that law. That is a subject-matter that belongs to the committee on labor, and that is a subject-matter which the committee on labor would fight for in this body, and in the House of Representatives.

I do not know anything about the militia. I never wanted to be a soldier. I do not believe I ever could be a soldier. I am perfectly satisfied with being a statesman. (Laughter.) The State has appropriated certain money for the militia; and the senator from Knox, I say it here deliberately, has charged the militia of our State with orgies committed, orgies and drunkenness and debauchery. I do not know but that it is true. I have visited the Muster grounds often, when the militia of our State have been holding a muster. I never saw any occasion of it. I have seen the boys having a good time. Boys will always have a good time when they get together in as large number as that—boys in colleges have good times. Why! They have good times when they have a barbecue down in Knox county. Boys are bound to have a good time when they meet in large numbers.

Mr. STAPLES of Knox: We do it on our own expense, though.

Mr. WEEKS of Somerset: I submit the charge of the senator from Knox against the militia of our State is entirely unfounded and unfair. I do not propose to go into any further discussion of this matter, only to say that the method of the senator from Knox is not the method usually adopted—generally adopted in a legislative body for getting at the very subjects that he wants to get at. Let him pursue the proper method, and then he will be sustained in this body with certain help; but if he undertakes to do it in this way, it is certainly wrong, and I, for one, would not sustain him.

Mr. STAPLES of Knox: Mr. President, just one word in regard to the

legal proposition in the case of Andrews vs. Portland, with which every lawyer is familiar. The case turned upon the question of whether a man was legally or illegally removed. The court held that he was illegally removed; therefore he was entitled to the emoluments of his office. That matter is not germane to this matter.

Mr. WEEKS of Somerset: Would you not maintain, and did you not maintain in the Senate, the other day, the position that if this law was repealed it practically removed the commissioner of labor from office?

Mr. STAPLES of Knox: I do, as far as his emoluments were concerned. I said so then, I say so now, most emphatically—that if the office of the commissioner of vital statistics or labor statistics is abolished, then I say, as a legal proposition, that that man cannot recover one single cent from the State of Maine by any law that was ever enacted or that you can find upon the statute books of this State.

Refer this matter to the finance committee. He says, they have no remedy. Take the resolve for \$20,000 for the university at Orono. Does he tell this Senate that if they strike out from that general appropriation bill that \$20,000 that they have not a legal and a moral right to do it? Of course, they have. I know it could be done in another way, and that would be by a vote of the House and Senate. I was fair in my proposition. I have no charges to make further against the militia of Maine; but I say to the senator from Somerset and to the other senators, that when you appropriate \$36,000 to them and they have \$7000 more from the general government, do you believe that the people of this State will say that we are justified in doing it, pray tell me—out of the hard earnings of the State of Maine in the taxes that they pay?

What good results to the people of this State by the militia? I have more confidence in the people of this State. We do not need any trained soldiers. They are a menace to a republican form of government. Let this State be invaded, tomorrow, and you will find 50,000 men coming up from everywhere to defend the old flag, whenever she may

be attacked; but you won't find them in the militia; but in the man that walks behind the plow and that works in the shop and the mill. I say you can cut them down to \$20,000 and then it will be all it ought to be.

I do say that the musters of the State of Maine by the militia have been a disgrace to the State of Maine. I am willing that every man in the State of Maine should hear just what I say. I say it is an outrage upon the tax-payers of the State of Maine when you give them \$36,000 to perambulate over this State. If we were wealthy and out of debt, then we might perhaps safely do it, but I never will consent when the people are groaning under the burden of taxation that they are groaning under now.

When I know that the governor of the State of Maine is calling upon this Republican Senate for a halt in extravagance in putting their appropriations in here, I will stand with him, even against the senators from Somerset and Androscoggin. I would rather stand with the people, because there is no question about it, you are up to your constitutional limit, and if you appropriate beyond \$192,000 for the expenditures of the State, then I believe in the faith, in the honor, in the integrity and honesty of the Hon. John F. Hill, the Governor of Maine, that he will veto it.

Let us be fair about this matter. Let us re-commit it and see if some of these appropriations that are in here that are not enacted by law cannot be cut off by the finance committee. If they cannot be, let them come back here. I have confidence in the finance committee; but, as the senator from Somerset said the other day that they did not have time to consider it as they wanted to. If they did not have time, then let them have time now. There is one matter that he will agree with me in, Senator Bryant from Somerset,—that the \$1500 for the salary of the stenographer of the chief justice is a thing of the past, and that, at least should be cut off. That can be recommended, and then the bill can be put in.

Mr. WEEKS of Somerset: Why not go directly to it by repealing the law?

Mr. STAPLES of Knox: I have not been very successful in doing that. I have asked for the repeal of two or three offices here; and I have found, when I came to vote, that there was but one or two,—the senator upon my left voted with me,—and I am a timid man, and do not like to fail in that line, very much.

I have said all I have to say about this matter. I believe we can do it. I say it in all fairness,—I say it in all candor. Let it be re-committed. I will go before the finance committee and give them my

views upon it, and let every senator in this body do the same; and I think we will arrive at a fair, just, equitable and honest consideration of the matter.

Mr. NOBLE of Franklin: I move that the Senate do now adjourn.

Mr. PLUMMER of Penobscot: Before that motion is put, I would like to take up another matter which was assigned for today, to make some disposition of it,—some arrangement as to its future consideration.

Mr. VIRGIN of Cumberland: I hope the senator from Franklin will withdraw the motion. I will not inflict a speech upon the Senate, but I think something could be done today instead of adjourning; as we have done for several days, while this matter was under discussion.

Mr. NOBLE of Franklin: If there is any prospect of doing anything, I will be glad to withdraw my motion.

Mr. VIRGIN of Cumberland: Mr. President, as I said, I do not propose inflicting a speech upon the Senate at this time. There has been talking enough; and it is time something was done to enable the treasurer of this State to pay out money for legitimate expenses of the government. His hands are tied, as I understand it. Not one cent can be paid out until this bill is passed; and I think it is just to the citizens of this State and to senators here to call attention to one fact in connection with the action of the senator from Knox on this matter. He laid this bill on the table some two weeks ago, agreeing to take it up from day to day, and then assigned it a week ahead, and finally took it up last Thursday, and we have been debating it ever since; and what did we have last Thursday, a resolve introduced by the senator from Knox to appropriate \$1000 for what? For specimens of animals and birds in the museum in the basement of this institution. Now, if that is economy in the government of the State of Maine, in appropriating money for this State, I fail to see it.

I do not wish to insinuate that the senator is unfair and not insincere, but I do claim that actions speak plainer than words sometimes. I hope the matter will now be disposed of and that the motion to refer to the committee will not prevail. It is the duty of the senator from Knox, as has been stated by my colleague, the senator from Cumberland, if he is opposed to any item in this bill, to move to strike it out, and not tie up the legitimate items in order that it may go to the finance committee, and have it there for a week or ten days longer; and I do not believe the Senate should waste any more time in discussion on any of the propositions that have been advanced by the senator from Knox.

Mr. STAPLES of Knox: Mr. President, it is true I have tried to be consistent. It is true that, by request of a member of the House, I put in for him a resolve carrying \$1000 for some specimens of birds, or something of that kind. I told him when I introduced it, that I would

do it to accommodate him; and let me say to the senators here that I do not believe in it. I did it for his accommodation, and I would vote against it from now until Doomsday. That is consistent. I did not put it in here. I told the gentleman who handed it to me that I was opposed to it; and if you find me consistent from now out in regard to these matters, I think you will agree with me that I have been consistent in the past.

Calls for the question.

The question being put upon the motion of Mr. Staples of Knox to re-commit House Bill No. 79 to the committee on finance, the motion was declared lost.

Mr. Staples of Knox called for a division. A division being had, the Chair declared that one had voted in favor of the motion, and 21 against the motion.

Mr. VIRGIN of Cumberland: I understand it is the duty of every senator to vote, unless excused or interested in the matter before the House.

Mr. PRINCE of Oxford: If necessary, I wish to be recorded in the negative.

The Chair thereupon declared that 22 votes had been cast against the motion to re-commit, and that the motion was lost.

The pending question was declared to be upon the acceptance of the report in concurrence with the House, and the question being put, the report was accepted in concurrence.

The bill then took its first reading.

The PRESIDENT: This bill comes from the House with House amendments A, B and C adopted in the House.

Mr. VIRGIN of Cumberland: I move that the Senate non-concur with the House in the adoption of these amendments striking out these items. I will say in connection with my motion that, at the time those amendments were introduced in the House, it was done on the supposition that the State printer was to furnish an itemized account of the printing for the year 1899 and an estimate of the printing for the ensuing year; and at the time those amendments were adopted that statement had not been furnished. It has since been furnished and it before the House and also before the Senate; and the matter of deficiency there of \$15,566 is for work already done by the State printer as ordered by the Legislature and by the Governor and Council in connection with the reports of the various departments. The work has been done and the money has been earned; and I submit to the Senate that those items should be reinstated in the bill as reported favorably by the committee on finance; and I therefore move to non-concur.

The question being put severally upon the adoption of House amendments A, B and C in concurrence, the Senate voted to non-concur with the House in their adoption, severally.

Mr. STAPLES of Knox: I move that House Bill No. 79 be amended by striking out from the bill the item of \$20,000 for the University of Maine.

The motion was lost.

Mr. VIRGIN of Cumberland: I move that the rule be suspended, and that the bill take its second reading at the present time, and pass to be engrossed.

The bill then took its second reading, and was passed to be engrossed.

Mr. PLUMMER of Penobscot: Mr. President, inasmuch as it is now nearly 12.30 o'clock and we have had a surfeit of discussion today, at the suggestion of my friend from Penobscot who cannot be here tomorrow, I move that the bill, an act to enable the proprietors of Bangor bridge to dispose of their bridge property, be made a special assignment for Thursday of this week.

The motion prevailed.

On motion of Mr. Macfarlane of Piscataquis, the Senate adjourned.