

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Friday, March 13, 1903.

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

Prayer by Rev. Mr. Canham of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

An Act to incorporate the Augusta Water District. This bill came from the House, received under suspension of the rules, and referred to the Committee on Judiciary.

Mr. Manley of Kennebec moved that the bill be laid on the table, and said: "I will take it up the first of the week."

Mr. GOODWIN of Somerset: Will not that be too late?

Mr. MANLEY: No, it will not be too late. We cannot act upon it today.

Mr. GOODWIN: Mr. President, did you declare the motion to lay on the table, carried?

The CHAIR: I did not. The motion is still pending.

Mr. GOODWIN: I think the Senator from Kennebec should assign some time for the consideration of this question.

Mr. MANLEY: I will assign Wednesday of next week. We shall be in session all next week.

Mr. GOODWIN: Shall you have a chance to have a committee hearing upon it, if you do that?

Mr. MANLEY: I do not know.

The question being put upon a viva voce vote, the Chair declared itself in doubt. A rising vote was then ordered.

Mr. GOODWIN: I want to know if the Senator from Kennebec who has an interest in this matter has a right to vote upon it.

Mr. MANLEY: I am not interested in this bill.

Mr. GOODWIN: Are you not an officer of this company?

Mr. MANLEY: Yes, but I am not interested in this bill.

A rising vote being taken upon the motion of the Senator to lie on the table, the motion was lost, five voting

in favor of the motion, and eleven voting against.

The bill was referred to the Committee on Judiciary, in concurrence.

Read and Assigned.

An Act to incorporate the Fish River Improvement Company.

An Act to authorize Edward J. Mill, his assigns to maintain a wharf in Boothbay.

An Act to amend Chapter 3, Section 59, paragraph twelve of the Revised Statutes relating to dealers in old junk.

Resolve in favor of Madawaska Training School.

An Act to amend Chapter 143 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Cumberland Illuminating Company."

An Act relating to discharge of cases now pending in insolvency courts.

An Act to amend Chapter 86 of the Revised Statutes relating to trustees' process.

An Act to incorporate the West Branch Driving and Reservoir Dam Company. On motion by Mr. Burleigh of Aroostook this bill took its second reading under suspension of its rule and was passed to be engrossed.

An Act to renew and expend the charter of the Boothbay Harbor Banking Company.

An Act to provide for preservation of town records of births, marriages, and deaths previous to the year 1902.

An Act to amend Chapter 407 of Private and Special Laws of 1846 entitled, "An Act to incorporate the Penobscot Log Driving Company." On motion by Mr. Burleigh of Aroostook this bill took its second reading under suspension of the rules and was passed to be engrossed.

An Act to establish a municipal court in the city of Eastport. (House amendment A adopted in concurrence.)

Resolve in favor of Maine School for the Deaf.

An Act to regulate the sale and inspection of commercial feeding stuff. This bill was recommitted to the committee on agriculture with instructions in concurrence.

Bill, An Act to amend and extend the charter of the Bluehill Trust and

Banking Company. The House having non-concurred with the Senate in its passage to be engrossed, and re-committed the bill to the committee on banks and banking, on motion by Mr. Clark of Hancock, the Senate non-concurred with the House, on motion by Mr. Goodwin of Somerset the Senate insisted, and called for a committee of conference. The chair appointed as such committee of conference on the part of the Senate, Messrs. Goodwin of Somerset, Clark of Hancock and Knowlton of Penobscot.

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

Public Charities and State Beneficiaries.

By Mr. Stetson of Penobscot: Resolve in favor of the Eastern Maine General Hospital.

Also: Resolve in favor of Bangor Children's Home.

Revision of the Statutes.

By Mr. Goodwin of Somerset: Bill, An Act to amend Sections 32, 33, 34 and 35 of Chapter 18 of the Revised Statutes, relating to the assessment of damages upon abutters upon city streets.

Also: Bill, An Act to repeal Sections 1 to 41 inclusive and sections 49 to 82 inclusive of Chapter 47 relating to banks and discount.

By Mr. Manley of Kennebec: Bill, An Act to remove a doubt in An Act to incorporate the Gardiner Water District. On motion by Mr. Wing of Androscoggin, this bill took its several readings, under suspension of the rules, without reference to a committee, and was passed to be engrossed.

Reports of Committees.

Mr. Staples for the committee on legal affairs, on bill, an act in relation to dipsomaniacs and inebriates, reported ought not to pass. Report accepted.

Mr. Pierce for the committee on education, on bill, an act to amend Section 129 of Chapter 11 of the Revised Statutes relating to term of office to superintendent of schools, reported

ought not to pass. Report not accepted.

Mr. Pierce for the same committee on, resolve to appropriate \$500 for Lee Normal Academy reported legislation inexpedient. Report accepted.

Mr. Staples for the committee on inland fisheries and game on resolve relating to screening Long Pond Outlet, plantation 33, Hancock county, reported ought not to pass.

Mr. Clark of Hancock moved to substitute the bill for the report.

The motion was lost and the report was accepted.

The same senator for the same committee on petition to prevent fishing in Round Pond, reported; petitions have leave to withdraw. Report accepted.

Mr. Randall for the committee on taxation, on bill, an act to tax railroads according to their cash value reported same ought not to pass. On motion by Mr. Staples of Knox this was laid on the table.

Mr. Clark for the committee on legal affairs on bills, an act to extend the charter of the Bluehill and Bucksport and Electric Company ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Staples for the Committee on Legal Affairs, on Bill, An Act to incorporate the Village Cemetery Association of Searsport, Waldo county, Maine, ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Goodwin for the Committee on Revision of the Statutes, on Bill, An Act relating to suits in equity to acquire title, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee, on Bill, An Act to amend Chapter 101 of the Public Laws of 1887, relating to paupers, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee on Bill, An Act to amend Section 5, Chapter 137 and to amend Section 1 of the Public Laws of 1895 and the Public Laws of 1893, relating to insane criminals, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Hyde for the Committee on Railroad, on Bill, An Act to authorize the extension of the Bangor and Aroostook Railroad in Aroostook, Piscataquis, and Penobscot counties, reported same ought to pass. Report accepted. Bill taken for printing under the joint rules.

The same Senator for the same committee, on Bill, An Act to authorize the Aroostook Valley Railroad Company to repurchase or lease the property and franchises of the Presque Isle Electric Light Company, reported same ought to pass. Report accepted, bill tabled for printing under the joint rules.

Mr. Wilson for the Committee on Railroads, on Bill, An Act relative to the Aroostook Valley Railroad, ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee, on Bill, An Act to incorporate the Cherryfield and Milbridge Street Railway, reported same ought to pass. Report accepted. Bill table for printing under joint rules.

Mr. Pierce for the Committee on Education, on Bill, An Act to provide for instruction of music in the public schools, reported same ought to pass. Report accepted. Under rule 18 referred to Committee on Appropriations and Financial Affairs.

Mr. Burleigh for the Committee on Interior Waters, on Bill, An Act to authorize Samuel D. Warner and others to erect and maintain piers and booms in the Kennebec river, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Gardner for the Committee on Interior Waters, on Bill, An Act to extend the charter of the Main Water and Electric Power Company, reported same ought to pass. Report accepted. Bill tabled for printing under joint rules.

Mr. Maddocks for the Committee on Interior Waters, on Bill, An Act to authorize the Boston Excelsior Company to erect booms in Sebec river, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Stetson for the Committee on Inland Fisheries and Game, on petition to prevent ice fishing in number 9 lake, reported bill, An Act to prohibit ice fishing in Number 9 lake, ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee on petition of W. B. Fuller of Unity in relation to the prohibition of throwing sawdust and waste into certain streams, reported Bill, An Act to prohibit the throwing of sawdust into Half Moon Stream and Sandy Stream or any of their tributaries. Reported accepted. Bill tabled for printing under the joint rules.

Mr. Staples for the same committee on Bill, An Act to protect fishing in First, or Billings Pond, in Bluehill, Hancock county, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee, on Bill, An Act for the protection of deer in the counties of Kennebec, Knox and Waldo, reported ought to pass. Report accepted. Bill tabled for printing under joint rules.

Mr. Morse for the Committee on Pensions, on Resolve in favor of Mary E. Trafton, reported same ought to pass. Report accepted. Under rule 18 referred to Committee on Appropriations and Financial Affairs.

Committee on Salaries reported on Bill, An Act in relation to salary of county attorney of Hancock county, reported same ought to pass. Report accepted. Under rule 18 referred to Committee on Appropriations and Financial Affairs.

Mr. Morrison for the Committee on Military Affairs, on Resolve in favor of the State Committee of the Young Women's Christian Association of Maine, reported same ought to pass. Under rule 18 referred to Appropriations and Financial Affairs.

The same Senator for the same committee on resolve in favor of State Committee of Young Men's Christian Association of Maine, reported ought not to pass.

Passed to be Engrossed.

An Act in aid of soldiers of the Aroostook war.

An Act to amend Chapter 89 of the Public Laws of 1899, amendatory or Chapter 116 of the Public Laws of 1895 as amended by Chapter 286 of the Public Laws of 1887 in Chapter 206 of the Public Laws of 1901, entitled An Act to provide for the schooling of children in unorganized townships.

An Act authorizing the town of Fort Fairfield to make a loan.

An Act relating to the jurisdiction of the Municipal Court of the city of Auburn.

An Act to regulate the taking of cod fish, pollock, hake and haddock in the waters of Frenchman's Bay.

An Act to enable cities and towns to establish permanent fuel yards.

Orders.

On motion by Mr. Clark of Hancock it was ordered, that the House concurring, when the House and Senate adjourned agreed to meet on Tuesday, March 17, at ten thirty o'clock A. M. This order was subsequently returned from the House, concurred in by that branch.

Passed to be Enacted.

An Act to amend Section 11, of Chapter 68 of the Revised Statutes, relating to Trust Estates.

An Act to amend Chapter 43 of the Public Laws of 1891 relating to the practice of dentistry.

An Act to consolidate the Atlantic Shore Line Railway, Sandford and Cape Porpoise Railway Company, Mousam River and Sandford Power Company.

An Act to incorporate the west branch driving and reservoir Dam Company.

An Act to amend Chapter 407 of the Private and Special Laws of 1846 entitled An Act to incorporate the Penobscot Log Driving Company.

Orders of the Day.

On motion of Mr. Burns of Cumberland, the vote whereby the report of the committee ought not to pass, on resolve in favor of topographic and geological survey, was amended so that said report should read ought not to pass and the report as amended was accepted. The resolve was tabled for printing under the joint rules.

On motion of Mr. Wing of Androscoggin, Senate document 157, relating to taxation of mortgages was taken from the table.

Mr. WING of Androscoggin, Mr. President, I desire to call the attention to the provision of this bill. It consists of one section only, and with your indulgence I will read it.

An Act Relating to the Taxation of Mortgages.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Section five of chapter six of the Revised Statutes is hereby amended by inserting after the word "owing" in the fifth line, the words 'but not included in such debts any loan or mortgage of real estate, taxable as real estate, except the excess of such loan above the assessed value of the mortgaged real estate, so that said section as amended shall read as follows:

'Sect. 5. Personal estate for the purposes of taxation, includes all goods, chattels, moneys, and effects, wheresoever they are; all vessels, at home or abroad; all obligations for money or other property; money at interest, and debts due the persons to be taxed more than they are owing, but not including in such debts any loan or mortgage of real estate, taxable as real estate, in this State, except the excess of such loan above the assessed value of the mortgaged real estate; all public stocks and securities; all shares in moneyed and other corporations within or without the State, except as otherwise provided by law; all annuities payable to the person to be taxed, when the capital of such annuity is not taxed in this State; and all other property, included in the last preceding State valuation for the purposes of taxation.'

Sect. 2. This act shall take effect when approved.

I wish to call the attention of the Senate to the fact that this bill exempt from taxation money loaned on mortgages on real estate; and perhaps the title of the bill should be; An Act to relieve money lenders from taxation.

I have no interest in this measure except what interest I have in judicious legislation, but I can see no moral, business or political reason for exempting money lenders from taxation. National banks, savings banks loan and building associations and trust companies all pay taxes on money loan; and why should they be discriminated against by creating a class of people who can loan money and be exempt from taxation.

Under the provisions of this bill men put a thousand dollars or a million dollars in money and loan it on real estate, and whistle at the assessors, and say to them; we are absolutely exempt from taxation.

I desire to place myself squarely against this proposition, on account of the people that I have the honor I have to represent, and also of the people of this State, that I am opposed absolutely to exempting money lenders from taxation. It may be suggested that money loaned on mortgages already evades taxation. Supposing that may be true, it is not the fault of the law that taxation is not evaded. It is the fault of the assessors and the persons whose duties it is to assess that property for purposes of taxation. It is not double taxation. The mortgage is simply an incident to the note. The note is not an incident to the security. The note represents the money. The security may be destroyed by fire but the note remains. The mortgage is simply an incident. It takes the place of an indorser; and the question of double taxation cannot follow logically in this connection. A man might have 25 shares in bank stock on which he would be obliged to pay taxes, and it is a very common thing in Maine for a business man to take certain bank stocks and hire money on it, pledging the bank stock as collateral. This certainly can't in any way benefit the borrower.

I simply want to put myself right on the question and to say that I am opposed to it.

Mr. GARDNER of Penobscot: Mr. President, as chairman of the board as committee on taxation it becomes my duty, in a feeble way to defend and support the report of this committee; and if I were opposing my personal

opinions to those of the distinguished Senator of Androscoggin I should consider it presumption; but in view of the fact that this is the unanimous report of the Committee on Taxation--the careful judgment of ten men from the various walks of life relative to this matter, I cannot but feel that the reasons which led to our conclusions still obtain.

I feel that it is due to the Senate that I give a brief explanation to the reasons which led the committee to the conclusions which they reached. The subject matter came over from the last Legislature in a different form. The committee gave the matter a public hearing, and appointed a sub-committee which committee went into the matter thoroughly but gave no public hearing, and reported in a new draft so that I feel that the committee has shown due diligence and all interest in the matter. The report of the special tax commissioner of 1890 had great weight with us.

I dispute the assertion of the gentleman from Androscoggin that this does not result in double taxation. We feel that in the small county towns and sections removed from financial institutions, that the present system works an extreme hardship.

We feel that the laws of trade, that the supplies and demand will regulate this matter to the relief of the small borrower, giving him in fact the same opportunity to borrow money as it gives the parties who have access to the saving banks.

I trust that with this explanation with the reasons that led to our conclusions, this being a unanimous report of the committee on taxations after as careful consideration and hearing as we could give, that the Senate will accept our committee report and enact this legislation.

Mr. GUERNSEY of Piscataquis: Mr. President, I believe that the report of the committee on taxation should be accepted. The savings banks of this State are annually able to borrow millions of dollars from their depositors, why? Because their depositors are simply money lenders, and as money lenders to savings banks they are not un-

der obligations to pay a dollar of the tax.

A farmer undertakes to borrow money and he has to pay high rate of interest. The lender of money to the farmer never pays a dollar of tax. We are exempting large interests, as in the case of the timberlands, and placing burdens where they do not belong. If this measure will give relief to the farming community and enable them to borrow money cheaper I am certainly in favor of it.

The pending question being upon the first reading, the bill was read once and assigned.

On motion by Mr. Manley of Kennebec, bill, An Act to incorporate the Peakes Island and Light Company was taken from the table; and on motion by the same senator the bill was referred to the committee on judiciary in concurrence.

Special assignment, the consideration of the majority and minority reports of the committee on temperance on the bill relating to re-submission, was taken up. The pending question is upon the acceptance of the majority's report ought not to pass.

Mr. STAPLES of Knox: Mr. President, I regret, this morning, that as I approach the discussion of this question I feel myself physically unable almost to go on. But as this matter has laid upon the table for some days, and owing to the lateness of the session, I do not feel at liberty to ask any further delay of this matter. I assure you that I will be as brief as I possibly can in the discussion of this question. I believe it, today, to be the paramount question in the State of Maine. It is a question that has agitated the people from one end of the State to the other—a question that comes home to us not only as temperate men, but as moral men. I place this thing upon a higher plane than that of dollars and cents. It reaches out to the home and to the fireside; and it is a question to us whether the youth of today shall be debauched as they have been in times passed. I rejoice in one thing. I think we are beginning a great political revolution in Maine. I am glad to notice that the shackles of political

partisanship, is resting more lightly upon the shoulders of the people than it ever has before. The people are seriously considering the great problems that confront us. Those great problems, Mr. President, are several. Among them is the question of municipal ownership, the question of equal taxation, and the question of the great referendum. In times past the common people have allowed party leaders to build their platforms, and they have generally followed in their lead without asking the reason why. I see signs coming here from one end of this State to the other that show to me that they are now throwing off the shackles of party and are determined in the future to be guided by their own judgment and their experience in the every day walks of life. Therefore I discern through the darkness of the present the dawn of a new life. The time will surely come, and I hail the day. The great question of the referendum is a question for the common people. It is the safeguard of the people. Our forefathers learned that at Saratoga, at Yorktown and at Bunker Hill. It has always been the safeguard of the people. The people may stifle it for awhile, but the irresistible tide that is coming will sweep from power any party that stands as a barrier to its success. Our forefathers learned the great principle of the referendum in bloody battle. The people can be trusted. But you tell us the people do not want resubmission. In 1854 the people did not want to abolish slavery in this country, which was inconsistent with our constitution and the declaration of independence; and the people, when they boasted of equal rights to men, were living in frank and blissful falsehood; but that little band of patriotic people, who appeared to have divine inspiration, by the result of their agitation and the self-sacrificing agitation of millions of patriotic men rejoiced, in 1865, at the freedom of three millions of human beings. It took years to accomplish that result, but it made the names of those agitators to adorn the brightest pages of American history. And unborn millions in the future will rise up and call them blessed. I am one of those that believe there is a hand of provi-

dence that controls the minds of men. Unseen agencies always have and always will be found working and guiding the thoughts of mankind. We may not succeed at once. The great problem of how best to handle and control the sale of intoxicating liquors will be solved by the conservative, by the sober-minded, temperate men of our State, and not by cranks, politicians or fanatics. The saying of that noble type of American manhood, Abraham Lincoln at Gettysburg, was: You can fool some of the people all of the time; part of the people part of the time; but you cannot fool all of the people all of the time. For 50 years we have had the prohibitory law upon our statute books and during all that time liquor has been sold as much in the State of Maine as in any other state in the union. There is no use to deny it. From our earliest recollection down to the present time—and I do not except in the statement but what today in the city of Augusta, which they claim is a dry city—you can have driven it out of the respectable places, but it has found lodgment in less respectable places in the city of Augusta. They tell us that Portland is a dry city. The records of the police court refute that assertion. I stand aghast at its history. Those who believe in the prohibitory law will let me say to them that they have something to answer for. I approach the question as a temperate man. I approach it because I believe in temperance. I would guard the young man and protect him against the hypocrisy and deceit that the prohibitory law teaches. I say it is a deceit and a hypocrisy; and the Republican party of the State of Maine know it today when they put into their platform—their leaders, I mean, because I say here publicly that the most of the Republican party are just as honest as the Democratic party, to which I have the pleasure to belong—do not misunderstand me—I believe that the common man that belongs to the Republican party is honest in his conviction—but when the party leaders for the last 25 years have placed in their platform that: “We believe in the prohibitory liquor law,”—those men who wrote that platform knew that they were de-

ceiving the people of the State of Maine. They did not intend to practice what they preached, and they have not practiced what they preach, and do not intend to do it in the future, I apprehend. If I had my way about it I should annihilate it from the face of the earth; and I stand aghast. For 50 years upon the statute books of Maine and in the platform of your party as long as your party has existed you have said: We affirm and believe in the prohibitory liquor law. You did not believe it when you put it there, and that is one reason why I object to this. If they will prove to me that the prohibitory law will prohibit, then I will vote with them every time. I will vote for any measure, Mr. President, that will do away with the curse which has blighted so many homes, caused so many aching hearts, caused rivers of blood to be shed, and has destroyed so many homes, and has caused more misery, I admit it, there is nobody that can go before me to say that I believe that the prohibitory liquor law has caused—or that intemperance has caused more trouble, more misery, more tears, more aching hearts than any other thing upon the statute book. But when we have them upon the statute book the people do not intend to enforce it, and then I ask myself what have been the fruits of the prohibitory law in the State of Maine? What is the lesson? What is the object lesson which appeals to a temperate man? I stand aghast and appalled at the hypocrisy of the people. As a temperate man I believe in the best regulation of the question of the sale of intoxicating liquors. If you are in favor of the prohibitory law say so, vote as you think. If you are not in favor of it, why then vote as you think. I do not like to see a man coming into this Senate to vote for the prohibitory law when he has two inches of raw rum in his stomach. I do not believe that is frankness. I believe it is hypocrisy and deception, and I despise hypocrisy and deception wherever I find it. For 50 years we have been living a lie upon this question of prohibition. The people of Maine by a majority do not practice prohibition and they do not believe in prohibition. I venture upon

this floor, Mr. President, to assert that the majority of the Republican party of the State of Maine, if they will vote according to their convictions, do not believe in the prohibitory liquor law. They do not believe that the prohibitory liquor law has been conducive to temperance and the best interests of the State of Maine. I will not discuss it upon the question of whether our property interests in the State of Maine are increased or decreased. I regard it as folly to discuss it from that standpoint. It would almost be sacrilegious. There is something more important, Mr. President and gentlemen, for I am talking upon this question, this morning, in absolute sincerity. I have seen the iniquity of the law, I have seen it destroy the best type of manhood, ruin homes, destroying the love that the son had for the father. It has caused the breaking up of families, and caused rivers of tears to be shed; and still we carry on this farce for political purposes. It is a disgrace, a shame, a stigma upon the good people of the State of Maine. The other side would have you believe that any man who desires to stand up and vote for resubmission, or for high license and local option is a crank. I am in favor of it. I am in favor of anything but the prohibitory law, that has debauched the young man, and ruined so many as the prohibitory law. Why should I ask for high license and local option? Because for 50 years you have tried prohibition, and you have had spasmodic execution of the law. Every five years for the past 30 years in State of Maine, you have had the same spasms that you are having today. Do you doubt, my Republican friends, that, as the election of 1904 approaches the flood gates of intemperance will be opened? and that liquor will be sold in the State of Maine openly, as it has been for the past two years? It is not always safe to judge the future from the past. I know, and every Republican politician in this State knows that it has been used for political purposes for the last 30 years in the State of Maine. There is something wrong, when I find upon the petitions for resubmission that have been presented to the Senate and House not one man en-

gaged in the sale of intoxicating liquors can you find upon it, but you find the best element in the State of Maine. I deny that it is the rummies who want resubmission. I contend it is the temperance men who want it; and they want it because they believe it can be regulated in a better way. It is not that they want more rum. If we must have the curse, let us regulate it in the best possible manner. We have, today, only three states in this great country of ours who have upon the statute books the prohibitory law. The grand old, conservative state of Vermont, a state that has had it forced upon her statute books for a number of years—what has she done? She has stricken it from her statute books, and has local option and high license. New Hampshire, also, passed the constitutional amendment the other day. I am told that New Hampshire will follow the lead of Vermont; and that leaves only three other states in this country that retains prohibition. Now, I wish to place myself right upon it, because it has been intimated that those who are in favor of local option and resubmission are the rummies of the States. I am opposed to the prohibitory liquor law because it is a measure wanted by the rumsellers of the State of Maine. The prohibitory law has operated as a low license law to those engaged in the sale of liquor in the State of Maine. Let us be consistent, gentlemen, because consistency is a jewel. I apprehend that many of those men who voted in the House the other day against resubmission are the very men who will vote to keep it upon our statute books. The liquor commission has been in the past the greatest rum shop in the State. If you mean business, abolish your State liquor commissioners, abolish your town and city agencies. I will vote with you to do it.

I would like to annihilate it from God's green earth. It is the greatest curse that ever befell mankind. For 50 years we have had this law upon our statute books. Haven't we tried it long enough? You all know that the prohibitory law never has prohibited. Is there anybody insane enough in this body to tell me that the present idea of enforcing the law will be carried out?

Now Mr. President, let us heed the demands of the people. You never made a temperate man in your life by a statute or a law. You cannot regulate it in that way. There is at the present time coming up from almost every county from the State of Maine a proclamation that the law is going to be enforced. What has been the result of that. You drive it out of respectable places and drive it into less respectable places. I deny that in any county in the State of Maine that the jail sentences are limiting the sale of liquor in the State. A man who does not touch it himself, who has not had experience, either as county attorney or in some way, cannot appreciate the methods taken to evade the law. There is today being received all over this State a circular from wholesale dealers in the Great West. And what is that circular? Young men receive it, old men receive it. Almost everybody receives the circular; "three full quart bottles of whiskey 10 years old for \$3." What is the result of that? The result is that the young men of our State club together, send and get that liquor, and the result is a debauch—ruining them. If you had high license, and they could step into a respectable place, and buy a glass of beer they would not think of drinking the hard stuff. When you tell a man that he shall not have a thing, by law—he then wants to get it. I apprehend if Eva in the garden of Eden hadn't been forbidden to eat the fruit, that she wouldn't had any curiosity half so much excited, and wouldn't have eaten the fruit.

By the love of home, of fireside, of friends, let us cease playing with this death agent of our young men; and say to ourselves it is to serious a question to longer be treated carelessly. Let us heed the demand of the State, the flow of bitter tears, and bind up the broken hearts that this law causes. License may have slain its thousands; the prohibitory law has slain its tens of thousands.

We are our brothers' keepers; and we owe him a duty and society a duty. We can no longer as honest men ignore society's call to have us act honestly and fearlessly; and to lift up from the

low plane to which the prohibitory law has sunk many and many of the best minds of the State of Maine, to a higher plane.

Now the women of the Christian Temperance Union have had a great deal to say during this session about the prohibitory liquor law. I have the greatest respect for that organization. I haven't a word to say against them. But what do they know about the working of a prohibitory liquor law? They have never been in position to understand the working of it. I have no doubt they are honest in their endeavor, but they are certainly mistaken. Thirty-three thousand dollars were collected in fines at the last term of court but one in the county of Penobscot. Between \$6000 and \$7000 collected in the county of Knox for liquor fines in the county of Cumberland, I think I am correct in saying it was \$17,000 that was collected in fines. You will find that condition all over the State of Maine. In Kennebec county I think the fines were some \$13,000 collected by the county attorney at the last term of superior court but one in Kennebec county. Does that look as though the prohibitory liquor law had prohibited? O, no! Is there a man within the hearing of my voice that believes that you had local option and high license upon our statute books, today, there would have been so much liquor sold in the State of Maine?

I see a change in the signs of the times. I see the dawning of a new light. Where a few years ago there were a few clergymen of this State who dared to express an opinion against the prohibitory law, I apprehend that one-fifth, perhaps one-fourth of them in the State, today, are in favor of doing away with the prohibitory law. They are honest in it because they believe it does not prohibit. It never has prohibited and never will. The opposition would have you believe it is the intemperate people of the State who ask for this law to be repealed. I deny it. It is the temperance men, who are disgusted with the deception and hypocrisy that are demanding it. They have seen how it has been played with by political lead-

ers, and no man will deny it. It is a crime that sooner or later must be answered for. I believe an unseen agency is working all the time upon the minds of men—I believe that way back in 1840 and 1860 that those agitators for the abolishment of slavery of this country received divine inspiration. You may chain down a great principle for a time, but it will break with irresistible force, and sweep every party away that stands as a barrier to the rights of the common people.

Mr. WING of Androscoggin: Has the Democratic party declared for prohibition?

Mr. STAPLES: They did, when the bill was first signed. I am glad the Democratic party and the Republican party has made an issue of this matter. John Hubbard signed the bill. I have got it down that he was honest in it, but I think if he was living, today, he would not do it. I am glad that the issue is framed, and that the Republican party has placed itself squarely in favor of prohibition. I am glad the Democratic party accepts the gauntlet; and at the next election the great question will be the referendum of the people—the safeguard of the people; and you and I, whatever have been our past political associations will be found speaking together. The question must be divided. There can be no politics in it. It is a question of sobriety upon the one hand and demoralization and intemperance upon the other. I appeal to you in behalf of ruined homes and aching hearts, and in behalf of the many scalding tears that are being shed—for the sake of humanity, to no longer allow this farce to remain. I do not know how any senator may vote here; but it is coming, as sure as you live. I tell you, today, the great silent majority of the State of Maine believe in resubmission. They haven't expressed it. Let us do our duty to the young men of the State. I was pained, the other day, when I found, in the State of Maine, the right of trial by jury was taken away, and when the people hear of it you will hear from them with no uncertain sound.

I have discussed this matter longer than I intended, but I feel deeply interested in it. If you submit this matter to the people and they vote that

they want the prohibitory liquor law upon the statute books, I will be one to stand here to help to make the penalty of violation adequate to the crime. I would make the penalty of the first offense, one year's imprisonment, and for the second offense I would double it. Harken to the people, Mr. President and senators.

I thank you for your attention and now move that the minority report be substituted for the majority report.

Mr. STETSON of Penobscot: A week ago, I was opposed to the idea of resubmission, and intended to vote for the majority report; but, today, I am in favor of the principles of referendum and believe the people should have a chance to express their opinion on this important subject.

I feel it my duty, as it should be of every senator present, to indicate by his vote the impracticability of the present law and to express by an increased vote in the Senate the trend of popular thought towards a rational policy of license, with local option, as this is in line with the liberal movement now in progress throughout the New England states.

I firmly believe in the principles, as stated in the Republican platform, that this law should be strictly enforced in every county of our State while it remains as a law.

I do not believe in hypocrisy or deceit, and I agree with every honest man who does not want to see the fair name of our State open to ridicule and contempt, as it is today, to see to it that this so-called prohibition law does prohibit, whether it is in my native city of Bangor or in the back towns of Aroostook county.

Let us stop this farce, tell our judges, county attorneys and sheriffs that the law must be obeyed.

Educate the people to the true idea of temperance and in two years from now the people will rise in their might and assert their right to be heard.

Let us put aside false pride and prejudice, stand up and be counted for what in the end will work for the best interests of our grand old State of Maine.

The feeling is surely changing, for today any man who honestly expresses his convictions in favor of license with local option is not called a scoundrel or knave by fair-minded men who believe in prohibition. So I say let us come out into the glad light of truth, assert your honest convictions, and get into the front ranks of what will soon prove to be an army marching on to victory, championed by the principles of honesty and justice.

Mr. WING of Androscoggin: Mr. President, I do not propose to be forced into a false position in regard to the pending question. I do not understand that the question before the Senate is one of high license or local option but whether or not the people shall have referred to them

this question—whether they may be permitted to speak directly to their representatives. It is our proudest boast that we are a government of the people and by the people; and in that connection it is often said that the voice of the people is the voice of God. The people have not spoken for 20 years. Is it not fair that at the end of 20 years we should be at least willing to listen to the voice of God?

I believe that the members of the Legislature are entitled to be directed by the consciences of the people that they represent, and that it is a fair proposition that this matter should be submitted to them; but I reserve the right myself to vote for prohibition, and accord to every other man the privilege to vote according to the dictates of his conscience. But I submit that the pending question is—whether or not the people may be permitted to give an expression to their honest views.

Mr. GOODWIN of Somerset: Mr. President, I did not intend to say anything on this subject, until the senator from Androscoggin spoke. He has stated to this Senate that the question involved is simply a question of submitting to the people the right to express their opinion upon this question. If there ever was a referendum submitted to the people in God's world, it was submitted last September. This very identical question was submitted to the State of Maine, with the line drawn as tightly as it could be drawn. The Republican platform, adopted at their State convention, stated: We demand the enforcement of the prohibitory law. The Democratic platform stated as emphatically as the English language can state: We are in favor of resubmission. There was the issue. No other great national issues—hardly any other local issues—entered into that campaign.

The Republicans demanded the enforcement. The Democrats demanded resubmission. Upon that issue we went to the polls and the Democratic party was never so ignominiously whipped as they were at the last election. So that, as far as the referendum is concerned, the people of the State of Maine have had it submitted to them within the last six months; and the verdict of the people has been decidedly in favor of enforcement of the law. I think a great mistake is made by the gentlemen who say that they listened to the voice of the people and they find that there is a growing sentiment in favor of resubmission. It is not a demand for resubmission, fellow senators. It is a demand for an enforcement of the law. Wherever you hear this cry go up whether in Somerset, in Cumberland, Aroostook, Waldo or anywhere else, the demand is not for resubmission. It never has been for resubmission. It is a demand for a complete, absolute and drastic enforcement of this law; and the Republican party listened to that demand, put into their platform a demand for the enforcement of it, and went to the polls and won out last fall.

We had, only the other day, in the great

body that sits beneath this Capitol, a great speech, delivered by a great orator, from the greatest city in the State of Maine. There were 13 pages in his speech. I read it at home, in the silence of my chamber, with a dictionary at my right hand and a gazeteer of the world upon my left. I learned more things than I had ever dreamed of, read of or heard of. It began with a picture of Adam and Eve in the garden, and came down through ancient mediæval and modern times to the modern Adam and Eve, typified in the city of Portland by a longshoreman and his wife down on Center street, drinking ale out of a rusty tin pail. It dealt in everything—astronomy, astrology, literature, science, art, spiritualism, chiropody, the isthmial canal, the Millinocket bill and everything else I had ever heard of; but, Mr. President, there were some things in that speech delivered upon that question in favor of resubmission which should not stand unrebuked. It vilified the church of God. It traduced the bench. It slandered the bar. It scoffed at the intelligence of our people and declared that the Republican party, to which that distinguished orator had recently become a convert, was a party of hypocrisy and deceit.

Where is the demand for this resubmission? Will the gentleman from Knox tell me? Does it come from the people of the State of Maine, or rather are they here upon the petitions of churches, schools and colleges? The laboring man, the farmer, the business man are almost solidly arrayed against the question of resubmission. Only the other day, in this chamber, the gentleman from Knox delivered an eloquent speech in behalf of woman's suffrage. I wept with him when he wept over the teachings of his mother and the heroism of Grace Darling. I soared with him into the milky way when he picked the stars to light up upon our way. Where are the women of the State of Maine—I would ask the senator from Knox—upon this question? Is there a single woman's name found upon any petition in the State asking for resubmission, from the people whose cause he championed so eloquently and ably only three weeks ago in this Senate chamber. There is not a woman in the State of Maine from Kittery to Fort Kent who asks for resubmission (applause). Every one of them wherever found stands solidly against this question; and, O! my genial senator from Knox, where is your vaunted chivalry—and O! my eloquent orator, where is your boasted gallantry? (Applause).

Mr. President, I simply want to say in conclusion that we have submitted this question to the people. The people have answered us. The Republican party stands committed to the doctrine of enforcement. The senators in this chamber are responsible for this legislation. You are going back to your constituents by whom you were elected, and by whom you were elected upon that platform which declared against resubmission, and he who votes

against it violates his contract with his constituents; and I would ask of the senators of this chamber that they give to us what we have demanded—drastic, absolute and complete enforcement, and then if the situation shall change, we will bow to the people's will but not until it does change. (Applause).

The yeas and nays were called for and ordered, the pending question being upon the motion of the senator from Knox that the minority report, ought to pass, be substituted for the majority report ought not to pass.

The vote being taken resulted as follows: Those voting yea were Messrs. Hyde, Maddocks, Randall, Staples of Knox, and Wing (5). Those voting nay were Messrs. Alden, Bryant, Burleigh, Burns, Clark, Currier, Dudley, Gardner, Goodwin, Guernsey, Knowlton, Manley, Morse, Philbrook, Pike, Plummer, Staples of Cumberland, Wilson (18). The following pairs were announced: Mr. Buck voting yea with Mr. Titcomb voting nay; Mr. Morrison voting yea with Mr. Pierce voting nay; Mr. Stetson voting yea with Mr. Rankin voting yea. So the motion was lost and the majority report, ought not to pass, was accepted.

On motion by Mr. Gardner of Penobscot, Senate document number 157 was taken from the table and on motion of the same senator Senate amendment A was adopted and the bill as amended was read and assigned.

On motion by Mr. Staples of Knox, Senate document number 180 was taken from the table and on further motion from the same senator was referred to the committee on judiciary.

On motion by Mr. Goodwin of Somerset, House document 258 was taken from the table and on further motion by the same senator was recommitted to the committee on bill of second reading.

On motion by the same senator House document 287 was taken from the table and on his further motion was passed to be enacted.

On motion by Mr. Goodwin of Somerset, the House was requested to return to the Senate the report from the judiciary committee relating to the duties of treasurers of corporations.

On motion by Mr. Staples of Knox, Senate document 191 was taken from the table and on further motion of that senator was referred to the committee on judiciary in concurrence.

On motion by Mr. Hyde from Sagadahoc, Senate document 157 took its second reading under suspension of the rules and was passed to be engrossed.

On motion by Mr. Buck of Washington, the Senate adjourned to meet on Tuesday, March 17, 1903, at 10.30 o'clock A. M.

HOUSE.

Friday, March 13, 1903.

Prayer by Rev. Mr. Cashmore of Gardiner.

Papers from the Senate disposed of in concurrence.

The following order came from the Senate:

Ordered, the House concurring, that the Governor and Council cause to be compiled, in convenient form, the inland fish and game laws, public, private and special, including all such laws passed by this Legislature, and that 10,000 copies be printed for general distribution, and the Governor is authorized to draw his warrant for the payment for the same on the amount appropriated for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish.

On motion of Mr. Weeks of Fairfield, order was laid on the table.

Resolve in favor of the committee on Maine State prison, came from the Senate, passed to be engrossed under a suspension of the rules.

On motion of Mr. Weeks of Fairfield, the rules were suspended, the resolve received its two readings and was passed to be engrossed in concurrence.

Bill, An Act to incorporate the Tamarrack Club of Patten, came from the Senate, passed to be engrossed under a 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.

Senate Bills on First Reading.

An Act to amend Chapter 407 of the Private and Special Laws of 1846 entitled "An Act to incorporate the Penobscot Log Driving Company."

An Act to remove a doubt in the act incorporating the Gardiner Water District.

This bill came from the Senate, passed to be engrossed under a suspension of the rules. On motion of Mr. Sewall of Bath, the rules were suspended, the bill received its three readings and was passed to be engrossed in concurrence.

An Act relating to the office of county commissioner.