

MAINE STATE LEGISLATURE

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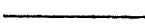
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

SENATE.

Tuesday, March 19.

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

Prayer by the Rev. Mr. Degen of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

Mr. Wilson of Washington, asked leave to present, out of order, an act to authorize Melvin E. Loud and Robert H. Oram to construct a weir between Muscongus island and Indian island; and moved its reference to the committee on sea and shore fisheries. The bill was received, and so referred.

Resolve in favor of Frank H. Haskell to reimburse him for money paid for summoning witnesses to attend the hearing on the resolve in favor of the Eye and Ear Infirmary, came from the House, having had its several readings in the House and passed to be engrossed, under suspension of the rules.

On motion by Mr. Burns of Cumberland, the resolve received its two several readings under suspension of the rules, and was passed to be engrossed.

Mr. Burleigh of Aroostook, moved to take up, out of order, bill, an act to supply the town of Houlton with pure water. This bill was referred by the committee on legal affairs to the next Legislature. The report of the committee was accepted in the House. In the Senate the report was accepted in concurrence, and that vote was afterwards reconsidered, and the matter laid upon the table.

On motion by Mr. Burleigh of Aroostook, it was now voted to non-concur with the House in accepting the report of the committee; and on his further motion, the matter was recommitted to the committee.

READ AND ASSIGNED.

An act to amend Sections 5, 6, 7, 17 and 18 of Chapter 23 of the Private and Special Laws of 1899, entitled an act to establish a municipal court in the town of Newport.

An act to incorporate the York Harbor Village Corporation.

An act relating to the duties and compensation of the reporter of decisions in the supreme judicial court.

An act in relation to political caucuses in the city of Bangor.

An act to amend Section 4 of Chapter 132 of the Revised Statutes, relating to criminal jurisdiction of magistrates.

An act to amend Chapter 66 of the Public Laws of 1899, relating to the jurisdiction of municipal and police courts.

An act relating to and amendatory of Chapter 276 of the Private and Special Laws of 1889, entitled an act to incorporate the Crystal Ice Company.

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

An act relating to actions for libel.

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

An act to supply the town of Lubec with pure water.

An act to amend Section 5 of Chapter 100 of the Public Laws of 1891, relative to camp fires. (House amendment A adopted in concurrence.)

Resolve in favor of repairing and rebuilding bridge, across the thoroughfare which forms a part of the eastern boundary of the town of Orient.

On motion by Mr. Plummer of Penobscot, this bill received its two several readings under suspension of the rules, and was passed to be engrossed.

Bill, an act to authorize East Machias to aid in a general hospital.

An act relating to the taxation of costs in municipal and police courts.

An act in relation to political caucuses in towns.

On motion by Mr. Weeks of Somerset, this bill was laid on the table.

Mr. WEEKS of Somerset: I will call the matter up not later than Thursday, under any circumstances; and if I can possibly get at it tomorrow, I will do so.

An act to amend Section 4, Chapter 202 of the Private Laws of 1899, entitled an act for the better protection of sheep in the town of Perry.

An act to incorporate the Bethel Sewer Company.

An act to incorporate the Bonny

Eagle Power Company of Standish, Maine.

An act to define the duties of harbor masters in towns and plantations and for the regulation of harbors and anchorages.

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

On motion by Mr. Staples of Knox, Senate amendment A was adopted.

An act authorizing the inhabitants of Orono to supply the town of Orono with pure water.

An act to incorporate the Berwick Water Company.

On motion by Mr. Plummer of Penobscot, this bill received its second reading, under suspension of the rules, and was passed to be engrossed.

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

On motion by Mr. Noble of Franklin, this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to provide for an assistant clerk for the board of railroad commissioners.

An act to amend Chapter 143 of the Revised Statutes, relating to the Maine Industrial School for Girls.

On motion by Mr. Plummer of Penobscot, this bill received its second reading under suspension of the rules, and was passed to be engrossed.

An act authorizing the construction of a wharf into the tide waters of Casco bay in Phippsburg, county of Sagadahoc.

An act to incorporate the Skowhegan Trust Company.

An act to incorporate the Calais Trust Company.

An act to incorporate the Knox Trust and Banking Company.

An act to incorporate the South Portland Trust and Banking Company.

An act to incorporate the Waldo Trust Company.

An act to incorporate the Hallowell Trust Company.

An act to establish a State flag.

On motion by Mr. Morrison of York, this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to amend Chapter 213 of the Private and Special Laws of 1895, authorizing Simeon G. Davis, his associates and assigns to construct and maintain a wharf and boat house in Lake Maranacook in the town of Winthrop.

An act to amend Section 11 of Chapter 39 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899. House amendment A adopted in concurrence; also House amendment B.

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

On motion by Mr. Plummer of Penobscot, this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act additional to and amendatory of Chapter 230 of the Private and Special Laws of 1901, relating to ice fishing in Boyd lake in the county of Piscataquis.

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

On motion of Mr. Vickery of Kennebec, this bill took its second reading under a suspension of the rules, and was passed to be engrossed.

An act allowing the propagation of beaver by Henry McKenney in the waters of Enchanted stream in Somerset county.

An act preventing the taking of fish from Ross and Conroy lakes in Littleton and Monticello, in the county of Aroostook.

Resolve in favor of purchasing an oil painting of the old State House.

On motion of Mr. Vickery of Kennebec, this resolve received its second reading, under suspension of the rules, and was passed to be engrossed.

An act relating to the duties of the board of State assessors.

An act to fix the compensation of the county commissioners of the county of Androscoggin.

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

On motion of Mr. Peirce of Waldo, this bill received its second reading under suspension of the rules, and was passed to be engrossed.

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

On motion by Mr. Morrison of York, this bill received its second reading under suspension of the rules, and was passed to be engrossed.

An act to establish a municipal court in the town of Winthrop. This bill was passed to be engrossed in the Senate and now comes back from the House with Senate amendment A adopted by the House.

On motion of Mr. Vickery of Kennebec, the vote whereby it was passed to be engrossed was reconsidered. On further motion of that senator, the Senate concurred with the House in the adoption of House amendment A, and on his further motion the bill as amended was passed to be engrossed.

On motion of Mr. Weeks of Somerset, a message was sent to the Governor and Council requesting the return to the Senate of bill, an act to increase the compensation of the sheriff of the county of Lincoln; and on the further motion of that senator, the bill having been duly returned in accordance with the request, the vote whereby the bill was passed to be enacted was reconsidered. On the further motion of the same senator, the vote whereby the bill was passed to be engrossed was reconsidered; and on his further motion the bill was laid on the table.

Senate document No. —, an act to prevent the shooting of human beings by persons in pursuit of game and game birds.

On motion of Mr. White of Androscoggin, this bill was taken from the table, and on his further motion the bill took its first reading and was assigned.

REPORTS OF COMMITTEES

Mr. Weeks, for the committee on the judiciary, on bill, an act to amend Section 18 of Chapter 81 of the Revised Statutes relating to service of writs,

reported same under title of an act to amend Chapter 137 of the Public Laws of 1887, as amended, relating to the service of subpoenas by disclosure commissioners, and that it ought to pass. Tabled for printing under the joint rules.

Also, on bill, an act to incorporate the Greenville Water Company, reported the same in new draft under the same title and that it ought to pass. Tabled for printing under the joint rules.

Mr. Plummer, for the committee on legal affairs, on bill, an act to extend the charter of the Dexter Safe Deposit and Trust Company, reported same ought to pass.

On motion of Mr. Plummer of Penobscot, this bill took its second reading under suspension of the rules and was passed to be engrossed.

Mr. Noble, for the committee on legal affairs, on report of attorney general for the year 1897 and 1898, reported legislation thereon inexpedient.

Mr. Burns, for the committee on financial affairs, on resolve in favor of protecting records in the secretary of State's office, reported same ought to pass. Tabled for printing under the joint rules.

The following joint standing committees submitted their final reports that they had acted on all matters referred to them:

Joint select committee on legislative apportionment.

Joint standing committee on University of Maine.

Joint standing committee on judiciary.

PASSED TO BE ENGROSSED.

An act to fix the time of holding the terms of the law court.

An act to fix the terms of the supreme judicial court in the counties of Franklin, Knox, Sagadahoc, Somerset and York.

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

An act to incorporate the Columbia Falls Water and Electric Light Company.

An act to legalize the organization of the Bangor Kindergarten Associa-

tion, and to authorize it to convey real estate.

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

An act to incorporate the York Beach Village Corporation.

Bill, an act for the assessment of State tax for 1902, amounting to the sum of \$927,725.94.

Resolve laying a tax on the counties of the State for the years, 1901 and 1902.

An act to incorporate the Frankfort Power Company.

An act relating to fraternal and beneficiary organizations.

Resolve authorizing a representation of the State at the Louisiana Purchase Centennial, to be held at St. Louis.

Resolve in favor of Frank H. Haskell.

An act to fix the terms of the supreme judicial court in the counties of Franklin, Knox, Sagadahoc, Somerset and York.

On motion by Mr. Virgin of Cumberland, this bill was laid on the table, pending its passage to be engrossed.

PASSED TO BE ENACTED.

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

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

An act authorizing the employment of deputy fish wardens of the commissioner of sea and shore fisheries and by the commissioners of inland fisheries and game.

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

An act relating to Sheridan plantation.

An act relating to the Maine Sanatorium Association.

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

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

An act to incorporate the East Pittston Village Corporation.

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

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 bays, harbors and coves in the town of Surry.

An act to ratify the lease of the Pat-ten & Sherman Railroad to the Bangor & Aroostook Railroad Company.

An act to authorize the Bangor & Aroostook Railroad Company to issue consolidated bonds, and secure the same by mortgage.

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

An act to authorize George H. Hunt to erect and maintain a wharf into the tide waters of the St. Croix river in the town of Robbinston, county of Washington.

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 authorize the Penobscot Log Driving Company to re-build and raise the height of North Twin Dam, or to build a new dam to take the place of the said North Twin Dam.

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 Solon academy.

An act to incorporate the Bangor Loan and Trust Company.

An act to incorporate the Camden Trust company.

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

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

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

An act to authorize the Linn Woolen

Company, to make, generate, sell, distribute and supply gas and electricity.

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

An act to incorporate the Masonic Trustees of Fairfield.

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

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

An act relating to life insurance on the assessment plan.

An act to regulate proceedings of certiorari.

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

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

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.

An act to amend Section 63 of Chapter 3 of the Revised Statutes as amended by Chapter 334 of the Public Laws of 1885, relating to fish weirs and wharves.

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

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.

FINALLY PASSED.

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

Resolve in favor of the committee on insane hospitals.

Resolve in favor of the committee on education.

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

Resolve in favor of William J. Mayberry, surgeon general, National Guards, State of Maine.

Resolve in favor of a ferry boat across the Fish river, and to aid in building a road in Wallgrass plantation.

Resolve for the purchase of the Maine State Year Book, and Legislative Manual for the years 1901 and 1902.

Resolve in favor of the town of Meddybemps.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

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

Resolve in aid of navigation on Sebec lake.

Resolve providing for the screening of Sebago lake. On motion by Mr. Weeks of Somerset, this was taken from the table, and on his further motion, finally passed.

Mr. PLUMMER of Penobscot: Mr. President, The committee of conference upon House bill No. 225, 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, beg leave to report that they are unable to agree, and ask to be discharged, and that another committee may be appointed.

And I move that the Senate still insist, and that another committee of conference be appointed. The motion prevailed. The President appointed as such committee of conference, on the part of the Senate, Messrs. Stearns of Oxford, Burleigh of Aroostook and McFadden of Lincoln.

Mr. WEEKS of Somerset: I wish to present, out of order, the following resolve: Resolve in favor of the clerk and stenographer, and the messenger to the judiciary committee. And I move that the rules be suspended, and that this resolve take its several readings at the present time. I want to say, in this connection, that Mr. Lee, who has done such faithful and efficient work for the judiciary committee is certainly entitled to this amount of \$350. I do not think any private individual could have been hired for the term of three months for an amount less than we have paid him. I think Mr. Lee has been the hardest worked man sitting here in the Capitol during the present winter. We have had, upon our docket 225 cases; and, in addition to those cases, which have had to be taken by him, all the notices have been prepared for the newspapers by him. In addition to that work he has taken many

new drafts. I do not think any committee in the Legislature has prepared as many new drafts of bills as the judiciary. In fact, he has been an efficient, and a faithful man; and we feel that this sum is not exorbitant.

The motion prevailed, and the resolve took its several readings under suspension of the rules, and was passed to be engrossed.

ORDERS OF THE DAY.

On motion of Mr. Morrison of York, House document 104, resolve in aid of navigation on Sebec lake, was taken from the table, and on the further motion of that senator, the resolve was finally passed.

House document 393, an act to supply the town of Camden with pure water, specially assigned for today, was taken up, the question before the Senate being concurrence with the House in accepting the majority report of the committee.

Mr. STAPLES of Knox: Mr. President, no matter has come before the Legislature this winter in which the people are more interested, probably, than this of municipal ownership of public franchises. I am aware that there has been a strong lobby all through the session. I have been surprised to see what a powerful lobby of the corporations of this State could be sent here against the people. This matter does not apply to Camden alone, but to every municipality in the State of Maine. They come here and say: You shall not have municipal ownership of water. Men who have been high in authority in the State have been here importuning members to vote for the Rockland Rockland Water Co., and against the common people. There is no doubt that today the common people are in favor of municipal ownership. You may stop this matter, but municipal ownership of public franchises will ultimately be carried in every town in the State. Judge Walton has truly said that "the inherent right of the people is always preserved." It is the people that have this thing at heart. The town of Camden have voted more than four to one for municipal ownership, and they are in earnest about this matter. The tax payers of the town are in favor of it.

The people who pay \$30,000 out of the \$37,000 are unanimous in favor of municipal ownership. Less than 21 per cent. of the tax of that town has voted against it. In 1840 there was a company known as the Farnsworth Company. They had vested rights there—they had a right to take water from Chickawaukee pond and Mirror lake; and in 1885. this same company comes in here and holds up their hands in holy horror against Camden supplying her own water and ignoring the rights of the Rockland Water Co. They came with the same powerful lobby that is here today, against the Camden Co., and they carried through this Legislature a charter in 1885 and went to work in competition with the Rockland Water Co. or the Farnsworth Co., and put down their rates so that they might destroy the company that was already in there until they froze them out, and then bought them out, and then raised the rates in the town of Rockland, and no man will dare to gainsay it. Then Thomaston took water. This company only had \$177,000 paid in capital, and they watered the stock to the amount of \$500,000, making \$337,000 out of the people. Are they entitled to any of your sympathy, these same people that contracted with the State to water the Maine state prison for \$2500 a year, thus taking from the people more than \$2000 beyond what it should be? They say: You must not touch us—one of the most powerful corporations that ever existed in the State of Maine. All the people want is that inherent right given to them by the constitution. These lobbyists, whose experience in legislation covers a period of a good many years, know how to eclipse the common legislator, and they have succeeded in the House in doing it. They say the savings banks of the State will be injured if we undertake to do anything with the stock of that company. They know better. By this bill every bondholder will be underwritten, and if I had stock in a savings bank today, I would be glad to have this bill pass, because I have the credit of the town of Camden behind it. Another argument is that Camden only wants this matter for a cluh to hold

over the Rockland Water Company. There never was a town more in earnest than is Camden today. Look at Section 13 of the bill and see if they only want it for a club to hold over that company. "This act shall be of no force and effect unless action is taken under it by the town of Camden before July 1, 1903." If they do not, the charter becomes null and void. The Lewiston Journal states that Auburn is worth a million more today than she would have been without the water works there. Why was the gentleman in the House so anxious to guard Camden? Does she need guardianship? Is she incapable of managing her own affairs? A man who would be governor of the State of Maine, in the House voted against the municipal ownership, and I venture today that his name is written over the mantelpiece of 70,000 voters in the State of Maine, and his name is "Dennis" from now out. (Laughter.) The company is incapable of supplying sufficient water to meet the emergency of fire; and this beautiful Camden by the Sea is today at the mercy of the fire fiend. Let a fire take place there and the Rockland Co. is inadequate to quench it. They have to pay \$1050 a year for hydrant service. No more \$1050 will be paid by Camden to the Rockland Water Co.—if they must burn they will save that and not pay it for a service they never got. The voters of the town of Camden will take care of this thing. I deny that the corporation is supreme. It is the people who are supreme, and the time is coming when this question is going to be tried by the people of the State, whether corporations shall rule or whether the people shall rule. I stand upon the side of the people. I believe no man can be elected to this Senate or the House two years from now who declares himself to be apposed to the municipal ownership of public franchises. The people are awake upon this matter. The Rockland Water Company is the last company in the world to say anything about vested rights. I guess, as far as the purity of the water is concerned, it is all right. If the people of Camden want municipal ownership, let us give it to them—that is what the

people today are clamoring for. If the Rockland Water Co. could furnish the town of Camden with as abundant a supply of water as they have furnished the lobbyists here an abundant supply of money to corrupt the voters, then, the whole town of Camden would be deluged with water.

On motion by Mr. Virgin of Cumberland, the Senate took a recess until 3 P. M.

Afternoon Session.

The Senate was called to order at 3 P. M. by the President, and the President stated the pending question to be upon concurrence with the House in the adoption of the majority report, ought not to pass, on bill, an act to supply the town of Camden with pure water.

Mr. WEEKS of Somerset: Mr. President, I approach the consideration of this question with a good deal of embarrassment. I am profoundly impressed with its importance, not only as a measure relating to the welfare of the town of Camden, but as a measure in which all the people of the State of Maine are interested. It raises an issue that will come up for many years to come, in the State of Maine. It raises a question of whether or not public utilities, especially the supplying of water to municipalities should be in the control of towns and cities in our own State. I do not care how others may flout this issue. I do not care for the specious arguments of attorneys—that is the issue today involved in this Camden question—whether the Legislature will grant to the cities and towns of Maine the right to manage, control and own their own water. Every member of the judiciary committee who has spoken upon this question has declared that he is in favor of municipal water; but, gentlemen of the Senate, they have no bill to present here for the relief of the town of Camden. They indulge in theory, and in theory only; while the minority presents a bill in a proper form. When I look over the personality of the judiciary committee, and note the great ability, the legal stam-

ina of the men who make up the majority of that committee on this Camden case, I am surprised at the outcome. I am surprised at the issue they present here. They are all in favor of municipal water, and they are all against it for the town of Camden. Why? I cannot see why the town of Camden should not have municipal water, just the same as the city of Auburn. If I had the legal acumen and ability of the senator from Androscoggin, if I had the legal learning and talent of the senator from Cumberland, who represents the majority of the judiciary committee, I would be ashamed to stand here, and say that I was in favor of municipal water; but I lack the legal ability of drawing a bill which would give the town of Camden municipal water. They are not in favor of municipal water—not for the town of Camden. If it is not determined today in favor of Camden, it will be some time. Some time a Legislature, under the dome of this Capitol will grant Camden her rights. Those rights are inherent in the people of the town of Camden. They have a right to manage and control the water system within their borders, and they will assert that right. I claim that the majority of this committee are not in favor of municipal water. If their hearts were in this they would have presented for your consideration another bill, which would have overcome the imperfections of the one before you. They have the ability. I know my duty in this matter, I can see it plainly. There is no collar around my neck, no man leads me round the city of Augusta with a halter. I wear my independence under my own hat, regardless of any outside influences. Today, sitting in the circle of the senators, sat the paid attorney of the Rockland and Camden Water Co., in whispered conversation with one of the distinguished senators of this body, while this matter was up for consideration. I question the propriety of such conduct. I say it should never be allowed to exist in this body; and I say that it shows that there is thrown around this question an outside in-

fluence that should be repelled—thrown back.

Certain committee secrets have been divulged in the consideration of this question before the Legislature. It is said that no member of the judiciary committee favored the bill as originally drawn and introduced. Three members of the committee favored some kind of a bill. Seven members I do not believe would have favored any kind of a bill if the bill had been presented to that committee drawn by Rufus Choate, or a Blackstone, or an Evarts, or an angel from Heaven—they would never have supported it. They say they are in favor of municipal water, but how do their actions belie their words! I claim that they are not in favor of it. If they had been earnestly in favor of it instead of coming in here with a majority report that the bill ought not to pass, they would have presented a bill that would have satisfied their consciences and their knowledge of law. The original bill did not satisfy any member, for two reasons, as I understand it, one, because it did not provide that the town of Camden should in any event enter beginning proceedings of condemnation, take this plant. The members of the committee were united on that, after the town did begin proceedings, that then the town should be bound, by a decision of the commissioners appointed to appraise it; and a minority of the committee drafted that into the bill. That was done to protect the vested rights of the Rockland and Camden Water Co. Another point, the committee was agreed that, if the Camden and Rockland Water Co. had made any repairs or gone to any expense outside of the town for the benefit of the Camden system of water that the company ought to receive whatever expense they had been to; and that provision is in the bill. This bill, which has been criticised in the co-ordinate branch of this Legislature, provides for paying to the Rockland Water Co. every cent of the value of the property which is to be condemned, to be appraised by three men, commissioners to be appointed by one of the justices of the supreme court of Maine. Is not that the proceeding

that we ought to take? Is it not right that it should be so determined? but it is claimed in the House that that would precipitate the town of Camden into a law suit. Are we then to shut the doors of the temple of justice against the town of Camden, that it shall have not a right to go into court on this matter and have it tried upon a fair basis? If we are, I protest it is an infamous proceeding. Let us consider for a moment the evidence before the judiciary committee. We will concede the water is pure—that it was sufficient for domestic purposes, as to the supply. The main question presented and argued before the judiciary committee was, is the supply in Camden sufficient and adequate for fire protection. I do not know that that question has anything to do with the passage of this bill. I am in favor of municipal water when the town demands to take control of it, regardless of the service performed by existing companies, and I would protect the vested rights of existing companies in every form, in just the same manner that they are protected in this bill. As this question of adequacy has been raised, I propose to argue it for a moment. I think the committee were convinced that the supply was inadequate for fire purposes. I believe that every member of that committee has been assured as I have been assured by gentlemen upon whose assurance we can rely, that certain improvements are to be made upon this plant. If the supply is adequate what is the necessity for these improvements? Yet I was assured that \$40,000 to \$70,000 would be expended if necessary on this plant to put it in proper condition. It has been argued in this case that the pressure was overcome by the long line of hose. In the postoffice of the town of Camden is a guage which measures the pressure upon these pipes. It does not measure the pressure at the end of the nozzle, but at the hydrants. The testimony was that when no hydrants were open there was a pressure of 115 pounds, and that when three or four hydrants were open, that pressure fell according to the guage to between 30 and 40 pounds. I submit that the testimony shows that there is not an adequate supply of water in the town of Camden for fire purposes, and that that should be

remedied, and the only way to remedy it is to give the town of Camden the rights which the Legislature in past years has taken from her and given to a private corporation. I have no grievances against these corporations. These questions should be considered fairly regardless of friendship or extraneous pressure. Now, as to this bill so far as it provides that the town of Camden shall take these water works and pay for them, and pay the outstanding bonds at the time they become due. The payment of the bonds are to be apportioned to the town of Camden according to the proportion that their water system bears to the whole of the system. The bonds, of course, are to be divided in the same manner. It is said that this apportionment of bonds will deteriorate the value of the bonds, that the security is not as ample as it would be if the plant remained whole.

I quote the senator from Cumberland two years ago against the senator from Cumberland today. Two years ago he was right. Today he is wrong, and I believe way down in his heart he knows it. This question of a division of bonds is not a new one. It was determined by the very act which created the Kennebec Water District, and the senator from Cumberland, or any other senator, or member of the majority of the committee, cannot get away from it. The arguments against this bill are all superficial—presented here to defeat it, and to defeat the town of Camden. There may be politics involved in this question—I am something of a politician myself; and I would favor this bill, if for no other reason than because I believe it would create peace in the Republican party of Knox county, and would save us the further infiction of having the senator from Knox returned to this body. (Laughter and applause.) Politics or no politics, I am in favor of the passage of this bill, because I believe it is right, honest and fair to the municipality of Camden, and what is good for the citizens of Waterville, is good for the citizens of Camden.

It is argued that the majority of the property of Camden is against the passage of this measure. Property suffrage never can go in this free coun-

try. If it is to go, let us have a monarchy instead of a republic.

I believe, when, next Monday, the town of Camden holds its annual meeting, you will see the sentiment of Camden expressed in a vote that will leave no doubt in any mind as to what the people of Camden want. I believe the town of Camden will treat this matter fairly and this question of municipal water is a question that will come before this Legislature in the future to be determined. The city of Augusta must determine it some time, and city of Portland. Already there are grumblings in the city of Gardiner. I am not a prophet or the son of a prophet, but I believe the town of Camden will have this question settled right, before they get through with it.

I have failed to find in my research in this case where municipal ownership did not reduce the price of the property. Let the day come when we shall have municipal ownership of water all over the State of Maine. Let men of intelligence, let men of State, come in to aid this day. It is coming, aid it tongue and pen, aid it paper, aid it type, aid it for the hour is ripe when the earnest must not slacken into play. Men of thought and men of action, clear the way. (Applause).

Mr. VIRGIN of Cumberland: I have listened with great interest to the arguments of the senators from Knox and Somerset in behalf of the bill presented by the minority of the judiciary committee. When the matter was first brought into this body, it was referred to the judiciary committee, or a motion was made to that effect, and the senator from Knox objected, and today he criticises the judiciary committee, intimating that the members of that committee would not treat that matter in an unprejudiced manner. What did the senator undertake to do? He was interested in this matter, and was pledged to it in advance, and yet he undertook to refer it to the committee on legal affairs of which he was a member. One member, at least was prejudiced in advance.

It does not lie in the mouth of the Senator from Knox to accuse or insinuate to any member of the judiciary

committee that they were biased or that they would not give an impartial hearing and make such report as they deemed just under all the circumstances and evidence in the case. No one of the judiciary committee lived in the vicinity of Camden, and none of them so far as I know, had any property rights in Camden, and for that reason they were a proper tribunal to which the matter should be sent. A hearing was appointed and conducted by eminent counsel for and against the proposition. The hearing began at 2 o'clock in the afternoon and lasted with a short interval until 2 o'clock in the morning. The evidence was conflicting on some points. The committee tried to sift the truth from the falsehood, to get at the kernel of the matter, and throw away the chaff. I believe the committee did so; and I know that a majority of the committee, and I believe a minority, gave to that measure their best thought and judgment, considering it in all its bearings; and I think a majority of the committee were only moved by those motives, and when they presented the report, ought not to pass, they were honest in it. It does not lie in the mouth of the senator from Somerset to impute motives to the majority of the committee and to say they are not in favor of municipal water works. His statement is true that a majority of the committee as well as the minority are in favor of municipal water works, under proper conditions, but not under all circumstances; and a majority of the committee believed that this was a case in which municipal water works or ownership in Camden was not authorized by all the facts and circumstances in the case. Is a majority of the committee consistent? During the last days of the session a bill came before them for municipal water works for Lubec; and it was the unanimous report of the committee that they should have municipal water works. The facts behind the petition warranted it—the committee believed in it and so reported it. One-quarter of the voters of the town of Camden voted for municipal water works; a majority of the taxpayers of the town opposed it—I say that should have weight with the Senate, as it did with the committee. There is no question about the purity of the water, or about the domestic service. Some evidence was introduced as to inadequacy of supply; and the evidence at the hearing was overwhelming that never was there an inadequacy in the domestic supply. Now as to evidence relating to the fire service: The chief engineer of the fire department who was there during the time this company was furnishing Camden with water—there had been something like 90 fires—on cross examination he could only recollect seven instances where the water was short or the pressure inadequate. There was also testimony as to the big fire, and that was the

great factor in the case to show inadequacy of the service. That fire broke out in the middle of the night, in one of the tallest wooden buildings, in the attic; and before the fire was discovered the building was one sheet of flame, and being to the windward of the village, or a large part of it, it was utterly impossible, even with the service pipes of 16 inches or more in diameter, to get pressure enough or water enough on a wild night like that to put out the fire. The evidence came out that the service main was only a 10 inch main, from Ingraham's Corner to near the postoffice in Camden, and from that the service was reduced to six inches; and that most of the hydrants were on this six inch service pipe. It was demonstrated to a majority of the committee that the town of Camden for fire service and fire purposes only contracted for 20 hydrants, situated 1200 to 1400 feet apart. That was a mistake of the town of Camden and not of the company. It was shown that every 100 feet of hose put upon a hydrant shortens the stream of water coming through hose 10 feet. In one case complained of the evidence was that the hose was run some 1200 feet in order to reach the fire.

On this entire system there is now outstanding some \$600,000 of bonds, \$125,000 at 6 per cent. fall due in 1905; \$275,000 4½ per cent. fall due in 1907, and \$225,000 5 per cent. fall due in 1919.

It has been argued that municipal service reduces rates. It does in many instances; but there is no fault found with the rates in Camden, with one exception, and that was by Mr. Bean who wanted a lump sum for his tenement houses. The evidence before the committee given by the hydraulic engineer, and the tables giving lists of towns and the rates in detail, shows that in the town of Camden the family rates were 32.86 per cent. less than the average of rates for the same service of water companies in Maine; and the cities and towns in Massachusetts show that the Camden family rates are 30.66 per cent. less than the average for the same service to Massachusetts companies.

I want to say one more thing, and that is that when you disturb the Rockland and Camden Water Co.—when you threaten to cut off its system in the town of Camden, upon which its bonds are now outstanding, you do attack the credit of the bonds owned by the savings banks and owned by citizens of the State, and it was stated to the committee that already some of the holders of these bonds had applied to one of the members of the committee to know what the outcome would be of this Legislature, fearing that the bonds would be rendered less valuable and that the credit of the company was to be attacked and its bonds depreciated. I understand the argument that the town underwrites these bonds, or such portion of them as would represent a fair part of this system in the town of Camden. There is no promise in the bond on the part of Camden to pay them.

I am in favor of municipal water works when the facts demand it, but the facts

in this case do not bring the case into such a condition that I should favor it.

The question being put upon the acceptance of the majority report of the committee, in concurrence with the House, a division was called for and had, and the President announced that 15 had voted in favor and 4 opposed; and that the Senate concurred with the House in accepting the majority report, ought not to pass.

Mr. Plummer for the committee on legal affairs on bill, an act to amend Section 104 of Chapter 11 of the Revised Statutes, as amended relating to duties of state superintendents of public schools, reported that the same ought to pass. On motion by Mr. Staples of Knox, laid on the table and assigned for tomorrow at 10 o'clock.

On motion by Mr. Vickery of Kennebec, a message was sent to the Governor requesting the return of House document 219, resolve in favor of William J. Matthews. That document being subsequently returned, in accordance with the request, on further motion of the same senator the bill was laid on the table.

On motion by Mr. Virgin of Cumberland, House document No. 93 was taken from the table and, on motion by Mr. White of Androscoggin, the same was amended by the adoption of Senate amendment A, and on his further motion the bill took its second reading and was passed to be engrossed.

On motion by Mr. Murchie of Washington, Senate document No. 136, report of the committee on councillor apportionment, with accompanying apportionment, was accepted, and the apportionment as made, adopted.

Mr. Wilson, for the committee on sea and shore fisheries, on bill, an act to authorize Melvin E. Loud and Robert H. Orne to construct a weir between Muscongus island and Indian island, reported ought to pass. Bill tabed for printing under the joint rules.

Bill, an act relating to the fees of sheriff of Cumberland county, was passed to be enacted.

On motion by Mr. Vickery of Kennebec, the vote whereby resolve in favor of William J. Matthews of Searsport, Maine, was finally passed, was reconsidered; and on his further motion the bill was tabed and assigned for tomorrow morning.

Senate document 145, resolve in favor of paying unexpired licenses of hawkers and peddlers. Specially assigned for today.

This bill took its first reading; and, on motion by Mr. Weeks of Somerset, the bill was amended by Senate amendment A. The bill as amended was laid on the table.

On motion by Mr. Buck of Hancock, the Senate adjourned.