

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**Seventieth Legislature**

OF THE

**STATE OF MAINE.**

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**1901.**

## SENATE.

Augusta, March 15th, 1901.

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

Prayer by the Rev. Mr. Beale of Augusta.

Journal read and approved.

Mr. McFADDEN of Lincoln—Mr. President, I rise to a question of privilege. I will occupy the Senate but a very few moments. Yesterday morning, when I corrected a statement made by the Senator from Penobscot, and was assured that my memory was in fault, and not his, I was filled with deep concern. I said to myself: "Orrin, you are losing your memory—according to Howard Owen—you are the oldest covey in the chamber, and you must be mistaken." Well! I had a lingering hope that I might not be so mistaken, and so I went to the library, and I found the document in question, and it reads as follows: Senate Document No. 15 of the year 1899, an act in relation to the salaries of the justices of the supreme judicial court, "From and after the first day of April in the year of our Lord 1899, the annual salary of each of the justices of the supreme judicial court shall be four thousand dollars," etc. I was very much relieved when I found that there was no evidence of premature decay in my memory; and my deep concern for myself was changed to profound sympathy for my associates. I thought I would call the attention of the Senate to it for, perhaps, if their cases are taken in season, they may stop the malady where it is, and it will not become chronic. (Laughter and applause).

On motion by Mr. Noble of Franklin it was, Ordered, the House concurring, that when the Senate and House adjourn it be to meet on Saturday, March 16th, at 8.30 A. M. This order came back from the House concurred in by that branch.

Papers from the House disposed of in concurrence.

## READ AND ASSIGNED.

An act to amend Section 63 of Chapter 3 of the Revised Statutes, as

amended by Chapter 334 of the Public Laws of 1835, relating to fish weirs and wharves.

An act additional to Chapter 86 of the Revised Statutes, regulating costs of parties summoned as trustees.

An act to amend Section 14 of Chapter 116 of the Revised Statutes, relating to fees and costs.

An act to amend Section 23 of Chapter 137 of the Public Laws of 1887, entitled, an act to abolish imprisonment for debt, except in cases of fraud.

Resolve in favor of Farmington Normal School. House amendment A adopted in concurrence.

An act to amend Section 77 of Chapter 49, relating to insurance.

An act relating to life insurance on the assessment plan.

Resolve in favor of William J. Mathews of Searsport, Maine.

An act to regulate the herring fisheries in the towns of Jonesport and Addison. On motion by Mr. Wilson of Washington, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of the State Reform School. (House amendment A adopted in concurrence). On motion by Mr. Bryant of Somerset, this resolve took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve for the purchase of the Maine State Year Book and Legislative Manual for the years 1901 and 1902. (House amendment A adopted in concurrence).

Resolve for an amendment of the constitution by abrogating and annulling amendment five adopted on the eighth day of September in the year of our Lord 1884, relating to the manufacture and sale of intoxicating liquors.

This bill came from the House accompanied by two reports, a majority of the committee on temperance, to which was referred resolve providing for the repeal of the 5th amendment of the constitution of this State, prohibiting the manufacture of intoxicating liquors and forbidding their sale except for medicinal and mechanical purposes and the arts, re-

porting that same ought not to pass; and a minority of said committee reporting ought to pass.

Mr. Weeks of Somerset, moved that the Senate concur with the House in accepting the majority report.

Mr. Staples of Knox, moved that the bill lie upon the table and be assigned for Tuesday, next.

The question being put upon the motion to lay on the table, the motion was declared lost.

Mr. STAPLES of Knox—Then, Mr. President, I trust it will lie upon the table until later in this session, as I desire to speak upon the question.

Mr. NOBLE of Franklin—Mr. President, I would suggest that the Senator have leave to print his remarks.

Mr. STAPLES of Knox—I do not thank the gentleman from Franklin for his suggestion.

On motion by Mr. Staples of Knox the matter was laid on the table to be taken up later in the day, under orders of the day.

An act to amend Section 31 of Chapter 186 of the laws of 1893 relating to ward lines. This matter was, in the Senate, referred to the committee on legal affairs. It comes back from the House indefinitely postponed. The Senate concurred with the House in its indefinite postponement.

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

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

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

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

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

An act to authorize the Penobscot Log Driving Company to rebuild and raise the height of North Quinn dam or to build a new dam to take the place of said North Quinn dam. On motion by Mr. Jones of Penobscot, this bill received its second reading, under suspension of the rules, and was passed to be engrossed.

An act to incorporate the Long Island Pond Improvement Company. On motion by Mr. Jones of Penobscot, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of the Passamaquoddy tribe of Indians. This resolve, on motion by Mr. Staples of Cumberland, was taken from the table, and on the further motion of that senator, the following amendment was adopted, and the resolve as amended was read and assigned, —Senate amendment A. Strike out all after the word "resolved" and insert the following: 'That the sum of thirty-five hundred dollars be and hereby is appropriated for the purpose of rebuilding the church at Pleasant Point in the town of Perry; said money to be paid from the fund belonging to the Passamaquoddy tribe of Indians, now in the State treasury; said fund being the money received by the State for stumpage and for land sold belonging to said tribe; and that said sum be expended under the direction of the governor and council.'

Mr. Stearns for the committee on temperance, on so much of the governor's message as relates to temperance, reported that further legislation thereon is expedient.

Mr. Dudley, for the committee on temperance, on Order, that the House concurring, the committee on temperance be directed to inquire what material, moral or religious interest of the people of this State is sub-served by maintaining the office of State liquor commissioner, and report by bill abolishing said office, or otherwise, reported that the same be referred to the next Legislature. Pending the acceptance of the report of the committee, on motion by Mr. McFadden of Lincoln, this matter was laid on the table.

Mr. Staples for the committee on legal affairs, on Bill, an act to establish the Waldo municipal court, reported the same to be referred to the next Legislature.

Mr. Burns, for the committee on financial affairs, on communication from the secretary of State relating to joint resolution from the legislature

of Virginia to promote the tercentennial celebration of the settlement of Jamestown, reported legislation thereon inexpedient.

Mr. Vickery for the committee on inland fisheries and game, on petition of W. H. Farrar and 18 others, asking that the law prohibiting fishing on Main stream be repealed, reported that petitioners have leave to withdraw as the subject-matter of the petition has been incorporated in a bill already reported to this Legislature by this committee, entitled, an act to open Main stream, a tributary of Moose pond, above the dam near the outlet, to fishing.

Mr. Weeks for the committee on the judiciary, on bill, an act to establish a municipal court in the town of Pittsfield, reported the same in new draft under same title and that it ought to pass. Tabled for printing, under the joint rules.

Mr. Rankin, for the committee on financial affairs, on communication from the governor of Missouri, asking that the State of Maine be represented at the approaching World's Fair, reported resolve authorizing a representation of the State at the Louisiana Purchase Centennial Exposition, to be held in St. Louis. Tabled for printing under the joint rules.

Mr. Vickery for the committee on inland fisheries and game, to which the Legislature of 1899 referred a bill entitled, an act to provide for a State hunting license and to obtain a revenue for moose, deer and caribou, with petitions for and remonstrances against the same, reported same in new draft, under title of an act for the better protection of moose, and to provide for a license fee for hunting the same, and that it ought to pass. Tabled for printing under the joint rules.

Mr. Jones for the committee on railroads, telegraphs and expresses, on bill, an act to repeal Chapter 102 and 103 of the Public Laws of 1895, relating to organization of Gas and Electric Companies, reported same in new draft, under title of an act to amend Section 1 of Chapter 102 of the Public Laws of 1895, relating to the incorporation and control of Gas and Electric

Companies, and that it ought to pass. On motion by Mr. Plummer of Penobscot, laid on the table, pending the acceptance of the report.

Mr. Jones for the same committee, on bill, an act to repeal Chapter 102 and 103 of the Public Laws of 1895, relating to the organization of gas and electric companies and telephone and telegraph companies, reported same in new draft under title of an act to repeal Chapter 103 of the Public Laws of 1895, relating to the incorporation and control of telegraph and telephone companies, and that it ought to pass. On motion by Mr. Plummer of Penobscot, this bill was laid on the table, pending the acceptance of the report.

On motion by Mr. Burleigh of Aroostook the two foregoing bills were ordered to be printed.

The following bill was presented, out of order, and referred to the committee on

#### LEGAL AFFAIRS.

By Mr. Plummer of Penobscot—An act to extend the charter of the Dexter Safe Deposit and Trust Company.

#### ORDERS.

On motion by Mr. Plummer of Penobscot, it was ordered that the time within which the committee on legal affairs shall submit their final report be extended to Tuesday, March 19th.

#### PASSED TO BE ENGROSSED.

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

Resolve in favor of the State Reform school.

An act to 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.

An act to incorporate the Long Island Pond Improvement Company.

Resolve in aid of a ferry boat across Fish river and to aid in building a road in Wallagrass plantation.

Resolve in favor of the compilation of insurance laws.

An act to increase the compensation of the sheriff of the county of Lincoln.

An act relating to fees and taxable costs allowed to prevailing parties.

An act to allow larger lots to be taken for school purposes and to shorten the time allowed owners thereof for appeal.

#### READ AND ASSIGNED.

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

An act to amend the charter of the Ticonic foot bridge.

An act to amend Chapter 128 of the Private and Special Laws of 1879, entitled, an act to incorporate the Eliot Bridge Company.

An act to incorporate the Boothbay Harbor Academy.

An act to authorize the Linn Woolen Company to make, generate, sell, distribute and supply gas and electricity.

An act to amend Section 17 of Chapter 17 of the Revised Statutes relating to stationary engines.

An act to amend Chapter 195 of the Private Laws of 1887, entitled, an act to amend an act incorporating the city of Waterville.

An act to incorporate the Bristol Electric Light and Power Co.

An act to amend an act to establish a police court in the city of Rockland, approved March 14, 1861.

An act amendatory to Chapter 507, entitled an act to establish the Dover municipal court.

An act to amend Chapter 89 of the Public Laws of 1899, entitled an act to provide for the schooling of children in unorganized townships.

An act to authorize James N. Moulton to construct and maintain a telephone line between Wayne Village and Leeds Center.

An act to amend Chapter 369 of the Private and Special Laws of 1877, relating to the Harrison and Jonesport Telegraph Co.

An act authorizing the extension of a wharf into the tide waters at Lubec Narrows.

An act to amend Section 30 of Chapter 46 of the Revised Statutes relating to banks and trust companies.

An act to incorporate the Bangor Loan and Trust Co.

An act to incorporate the Camden Trust Co.

An act to repeal the bounty on wild cats.

An act to amend Chapter 69 of the Private Laws of 1869, relating to the Waldo and Penobscot Agricultural Society.

An act to extend an act entitled an act to incorporate the Enchanted Steam Dam and Improvement Company.

An act to extend the charter of the St. Croix Water Power Company.

Resolve relating to township 5, range 8, west of the east line of the State, in the county of Penobscot.

An act to amend Section 1 of Chapter 34 of the Private and Special Laws of 1878, relating to the protection and propagation of eels in Damariscotta river and pond.

An act to amend Section 2 of Chapter 84 of the Private and Special Laws of 1895, relating to the taking of smelts in the town of Surry.

An act to amend Section 48 of Chapter 285 of the Public Laws of 1897, relating to sea and shore fisheries.

An act to repeal Chapter 131, laws of 1853, relating to herring fisheries in the town of Jonesport.

An act in relation to the appointment of special fish wardens.

An act for the protection of salmon, alewives and smelts in Pleasant river, Washington county.

An act to amend Section 35 of Chapter 285 of the Public Laws of 1897, entitled an act to revise and consolidate the public laws relating to sea and shore fisheries, as amended by Chapter 92 of the Public Laws of 1899.

Resolve in favor of legislative committee and members of the Senate and House authorized to visit the University of Maine.

An act to fix the salary of the judge of probate in and for the county of Washington.

An act to fix the salary of the register of probate in and for the county of Washington.

An act to correct certain clerical errors and make plain the meaning of and amend Chapter 30 of the Revised Statutes, as amended by Chapter 42 of

the Public Laws of 1899, relating to inland fisheries and game.

An act amendatory of Chapter 508 of the Private and Special Laws of 1885, establishing a municipal court in the town of Norway, relating to the jurisdiction thereof.

An act to cede to the United States jurisdiction over certain land in Rockland harbor, in the city of Rockland.

The following joint standing committees submitted their several final reports, that they have acted on all matters referred to them, viz: Mercantile affairs and insurance, inland fisheries and game, manufactures, federal relations, railroads, telegraphs and expresses, temperance, State lands and State roads, joint select committee on councillor apportionment, ways and bridges, agriculture, military affairs, salaries, interior waters, Indian affairs, claims, pensions, Governor's message, Insane hospital.

#### ORDERS OF THE DAY.

On motion by Mr. Virgin of Cumberland, the vote whereby bill, an act to incorporate the Scarborough Water Company, was passed to be engrossed, was reconsidered; and, on the further motion of that senator, the same was amended by adding Senate amendment A, amend Section one by striking out all of said section after the word "running," in line thirteen, to the word "and," in line sixteen, and in lieu thereof insert the words "from the southeasterly corner of land of James C. Jordan, on the coast, at the southerly end of Higgins Beach, and by the east line of said Jordan's land, and thence due north." And, on the further motion of that senator, the bill as amended was passed to be engrossed.

On motion by Mr. Staples of Knox, the reports of the committee on temperance relative to resubmission, so-called, was taken from the table.

Mr. STAPLES of Knox: Mr. President, I was a little surprised, this morning, that the Senate was in such a hurry to consider this matter of resubmission, as I desire to say a few words upon it. I do not thank the senator from Franklin for giving me leave to print, because I never prepar-

ed, like some senators, a speech in my life.

I burn no midnight oil to prepare a speech. I am not vain enough to make a speech for the purpose of seeing it in print. I speak only when I feel it my duty to speak. In reply to the senator from Oxford, I wish to say that. I speak for no party, but I speak for the thousand wounded women and ruined homes and the destroying of the morals of the State of Maine which the prohibitory law has made. I do not stand here to speak for the Democratic party. The remonstrances that have come in here have come from both the great political parties of the State, but there are many people upon those remonstrances who belong to the Republican as to the Democratic party. There is no one today more responsible for it being before this Legislature than the honorable Speaker of the House, Joseph H. Manley—the leader of the Republican party. Let me see what he said only last fall, in an interview:

"We must insist that the present prohibitory law should be strictly and rigidly enforced in every section of the State. The people have a right to any law they desire. They are the sovereigns. They have, whenever they have had an opportunity, voted overwhelmingly in favor of prohibition. I agree with many of our best men who think the cause of temperance would be better promoted by local option or high license law, and if a majority of the people so think, then that should be the law of the State; and I can see no possible objection to again submitting to the people the question which would have to be presented in a proposition to repeal the present constitutional provision; but, until that is done and the people vote to repeal it, we have a plain duty to perform, and that is to enforce the law."

Now, Mr. President, I am a temperance man. There is no man in this Senate who will do more to do away with the cursed evil of intemperance than myself. I would vote, today, if it were in my power, to annihilate liquor from the face of God's green earth. I would go further—if you want to continue the prohibitory law upon the statute

books—let us mean business and not play with it, as a party thing. I would vote for a law to make the first offence be followed by a penalty of \$500, and to make a second offence imprisonment for one year. I would vote to take the discretionary power out of the hands of the court; and I would ask the Governor to enforce the law through the sheriffs of the State. There is not a senator but knows the prohibitory law does not prohibit. You say that local option or high license is in favor of free rum. It is not so. You have got free rum today. There are not two counties in the State where you have not got free rum. Take Penobscot, for instance. They sell liquor there just as openly as they sell flour or molasses. In my own county the dealers, to be sure, pay once a year \$110, a small license fee, paid to the city of Rockland, and we have sixty places where you can obtain liquor, and the officers do not undertake to enforce the law. I am surprised at the condition when I find the rumsellers and a majority of the ministers of the State marching to the polls, hand in hand, voting the same ticket—when that is done, something is rotten. The prohibitory law is the best license law that the rumsellers could have—they have taken advantage of it, and they are ruining homes, destroying families and young men in this State, and I say to you, you are in a measure, your brother's keeper.

Prohibition in the State of Maine is the laughing stock of every sensible man. A man who voted in the House yesterday against resubmission, privately told me that he did not believe in the law. Let us be manly and exercise our best judgment. I stand here to plead for temperance. It is not that we want more rum. Under the prohibitory law, today, the State is deluged with rum. It is destroying the manhood of two-thirds of the young men of the State. You tell me you must keep this infamous law upon the statute books—for what? Because a majority of you do not dare to vote against it. We have tried the prohibitory law for fifty years. There is more drunkenness today than there was 25 years ago. I cannot conceive why men

who are in favor of temperance want to keep this prohibitory law upon the books, when they know that every year it is ruining young men and slaying its thousands—when they know that oceans of scalding tears are being shed by the mothers and wives and daughters—when they know that it carries with it a train of debauchery—yet they will still say, you are a rum man if you profess to say anything against the prohibitory law. I refute it. I am a temperance man and will go as far as any senator to abolish it. In Portland, today, you see the usual drunks before the police court. Rum may be driven out of the Falmouth Hotel, but it will be driven into the lower dives, to make more misery and destruction. This question is one to resubmit to the people—why cannot you trust them? I would cheerfully abide by what the people say—they are the sovereigns and you can trust them. If you do not submit it now it will be knocking at the door of every Legislature. Rum must be controlled for the interests of humanity; and for the young men—I plead for them. I know the prohibitory law is the cause of their destruction. I admire the societies of the Ladies Christian Temperance Association. I have not a word to say in their disparagement. I believe they are honest, but they do not understand but one side of the case. God bless them! If they can do anything in the interest of temperance, I say amen to them, but they do not understand the work. My friend, the senator from Lincoln, the other day put in a bill to repeal the State liquor agency law. I notice that the committee on temperance reported, this morning, that it ought not to pass.

Mr. STEARNS of Oxford: It was referred to the next Legislature.

Mr. STAPLES of Knox: Which is a good deal worse. It shows you do not have the courage of your convictions. It has, then, gone where the woodbine twineth, and never will be heard of again. Prohibition in the State of Maine, and a State liquor agent. How consistent that is! I would fight to abolish the State liquor agency. I am one of those who does not believe that liquor is necessary under any condi-



tions. I would have it wiped out of the State entirely, and the people then would be glad and the angels in heaven would rejoice, and Jehovah himself, I think, would lend an approving smile.

Mr. STEARNS of Oxford: Mr. President, I do not propose to answer the senator from Knox, I do not think that what he has said needs an answer; but, as chairman of the temperance committee, I think it would be well for me to say a few words.

It is very fitting that the senator from Knox, representing as he does the Democratic party in this body, should take the position which he does on this question. I could not if I would and neither do I desire to take much of the time of the Senate in discussing this question. I wish simply to remind you Mr. President and the Honorable Senate of the attitude of the Republican party: on the temperance question, and submit whether it would be wise at this time, when there is as I believe an honest effort being made in the State for the better enforcement of the law, even to ask to have the matter resubmitted, and by this action, tacitly admit that we are in doubt regarding the advisability of retaining the law upon our Statute books.

I believe the prohibitory law a good one and do not believe in abolishing it. The forces that are now clamoring for resubmission are the same that later will be clamoring for free rum. I had hoped that after the popular branch of the Legislature had decided so emphatically against resubmission, as it did yesterday, that it would pass the Senate without discussion and without opposition, but as the senator wishes to go on record, I have no objection, but simply hope that he may stand alone in favor of resubmission.

The question being put, upon the motion of the Senator from Somerset that the Senate concur with the House in accepting the majority report of the committee, ought not to pass, a division was called for by Mr. Staples of Knox, which was had, and the President announced that 22 had voted in favor of the motion, and three in the

negative, and that the motion had prevailed, and that the majority report was accepted in concurrence.

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 the sheriff of Lincoln county, (House document 252), were taken from the table.

Mr. MCFADDEN of Lincoln: I now move that the Senate non-concur with the House in accepting the majority report; and I desire briefly to submit some considerations in support of my motion. I say primarily, Mr. President, that when any officer seeks, or accepts without seeking, an office to which there is a well-understood and established salary or compensation, he enters into an implied contract to perform the duties of that office for the period for which he is appointed or elected, at the rate of compensation which attached to the office at the time of his appointment or election. This is so plain a proposition that it has been incorporated into the fundamental law, in many cases. The compensation of the President of the United States cannot be increased during his term of office. The compensation of the Governor of Maine cannot be increased for the term in which he serves. We cannot increase our own meagre pay. We may, indeed increase it for future legislators, but for ourselves, we cannot. This is a most reasonable provision, and should extend to all the offices in the State.

This matter came up and was reported to the Lincoln county delegation; and that delegation, at least I, myself, thought that we should be able to arrive at some unanimous report—we did not notify a public meeting, and gave no notice in any way to the people of the county. After the reports came in, the people got onto it; and I wish to submit some of the evidence of the feeling in Lincoln county in the matter which has come to me. I read a letter from a prominent citizen of my county: "I congratulate you upon the practice of economy as shown in the postponement of the Pan-American. It is a step in the right direction. I trust you will continue it,

and particularly in the proposed increased pay of the sheriff. He is getting excellent pay for the services rendered; and while I have only kindly feelings toward him, it is unjust towards the people of the county to increase its tax burden without better reason than is shown in this request."

Here is another letter which closes thus: "When we consider that the population and valuation of the county are reduced so largely as within the last 10 years, and an increase of about 25 per cent. in the county tax in the same period, it is something for which there should be a remedy."

Another from one of our county commissioners: "I have been from home for a number of days, and on my return I see that a part of the county delegation reported favorably the bill to increase the pay of our sheriff, which is an outrage on the taxpayers of our county, as the sheriff gets about \$400 per year for only signing his name for it, and to increase it \$250 is an outrage."

Now, I hold in my hand a file of remonstrances, which I have received from many of the towns in my county, and which I offer to be placed on file. They are as follows:

Mr. McFadden of Lincoln presented remonstrance of Sumner Orne and 45 others of Southport; of W. F. Hemenway and 23 others of Jefferson; of J. A. Wellman and 9 others of Bremen; of A. R. Smith and 24 others of Wiscasset; of Seth Patterson and 40 others of Wiscasset; of C. W. Bickford and 53 others of Dresden; of R. G. Linscott and 28 others of Jefferson; of C. W. Kennery and 24 others of Jefferson; of L. W. Clary and 80 others of Jefferson; of S. M. Partridge and 57 others of Whitefield; of the selectmen and 7 others of Waldoboro; of Joseph B. Well and 26 others of Waldoboro; of W. A. Cochran and 32 others of Edgecomb; of Morrill Gidden and 52 others of Somerville; of S. D. Wyman and 14 others of Newcastle; of Charles J. Marr and 65 others of Boothbay Harbor; of G. P. Hodgdon and 64 others of Boothbay Harbor; severally against an increase in salary of sheriff of Lincoln county.

Now, Mr. President, I understand that a paper manifesting the sentiments of the town of Boothbay has been sent to yourself, and I will thank you if you will read it.

The PRESIDENT: The Chair will comply with the request.

"Whereas the sheriff of the county of Lincoln has petitioned the present Legislature of Maine for an increase to his salary; and whereas our present sheriff

is now receiving from the county treasury the sum of \$400 annually for which the county receives no equivalent whatever; and, whereas no notice was given to the Lincoln county delegation to whom the petition was referred by the Legislature that a public hearing would be given and that no public hearing was had upon the matter; and, inasmuch as our county taxes have been increased to an alarming extent during the past 12 years, having more than doubled in the town of Boothbay and Boothbay Harbor; therefore, be it Resolved, that we, citizens and legal voters in Boothbay in town meeting assembled, enter our protest against any increase in said salary; and most respectfully request the Legislature of Maine not to enact the bill now pending before the Legislature into law; and we request our senator and representatives in the Legislature to use all honorable means to defeat the measure.

"Resolved, That a copy of this measure, attested by the town clerk and countersigned by the board of selectmen, be sent to the president of the Senate and speaker of the House of Representatives, with the request that they be read before each body, and also that a copy be sent to each member of the delegation. A true copy."

This is signed by the three selectmen and properly attested.

Mr. McFADDEN: The town clerk who attested that document is one of the deputy sheriffs of Lincoln county; and I presume he was the only man in that town meeting who, if he had seen any use in voting against it, would have voted against it. I do not charge that he would but I presume that he would have disturbed the unanimity if he had seen any prospect of accomplishing anything.

Now, I wish to call your attention to an abstract from the records, relating to the town meeting held a few days ago.

Article 51. To see if the town will vote to instruct its selectmen and town agent to prosecute all persons in town who violate the prohibitory law during the municipal year 1901."

Action under article 51, "voted to instruct the selectmen and town agent to prosecute all persons who violate the prohibitory law for the year 1901.

"Voted to raise the sum of \$200 to enforce the prohibitory law."

I call attention to this, because it shows that the law is not enforced there, and that is the fault. I apprehend, of the sheriff and his deputies. Towns do not raise \$200 to enforce a law which the sheriff and his deputies are charged with enforcing just for the fun of getting rid of their money. I have been told by so good an authority as the representative of that town that there were 15 rum shops in and about Boothbay Harbor the last summer.

By the Lincoln county reports, which any senator can examine, it will be seen that the sheriff receives a salary of \$250. Under the provisions of the enforcement act he receives \$135, not because he enforces the law, but the county commissioners have paid him that during the past year, and the same sum is contained in the estimates for the coming two

years. Tax warrants \$10, State tax warrants \$4.25, venires \$20. Board of prisoners, there has been paid during the past year \$1246.89; and though many well informed have told me that the profit was one-half, I have reckoned it at three-eighths, or \$468.69. He has house rent and fuel free of charge, and lights, and I have reckoned that at \$150—far below its real value. Turnkey's fees received during the past year, \$61. Attendance at court, \$3 per day, \$60, amounting in all to \$1154.69. That is what the sheriff of Lincoln county might receive, and what he would receive if he performed the duties which he might perform. In point of fact he does not keep the jail. He prefers to stay on his farm. He does actually receive, as salary, \$250. Under enforcement act, \$135, tax warrants, State taxes and venires, \$34.25 and a bonus of \$100—I think it is more, certainly that, from the deputy who does keep the jail. Footing up in all about \$520. For court attendance, \$60.

Now, the county has to pay this salary. It is within our power to say that they shall pay double what they are paying now. But it is not right, after he has made an implied contract that he will serve for \$250. It will be an outrage upon the people of Lincoln county, and I hope the Senate will vote to non-concur with the House.

Mr. WEEKS of Somerset: Mr. President, I suppose, in the consideration of this question, I should be consistent in my policy this winter to meddle in other people's business. This is a simple proposition to increase the salary of the sheriff of Lincoln county from \$250 to \$500. The question for us to consider is, whether the salary is sufficient and adequate, under the circumstances. If it is adequate, it should remain as it is. If not, it should be increased. I am in favor of the increase. The Lincoln county delegation by a majority of two to one have recommended this increase. Two members have reported ought not to pass, and the minority includes the senator from Lincoln. As to these petitions and remonstrances it is easy to get citizens to sign remonstrances and petitions, and they should be treated with proper respect, but a popular man can get remonstrances against almost anything.

Let us see what a salary of \$250 means in Lincoln county. It means a sum of \$1250 for a salary in Cumberland county. There has been reported to this Legislature and act coming indirectly from the Cumberland county delegation establishing the salary of sheriff of Cumberland county at \$3500, and he may receive, in addition, a percentage usually allowed the sheriff on the fees of his deputies, and from an estimate of a member of the Cumberland county delegation it appears that the salary of the sheriff of Cumberland under this act will probably aggregate \$5000. I do not know that Androscoggin county has taken up the question this year, say it is \$2500, that would be, according to the number of inhabitants, four times as much as the present salary of the sheriff of Lincoln county. Aroostook county, on the same basis, would be

\$700; Kennebec, \$700; York, \$750; Somerset, \$450; Penobscot, \$925; Sagadahoc, \$250; Piscataquis, \$175. I submit these are very small salaries, and people do not expect a man who holds the responsible office of sheriff to serve for any such amount.

Now, the sheriff of Lincoln county—I do not know how much he does—he holds a responsible office—is held responsible for the acts of his deputies. He must give a bond, I understand, of \$25,000. He must pay for that bond if he buys it of an indemnity and surety company \$250, and his bond, however obtained, is worth \$250; therefore he has to pay his salary to get his bond. In giving him an increase of \$200 you are practically giving it to him as his salary outside of his bond. A majority of the Lincoln county delegation have asked me to submit an amendment to this bill, and I will offer it as Senate amendment A. Amended by adding at the end of Section 1 the words: "Said five hundred dollars shall be in full compensation for all services of precepts in civil actions." That limits his salary to \$500. He will not receive anything under the enforcement act. Now I have some letters written to the different members of the Lincoln county delegation which were passed to me which I might read, but petitions and remonstrances are of very little value and I will not take the time of the Senate. I ask the senators to consider the matter carefully, as broad-minded men, and say whether, under the circumstances, this bill is an outrage, and whether, under the circumstances, \$500 is too large an amount to give the sheriff of Lincoln county as a salary.

Mr. McFADDEN: I have a word to say as to the amendment proposed. It proposes to cut off the allowance for the enforcement of the liquor law. How can that be done?

Mr. WEEKS: If the amendment is objectionable I will withdraw it.

The amendment submitted by Mr. Weeks of Somerset was withdrawn.

The question was put upon the motion of the senator from Lincoln to non-concur with the House in accepting the majority report. Mr. McFadden called for a division, which was had, and the President announced that two had voted in favor of the motion and 18 against the same, and the motion was declared lost.

On motion by Mr. McFadden of Lincoln, the bill was amended by striking out the word "fix" in the title, and inserting instead thereof the word "increase," also by striking out of the first section all after the semi-colon in the sixth line.

On motion by Mr. Weeks of Somerset, the bill, as amended, took its second reading, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Bryant of Somerset, resolve relating to ferry boat and road in Wallagrass plantation, House Document 177, was taken from the table, and on the further motion of that senator the bill took its second reading and was passed to be engrossed.

On motion by Mr. Weeks of Somerset, resolve in favor of the compilation of insurance laws was taken from the table,

and, on the further motion of that senator, the same was passed to be engrossed.

On motion by Mr. Staples of Cumberland, resolve in favor of the Passamaquoddy tribe of Indians was taken from the table, and on the further motion of that senator, Senate amendment A was adopted, and the resolve as amended was read and assigned.

**PASSED TO BE ENACTED.**

An act to fix the salary of the judge of probate for Kennebec county.

An act to regulate the salary of the clerk of courts in Franklin county.

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

An act to incorporate the Cumberland Trust Company.

An act to incorporate the Friendship Water Company.

An act to amend an act entitled 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, Approved March 8, 1901.

**FINALLY PASSED.**

Resolve in favor of the town of Ashland.

Resolve in favor of the town of Adams.

Resolve in favor of the Augusta City Hospital.

Resolve in favor of Kenneth W. Sutherland, chairman of the committee on Maine State prison.

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

**HOUSE.**

Friday, March 15.

Prayer by Rev. Mr. Robbins of Gardiner.

Papers from the Senate disposed of in concurrence.

Resolve in favor of the committee on education, comes from the Senate passed to be engrossed under suspension of the rules.

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

An act relating to Sheridan plantation, comes from the Senate passed to be engrossed under suspension of the rules.

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

An act relating to railroads, railroad crossings, highways and town ways.

In the House this bill was referred to the committee on railroads, telegraphs and expresses and comes from the Senate that body non-concurring and referring it to the next Legislature.

On motion of Mr. Pratt of Veazie, the House receded and concurred with the Senate in its reference.

Mr. Sutherland of Biddeford, presented resolve in favor of Maine State prison, and moved its reference to the committee on the State prison.

The motion was agreed to.

Mr. Briggs of Hudson, presented resolve in favor of the Maine Industrial School for Girls at Hallowell, and moved its reference to the committee on education.

The motion was agreed to.

On motion of Mr. Walker of Starks, Ordered, that the State superintendent of public schools be instructed to report to the next Legislature a list of the towns organized since 1878 and not formally parts of other towns and yet not having permanent school funds, together with an explanation given by town officials for the loss of such funds.

Mr. Webb, from the committee on the judiciary, reported ought to pass on bill, an act to amend Section 4 of Chap-