

MAINE STATE LEGISLATURE

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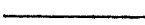
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

SENATE.

Augusta, March 13th, 1901.

Senate met according to adjournment, and was called to order by the President. Prayer by the Rev. Mr. Quimby of Gardiner.

Journal read and approved.

Papers from the House disposed of in concurrence.

On motion of Mr. White of Androscoggin, an act in relation to railroads crossing highways and town ways, which came from the House referred to the committee on railroads, telegraphs and expresses, was laid on the table, pending reference.

At this point, Mr. Noble of Franklin, at the request of the President, took the Chair.

An act to prohibit the pursuit and killing of duck and other water fowl by the use of launches or other craft propelled by other than hand power, Senate Document No. 34. This bill was passed to be engrossed by the Senate, and sent to the House as amended by the Senate. It came back from the House amended; and, on motion by Mr. Vickery of Kennebec, the vote whereby it was passed to be engrossed, was reconsidered. The question was then put upon the adoption of the House amendment, and the amendment was adopted. On motion by Mr. Vickery of Kennebec, the matter was laid on the table. Subsequently, on motion by the same senator, bill was taken from the table, who further moved that the bill be amended by adding section 2, 'The provisions of this act shall not apply to the lakes and ponds within Kennebec county.'

Mr. WEEKS of Somerset: If that amendment is adopted, I desire to prepare an amendment that will except the lakes and ponds of Somerset county.

Senators Plummer of Penobscot, Fernald of Androscoggin, Staples of Knox, Dudley of Aroostook, Wilson of Washington, Whitehouse of Sagadahoc, Stearns of Oxford, and McFadden of Lincoln, each severally declared their intention to submit similar amendments with respect to their several counties.

On motion by Mr. Virgin of Cumberland, the matter was laid on the table. Subsequently, on motion of the same senator, the bill was taken from the table.

Mr. VIRGIN of Cumberland: I wish to say to the Senate, that, originally when the matter was in consideration by its friends, the bill was framed to prevent chasing ducks and killing them on Lower Kezar pond, in the county of Oxford; but the matter seemed so well adapted to all the waters of the State, that the bill was drafted to cover them, and was referred to the committee on inland fisheries and game, and considered by them carefully; and they believed it was a proper bill to be passed, and reported it unanimsly to this branch. Owing to the opposition that has been developed in the Senate this morning by the senators, who want to look after the waters of their own counties, I have an amendment to offer, Senate amendment B.

The President announced that an amendment had been offered by Mr. Vickery of Kennebec. Mr. Vickery of Kennebec thereupon withdrew his motion to amend. Thereupon, on motion by Mr. Virgin of Cumberland, the following amendment was adopted, viz; Senate amendment B. Amend Senate Document No. 34 by striking out all of section one, and inserting the following: 'Section 1. It shall be unlawful to pursue, hunt or shoot duck or other water fowl upon the waters of Lower Kezar pond, in the county of Oxford, in any launch or other craft propelled by steam, naphtha, electric or any power other than by sail or hand, under a penalty of fifty dollars for each offense.'

Mr. VIRGIN: That makes it apply to Lower Kezar pond, and the waters of the counties of the other senators are not interfered with. That was the intention of the framers of the act in the first instance.

On the further motion of the same senator, the bill was further amended by the adoption of Senate amendment C, as follows:

Amend title to Senate Document No. 34, by adding thereto the following words, 'upon the waters of Lower Kezar pond in the county of Oxford.'

The bill, as amended, was then passed to be engrossed. Subsequently, the motion whereby the bill was passed to be engrossed was reconsidered, and on the further motion of the same senator, the Senate voted to reconsider the vote by which the Senate concurred with the House in adopting House amendment A;

and on the further motion of the same senator the Senate non-concurred with the House in the adoption of the amendment. The bill, as amended, was then passed to be engrossed.

Senate Document No. 35, an act to regulate fishing in the Lower Wilson pond, Prong pond and Horseshoe pond, passed to be engrossed by the Senate, came back from the House amended by House amendmen. A. The vote, whereby the bill was passed to be engrossed was reconsidered, and the Senate concurred with the House in the adoption of the amendment. As amended, the bill was passed to be engrossed.

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

Mr. JONES of Penobscot: Mr. President, a few days ago, we passed this bill, and through error certain words were omitted, I now offer the following bill, an act to amend an act, entitled an act authorizing and empowering the Great Northern Paper Company to erect and maintain booms and piers in the West Branch of the Penobscot river, approved March 8th, 1911, and I move that, under suspension of the rules, the bill take its several readings and pass to be engrossed. The motion prevailed. The bill took its several readings, and was passed to be engrossed.

READ AND ASSIGNED.

An act to amend the charter of the City of Portland. This bill came from the House with House amendment A adopted by the House. The amendment was adopted in concurrence.

An act to incorporate the Scarborough Water Company.

An act to amend Section 29 of Chapter 92 of the Revised Statutes in relation to mills and mill dams.

An act to amend the charter of the City of Bangor. On motion by Mr. Adams of Penobscot, laid on the table, pending second reading.

An act to incorporate the Ashland Light and Water Company.

An act to amend Chapter 55 of the Public Laws of 1891, relating to the incorporation of churches.

An act to legalize certain days as school holidays.

An act to amend Sections 28 and 35 of Chapter 11 of the Revised Statutes relating to a free high school year.

An act to amend Section 3 of Chapter 216 of the Public Laws of 1893 relating to the conveyance of scholars.

Resolve in favor of summer training schools for teachers and the distribution of educational documents.

An act relating to trust and banking companies.

An act to create a lien for driving logs or lumber under contract with the owner, or any other person.

An act to incorporate the Pistol Stream Dam Company.

Resolve providing for the screening of Sebago lake.

An act to regulate winter fishing and to close the tributaries to certain lakes and ponds in Somerset, Penobscot and Washington counties.

An act to prohibit the dumping of her- ring and all fish offal in the waters of Moosabec Reach in the town of Jones- port. House amendment A of this bill adopted in concurrence. On motion by Mr. Wilson of Washington, this bill took its second reading under suspension of the rules, and was passed to be en- grossed.

Resolve in favor of Sigmund Newhouse.

An act relating to the taxation of tele- graph and telephone companies.

An act relating to compensation of county commissioners of Franklin county.

An act relating to the Maine State Sanatorium Association. On motion by Mr. Whitehouse of Sagadahoc, this bill took its several readings under suspen- sion of the rules, and was passed to be engrossed.

A communication was received from the secretary of State, transmitting re- port of the State superintendent of public schools for the year 1900, and the same was referred to the committee on education.

COMMITTEE ON INSANE HOSPITALS.

By Mr. Weeks of Somerset—Resolve in favor of the Eastern Maine Insane Hos- pital.

ORDERS.

On motion by Mr. Weeks of Somerset, it was, Ordered, that the secretary of the Senate prepare and cause to be printed under his supervision and direction, four

hundred copies of the Journal of the proceedings of the present session of the Senate.

Resolve in favor of the committee on insane hospitals. On motion by Mr. Prince of Oxford, this resolve took its several readings under suspension of the rules, and was passed to be engrossed.

REPORTS OF COMMITTEES.

Mr. Virgin for the committee on the judiciary, on Bill, an act to amend Section 12, of Chapter 95 of the Revised Statutes relating to shooting and huntings on islands in salt water, reported same ought not to pass.

Also, on Bill, an act, to prevent hunting and shooting on Stanley's Point in Steuben, reported ought not to pass.

Mr. Noble for the committee on legal affairs, on order instructing the committee to inquire into the expediency of requiring a deposit from parties asking private legislation, reported legislation inexpedient.

Mr. Weeks for the committee on the judiciary, on Bill, an act relative to the issue of capital stock and bonds by quasi public corporations, reported same ought not to pass. Pending the acceptance of the report, on motion by Mr. Weeks of Somerset, laid on the table.

Mr. Bryant, for the committee on financial affairs, on Resolve requesting the State of Maine to make a special exhibit at the South Carolina Inter-state exposition, reported legislation thereon inexpedient.

Mr. Dudley, for the committee on agriculture on Bill, an act to establish a dairy bureau of board of agriculture, reported same ought not to pass.

Mr. Wilson, for the committee on education, on bill, an act relating to the employment of superintendents of schools in cities and towns, reported that same be referred to the next Legislature.

Mr. Virgin, for the committee on the judiciary, on bill, an act to incorporate the East Pittston Village Corporation, reported the same in new draft, under same title, and that it ought to pass. Bill tabled for printing under the joint rules.

Mr. White, for the committee on judiciary, on bill, an act to provide for the transfer of patients in insane hos-

pitals, reported same ought to pass. Tabled for printing under joint rules.

Also on communication of the secretary of State, in relation to ceding to the United States jurisdiction of a site in Rockland harbor for a light house, reported accompanying bill, an act to cede to the United States jurisdiction of a site in Rockland harbor for a lighthouse, and that it ought to pass. Tabled for printing under the joint rules.

Mr. Noble, for the committee on legal affairs on bill, an act entitled an act amendatory to Chapter 508 of the Private and Special Laws of 1885, establishing a municipal court in the town of Norway and relating to the jurisdiction thereof, reported that same ought to pass. Tabled for printing under the joint rules.

Also, bill, an act to ratify, confirm and define the charter of the York Water Company, reported same in new draft, under same ought to pass. Table for printing under the joint rules.

Also on bill, an act to amend the charter of the Rumford Falls municipal court, reported same in new draft, under title of an act amending an act creating the Rumford Falls municipal court, and that it ought to pass. Tabled for printing under joint rules.

Mr. Bryant, for the committee on financial affairs, on resolve in favor of the topographical surveys for 1901 and 1902 and geological survey, reported same ought to pass. Tabled for printing under joint rules.

Mr. Jones, for the committee on interior waters, on bill, an act to incorporate the Long Pond Improvement Company, reported same ought to pass. Tabled for printing under joint rules.

Also, on bill, an act to authorize the authorize the Penobscot Log Driving Company to rebuild and raise the height of North Twin Dam or to build a new dam to take the place of said North Twin dam, reported same ought to pass. Tabled for printing under joint rules.

Mr. Plummer, for the Penobscot county delegation, on bill, an act to regulate the salary of sheriff of Penobscot county, reported same in new draft under title of an act providing

that the sheriff of Penobscot county shall not be entitled to a percentage of the fees of his deputies, and that it ought to pass. Tabled for printing under joint rules.

PASSED TO BE ENGROSSED.

An act to amend Section 55 of Chapter 3 of the Revised Statutes relating to the taking of lands for public parks and squares.

An act to amend an act to incorporate the city of Augusta.

An act to legalize the doings of the town of Leeds.

An act additional to Chapter 29 of the Revised Statutes relating to bowling alleys.

An act to authorize the Machias Lumber Company to acquire by purchase all the rights and property of the proprietors of Machias boom, and to confirm all purchases of said rights and property already acquired by said Machias Lumber Company.

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

Resolve in favor of the town of Edmunds.

Resolve in favor of the town of Ashland.

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

Resolve in favor of William J. Maybury, surgeon general, National Guard, State of Maine.

An act to ratify the lease of the Paten and Sherman Railroad to the Bangor and Aroostook Railroad Company.

An act to regulate proceeding on certiorari.

An act to cede to the United States jurisdiction over certain land in Augusta.

An act to incorporate the Masonic trustees of Fairfield.

Resolve in favor of the town of Meddybemps.

An act authorizing the Fryeburg Horse Railroad Company to maintain steamboats upon the waters of Upper Kezar pond.

An act to amend Section 8 of Chapter 24 of the Revised Statutes, as amended by Chapter 269 of the Public Laws of 1885, as amended by Chapters 9 and 146 of the Public Laws of 1887, as

amended by Chapter 256 of the Public Laws of 1889, as amended by Chapter 60 of the Public Laws of 1891, as amended by Chapter 326 of the Public Laws of 1897, relating to dependent soldiers and sailors and their families.

An act to authorize Warren Sawyer to build and maintain a wharf in the tide waters in the town of Milbridge, county of Washington.

An act to extend the charter of the Sebasticook Manufacturing and Power Company.

An act to incorporate the trustees of Lincoln Lodge, No. 90, Knights of Pythias.

An act to amend an act to establish a municipal court in the town of Waterville.

An act to extend the charter of the Manufacturer's Trust Company.

An act to incorporate the Solon Academy.

An act to create the state department of agriculture.

Mr. ALDEN of Kennebec: Mr. President and Gentlemen of the Senate—I stand here, today, a plain, every-day farmer, have always been one and hope to die on my farm, and as a representative of the farm I am here, first of all, to defend its interests and labor to advance the great fundamental industry of the world. You will, therefore, excuse me if I claim your attention a few moments while I set forth, as best I may, the facts as they present themselves to me regarding the bill now pending.

For years I have been familiar with the work of the Board of Agriculture, and, during the past two years, as president of the State Dairymen's Association, have been brought into close and intimate relation with the secretary of the Board of Agriculture.

I have been knowing to the steady decline in interest in the institute work in this section of the State, as the facts regarding the management of the financial affairs of the office have gradually been made known. Gentlemen, the time has come when, for the best interests of our agricultural industry, the change proposed by this law should be made. You heard, or have read, the testimony, the voluntary confessions of incapacity, the

gross irregularities, but there are other and more vital reasons why this bill should receive you favorable action. We are discussing the one industry at the foundation of all life.

Boast as we may of the great advance in mechanics, the building of busy towns and cities, up and down our rivers and on the shores of our lakes, yet we must never forget that the larger the town or the greater the number of manufactories, the greater the obligation resting upon us to foster our agriculture that it may feed the people.

Maine has won honor and glory because of her sons at home and abroad, but those sons were reared upon the farms, and all over these hills and valleys are dotted the homes from which they have departed, to return with honor to their native State.

Living in this rural atmosphere, I trust I realize the necessity for such wise oversight of the avenues through which and by which improved methods are introduced and made permanent, as will tend to maintain this industry in full force and strength.

Conditions have changed rapidly since we were boys, and the law creating the Board of Agriculture has, like many others, had its day. We face a different situation and our methods and practices must conform to the demands of the present.

The agriculture of Maine is possible of almost limitless extension. The great dairy industry which claims the attention of so many can be multiplied over and over again with profit. The same may be said of our fruits, potatoes and all classes of stock husbandry.

Gentlemen, will the State lend its support to the work, as it faces the progressive farmer, today? If so, pass this bill, put up the bars, make strong the restrictions, be sure and prevent the recurrence of such practices as have lately been revealed, and then send out a man to serve the State and build up its agriculture, in whom the whole people can have confidence, and to whom the farmers can turn for helpful suggestions.

Gentlemen, I plead for the industry I love, the industry which has claimed

all my thought and labor, and so sure am I that it is possible for a different atmosphere to be kindled in the rural sections, that I urge the advance step, which is the deliberate action of the agricultural committee. I want to see our farms alive with new energy and our rural life becoming more numerous, and believe that a wise and economical expenditure of the appropriation named in this bill, which is the same as in former years, will give us just this result.

Gentlemen, your agricultural committee has labored faithfully to so frame a law that this department will hereafter be an honor to the State.

Gentlemen, this bill has been carefully drawn and as carefully revised by many of the best farmers of Maine. It embodies some sections from the New York law, where our old friend and honored co-worker, Prof. W. H. Jordan, declares they have the best organized agricultural department in the country, and others which have been specially commended by other states.

The bill has been drawn to insure the best possible service at least expense and make the department effective.

We have recommended such changes in the publication of the annual reports of the department as to make a saving to the State of more than \$3000 yearly. We have limited expense where before they were unlimited; we would require a bond for the protection of the State and a complete itemized account of all expenditures.

We have done this, certain that the great body of farmers would approve our action, and we now ask of you that by your votes you set the seal of the Senate upon our deliberations and create this department anew, and in a manner to bring honor and credit to the good old State of Maine. (Applause).

An act to prohibit the dumping of herring and all fish offal in the waters of Moosabec Reach in the town of Jonesport.

An act to prohibit the pursuit and killing of duck and other water fowl by the use of launches or other craft propelled by other than hand power

upon the waters of Lower Kezar pond in the county of Oxford.

An act to regulate fishing in the Lower Wilson pond, Prong pond and Horseshoe pond.

An act to amend an act entitled an act authorizing and empowering the Great Northern Paper Company to erect and maintain booms and piers in the West Branch of the Penobscot river, approved March 8, 1901.

Resolve in favor of the committee on Insane Hospitals.

An act relating to the Maine State Sanatorium Association.

Resolve in aid of the Augusta City Hospital. On motion of Mr. Staples of Knox, laid on the table, pending its passage to be engrossed.

An act to regulate the taking of deer in Androscoggin county.

An act additional to Section 59 of Chapter 3 of the Revised Statutes relating to city ordinances.

An act additional to Chapter 49 of the Revised Statutes relating to insurance.

An act to legalize and make valid the acts of the town of Monmouth.

An act to amend Chapter 208 of the Private and Special Laws of 1895, entitled an act to enable the proprietors of the Bangor bridge to dispose of their bridge property.

An act to authorize the erection and maintenance of dams, side dams, piers and booms in Sandy stream, Gilman pond and Gilman stream in the plantations of Highland and Lexington and in the town of New Portland in the county of Somerset and State of Maine, and to make improvements in said streams and ponds.

An act to amend Chapter 22 of the Public Laws of 1899 relating to travelling libraries.

An act additional to and amendatory of Chapter 242 of the Public Laws of 1893 relating to free public libraries.

An act to amend Section 29 of Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, known as the fish and game laws.

An act to amend Sections 1 and 4 of Chapter 80 of the Public Laws of 1899 relating to truants.

An act to incorporate the State Trust Company.

An act to incorporate the Granite Trust Company.

An act relating to the organization and control of street railroads.

An act to further regulate procedure in the organization of street railroad corporations.

An act to further regulate the powers and privileges of street railroads.

An act to renew and extend the charter of the Boothbay Harbor Banking Company.

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.

An act relating to and amendatory of Chapter 88 of the Special Laws of 1895, entitled an act to allow the Bar Harbor Electric Light Company to issue bonds and preferred stock and purchase property.

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

An act to extend the charter of the North Berwick Trust Company.

An act to extend the charter of the Bath Trust Company.

An act to incorporate the Old Orchard Trust and Banking Company.

An act to amend and extend the charter of the Mechanic Falls Banking and Trust Company.

An act additional to Chapter 287 of the Public Laws of 1893, for the better protection of sheep.

An act to extend the charter of the Bluehill Trust and Banking Company.

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

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

An act to incorporate the Winthrop Cold Spring Water Company.

An act to incorporate the Hillside Water Company.

An act to amend the charter of the Augusta Water Company.

An act to incorporate the Tunk River Water Power Company.

An act in relation to supplying the municipal courts in the county of York with dockets and blanks.

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

An act to extend the charter of the Kittery & Eliot Street Railway Company.

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

An act to amend Chapter 262 of the Private and Special Laws of 1824, entitled an act to incorporate the Cumberland Lodge.

An act additional to an act to incorporate the Union Gas and Electric Company of Waterville, and to amend Section 4 of Chapter 556 of the Private and Special Laws of 1897.

An act to incorporate the New England Trust Company.

An act establishing the salary of the county attorney for the county of Aroostook.

FINALLY PASSED.

Resolves authorizing a temporary loan for war purposes for the year 1901.

Resolves authorizing a temporary loan for the year 1902.

Resolve providing for the payment to the town of Kingfield, the amount due said town on account of an error in the return of scholars for that town.

Resolve in aid of navigation on Moosehead lake.

Resolve in favor of Kings Daughter's Home at Bangor.

ORDERS OF THE DAY.

Resolve in favor of Edward Bolin. (Pending its passage to be engrossed.)

Mr. WEEKS of Somerset: Mr. President, I wish to call the attention of Senators to this bill. The resolve is diminutive in print, but it means a great deal. It is as small as a mouse and as dangerous as a lion. It requires that \$45 shall be paid to Edward Bolin. About the first day of May he took out a license to hawk and peddle in the State of Maine. On the 20th day of May, succeeding, the law was declared to be unconstitutional, the only point of unconstitutionality being that it discriminated against aliens. I believe that the law was a righteous law, and that peddlars and

hawkers should be required to take out a license; and I think there is to be reported at this Legislature a bill requiring them to take out licenses as heretofore, eliminating the objectionable clause. If we begin to pay back this money to those who have paid for a license, it means thousands of dollars out of the treasury of the State, put there under a law which is justified by our moral sense. At the next Legislature there will be lots of them coming here claiming that the money has been paid to the State under a law that should have been inoperative. I think the money should be kept in the treasury, and I move that the resolve be indefinitely postponed.

Mr. MCFADDEN of Lincoln: I hope the motion of the gentleman will not prevail. The committee on claims have had several of these matters before them, and we have made identical reports in all of them, that is: To take the date of their license and subtract from the amount paid an amount proportional to the time elapsed between the date of their license and the date of the decision of the supreme court—May 20th; and the committee have recommended the repayment of that balance. The committee concluded that when the State of Maine takes money illegally they could not resist the claim for repayment.

Mr. VIRGIN of Cumberland: Mr. President, I can appreciate the force of the suggestions of the senators, but it strikes me that if we once begin paying back money that is paid into the treasury, as this resolve calls for, in justice there is no reason why we should not repay to every person that has received a license, such money as he has paid for a license under the law which the court has cited is unconstitutional. It occurs to me that possibly the difficulty may be obviated by providing in the new hawkers and peddlars law which has been introduced into the House and reported favorably by the committee, and which will come to the Senate today or tomorrow, a clause that will give credit to such hawkers and peddlars who have been licensed and whose license has not expired up to the time that the law was pronounced unconstitutional. Amend the new law to give such persons credit on new licenses to be taken out for the unexpended amount under their old licenses.

Mr. NOBLE of Franklin. I think, perhaps, the senators are not taking into account the fact that these licenses are annual licenses. They exist only during the year. As I remember there are two or three, and some of them have finally passed.

Mr. WEEKS: I have just been informed by a member of the House who seems to be posted on this matter that not one of these resolves has gone through yet.

Mr. NOBLE: As suggested by the senator from Lincoln, these resolves do not call for anything to be paid back to the parties, as long as the law was in force, and these parties were receiving whatever benefits there were accruing under the law; but the committee decided that, after the law had been declared unconstitutional, there could be possibly no benefit accruing under the law, and that they were entitled to receive back that unexpired proportion of their license fee. Is the State going to say: "We will keep these men's money?" It has no right to it at all. The department should have informed them at the time that the law was unconstitutional.

Mr. WEEKS: If this law was unconstitutional, it was so from the very moment it was passed, and every cent received after that was received illegally—I mean by that—not in a bad sense. The point upon which the law was declared to be unconstitutional was that it discriminated against aliens. If we have received any part of this money illegally, we have received the whole of it illegally; and if you start this row of bricks they will all fall down. I believe this money, in every moral sense, belongs to the State of Maine, and that we should retain it.

Mr. NOBLE: I cannot agree with the senator from Somerset on his point of morality. If the State of Maine is entitled to \$50 paid to it for a license fee after the law was declared unconstitutional and void, it is a different kind of morality from what I ever read about. I agree with him that the State would be legally liable for all the license fees paid under this law. It was unconstitutional from the first. It may be legally right that the State should pay back this money, but it is not morally right. The law was declared unconstitutional on a mere technicality. I do not see how there is any moral right for the State to keep the money that was taken in during the unexpired portion of the license.

Mr. PLUMMER of Penobscot: A constituent in a town from my own county, a peddler by occupation, through me, put in a resolve reimbursing him for all money he had paid for licenses running back to the beginning, covering some nine years. The committee to which it was referred reported ought not to pass, because it covered a time during which, although the money was paid under a law which was unconstitutional from the beginning, he had had practically the benefit of the operation of the law in freedom from competition, being a licensed peddler—practically the same benefit he would have had if the law had been constitutional. As a matter of equity, whatever his strict legal claim might have been, the committee felt he was not entitled to have this money refunded. But this is not that question. This question is whether so much of the

license as was not available to him in the way of shutting out competition—because, after the law was declared unconstitutional May 20th, 1900, anybody and everybody could peddle freely, and he got no advantage from having taken out this license, in the way of exemption from competition. The question is, whether it is right for the State to retain this money for which he gets no practical benefit whatever. As a matter of fact, I believe the State should pay back the whole. But it seems to me it would be morally wrong to refuse to pay back these sums to these men who, only a few days before the law was declared unconstitutional, paid this money to the State, and received no practical benefit.

The question was put upon the motion to indefinitely postpone. A division was called for by Mr. Weeks, and the Chair declared that four had voted in favor of the motion, and 17 against. So the motion was lost.

On motion by Mr. Virgin of Cumberland, the resolve was laid on the table.

On motion by Mr. McFadden of Lincoln the majority and minority reports of the Lincoln county delegation on bill, an act to fix the compensation of sheriff of Lincoln county, was taken from the table. The same senator moved that the matter be recommitted to the Lincoln county delegation. The question being put a division was called for, and the Chair announced that eight had voted in favor of the motion and nine opposed, and that the motion to recommit was lost.

On motion by Mr. McFadden of Lincoln, the matter was laid on the table.

Mr. FERNALD of Androscoggin: I would like to straighten out a little parliamentary tangle into which we fell yesterday. You will remember a vote was passed in the Senate to reconsider the vote whereby the Senate concurred with the House in the acceptance of the report of the committee on legal affairs in regard to the municipal charter of the town of Waldoboro—ought not to pass; and that the report be sent back to the House. The House refused to accept the report, as they made no request for same, and the Speaker suggests that it is quite unparliamentary. This matter, I understand, is of very little importance; but the papers are now in the hands of the Senate to be acted upon this morning; and I move to reconsider the vote whereby these papers were ordered to be returned to the House.

The President: The Chair will state that the House had adjourned yesterday at the time the vote was passed, and the papers are still in the hands of the secretary.

The question being put on the motion to reconsider, the motion prevailed; and, on the further motion of the same senator, the Senate concurred with the House in the acceptance of the report.

On motion by Mr. Burns of Cumberland, resolve in favor of the King's Daughters' Home at Bangor, was taken from the table; and, on the further motion of that senator, the same was finally passed.

On motion of Mr. Noble of Franklin, resolve in favor of Lee Normal Academy, specially assigned for today, was taken from the table. The pending question was upon the adoption of the amendment offered by Mr. Plummer of Penobscot, viz.: to add at the end of the bill the following: And provided further that said normal academy shall not be entitled to any aid from the State for the years 1901 and 1902 in addition to that carried by this resolve. The question being put, the amendment was adopted; and the bill, as amended, was assigned for its second reading. On motion by Mr. Jones of Penobscot, the bill subsequently received its second reading, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. White of Androscoggin, the report of the judiciary committee on petition of Methodist and Congregational churches of South Paris and others in relation to Sunday excursion rates praying that all public conveyances may be forbidden granting excursion rates on the Lord's Day, was taken from the table on the further motion of that senator the report of the committee, that petitioners have leave to withdraw, was accepted.

On motion by Mr. Staples of Knox, Senate Document 26, an act relating to the salaries of the justices of the supreme judicial court, tabled pending its second reading, and specially assigned for today, was taken from the table; and on the further motion of that senator, the same was specially re-assigned for tomorrow afternoon.

Mr. Fernald, for the committee on taxation, out of order, on order of the Legislature relating to taxation of jewelry and silver plate, reported that legislation thereon is inexpedient.

On motion by Mr. Wilson of Washington, the Senate adjourned.

HOUSE.

Wednesday, March 13.

Prayer by Rev. Mr. Ringold of Gardiner.

Papers from the Senate disposed of in concurrence.

Bill, an act authorizing the construction of a wharf into the tide waters of the Penobscot river in Winterport, Maine, was referred in the Senate to the committee on legal affairs under a suspension of the rules.

In the House the rules were suspended and the bill was referred in concurrence.

An act to amend Section 1 of Chapter 35 of the Public Laws of 1891, relating to the salaries of assistant superintendent, steward and matron at the Insane Hospital. (Tabled pending third reading on motion of Mr. Haskell of Windham, and Thursday assigned for its consideration.)

An act to authorize Manly Morrison to erect and maintain booms in the Sabasticook river.

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

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

The following Senate order was received:

Ordered, the House concurring, a committee of three, of which the President shall be one on the part of the Senate, with such as the House may join, be appointed to consider and recommend such amendments and additions to the joint rules as may be deemed expedient.

On motion of Mr. Pettengill of Rumford, it was voted that the committee on the part of the House should consist of five of whom one shall be the Speaker.

The Speaker joined on the committee on the part of the House, Messrs. Chase of Portland, Parkhurst of Bangor, Gardner of Patten, Pettingill of Rumford, and by direction of the House, the Speaker.