

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-First Legislature**

OF THE

STATE OF MAINE.

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1903.

**SENATE.**

Thursday, March 19, 1903.

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

Prayer by the Rev. Mr. Webber of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

**Read and Assigned.**

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

An Act to supply the town of Lisbon with pure water.

An Act to incorporate the Buckfield Water Power and Electric Light Company.

An Act to incorporate the Castine Gas Company of Castine, Hancock county. On motion by Mr. Buck of Hancock this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An Act additional to Chapter 16 of the Revised Statutes relating to public drains and sewers.

An Act to incorporate the Hillside Water Company of Frankfort. (House amendment A adopted in concurrence).

An Act to incorporate the Sullivan Harbor Water Company. (House amendment A adopted in concurrence).

Resolve in favor of Bar Harbor Medical and Surgical Hospital. On motion by Mr. Clark of Hancock, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of Island Falls.

At this point Mr. Randall of Cumberland was called to the chair, and presided.

Resolve in favor of Knox County General Hospital.

Resolve in favor of Bangor Children's Home.

Resolve in favor of the Passamaquoddy tribe of Indians for the completion of the new church at Pleasant Point in the town of Perry.

Resolve in favor of Farmington State Normal School.

Resolve for an appropriation for the use of the commissioners of sea and shore fisheries.

Resolve in favor of rebuilding of the house of the Sisters of Mercy at Peter Dana's Point.

Resolve in favor of Elizabeth Roman Catholic Orphan Asylum of Portland.

Resolve in favor of the Maine General Hospital.

Resolve in favor of the town of Crystal.

Resolve to aid in repairing the roads in Jerusalem Plantation.

Resolve in favor of Caratunk Plantation.

Resolve in favor of the town of Moscow.

An Act to provide in part for the expenditures of government for the year 1904.

An Act to amend Section 1 of Chapter 185 of the Public Laws of 1901 relating to truants.

An Act to amend Section 57 of Chapter 11 of the Revised Statutes as amended by Chapter 211 of the Public Laws of 1901. (House amendment A adopted in concurrence).

An Act relating to franchises, rights and privileges of the Cambridge and Cherryfield Electric Railroad Company. (House amendment A adopted in concurrence).

An Act to incorporate the Maine and New Hampshire Railroad Company. (House amendment A adopted in concurrence).

An Act to prohibit spitting on the floors of street cars.

An Act to amend Section 3 of Chapter 103 of the Public Laws of 1895 relating to telegraph and telephone companies.

An Act to extend the charter of the Eastport Railroad Company.

An Act to incorporate the Washington Telephone Company.

An Act to incorporate the Waterville and Winslow Bridge Company.

An Act to incorporate the Winterport, Frankfort and Prospect Electric Railway.

An Act to incorporate the Lee Telephone Company.

An Act to establish the Lubec and Machias Railway Company.

An Act to incorporate the Jonesport Railway Company.

An Act to incorporate the Lubec Trust and Banking Company.

An Act to incorporate the Wilton Trust Company.

An Act to incorporate the Somerset Trust Company.

An Act to incorporate the Ferguson Stream Improvement Company.

An Act to incorporate the South Branch Moose River Dam Company.

An Act to incorporate the Androscoggin Log Driving Company.

An Act to incorporate the Ellis River Improvement Company. (House amendment A adopted in concurrence.)

An Act to amend an act entitled An Act to incorporate the Machias Log Driving Company.

An Act to authorize John W. Jewell to erect and maintain a dam across the Sebasticook river in the town of Clinton.

An Act to authorize the Kennebec Log Driving Company to maintain piers and booms in the Kennebec river.

An Act to authorize the erection of buoys in certain waters of the West Branch of the Penobscot river.

An Act to amend Section 1 of Chapter 329 of the Private and Special Laws of 1901 relating to fishing in certain lakes in Kennebec county.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, as prohibits fishing in Goodwin brook and Higgins stream above the first dam, tributaries to Moose pond, in Somerset county.

An Act entitled An Act to provide for the protection of deer on the island of Mt. Desert.

An Act to fix the beginning of the open season on fishing in Sebago lake in Cumberland county.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Section 5 of Chapter 42 of the Public Laws of 1899, as prohibits fishing through the ice in Dexter pond, in Dexter, Penobscot county.

An Act to regulate fishing in Kennebeco lake and other lakes and ponds and their tributaries in Franklin county.

An Act regulating fishing in Quimby pond in the county of Franklin.

An Act to prohibit bait fishing, so called, in certain portions of the Magal-

loway river and its tributaries and in various ponds in Oxford county.

An Act to repeal so much of Section 5 of Chapter 42 of the Public Laws of 1899, as prohibits fishing in the inlet stream of Squaw Pan lake from Thibadeau's landing to the source of said stream. Under suspension of the rules, on motion by Mr. Dudley of Aroostook, this bill took its second reading, and was passed to be engrossed.

An Act regulating the taking of black bass in waters lying wholly or in part in the county of Hancock. On motion by Mr. Clark of Hancock, this bill was laid on the table.

An Act to prevent the destruction of smelts in the waters of the towns of Lubec and Trescott in the county of Washington.

An Enabling Act for the annexation of South Portland to Portland.

An Act in relation to the Ellsworth municipal court.

An Act to open certain tributaries of Sebec lake to fishing under the general law.

An Act to change the time of holding sessions of the county commissioners in Aroostook county.

Resolve in favor of Maine State prison.

An Act to authorize the Portage Lake Mill Company to build and maintain piers and booms and to operate a steamboat in Portage lake.

An Act to amend Section 15 of Chapter 132 of the Revised Statutes relating to appeals from magistrates in criminal cases.

An Act to ratify the lease of the Sangerville Improvement Company to the Dover and Foxcroft Light and Heat Company.

The following bills, etc., were presented:

By Mr. Wing of Androscoggin, Bill, An Act to incorporate the Merchants Trust Company. On motion by Mr. Wing this bill took its two several readings, under suspension of the rules, without reference to a committee, and was passed to be engrossed.

By Mr. Clark of Hancock, Resolve in favor of clerk in the secretary of State's office. Referred to the Com-

mittee on Appropriations and Financial Affairs.

By Mr. Pierce of Aroostook, Resolve in favor of C. C. Libby. On motion by Mr. Pierce, this resolve took its several readings under suspension of the rules, without reference to a committee, and was passed to be engrossed.

By Mr. Gardner of Penobscot, Resolve in favor of A. A. Burleigh. Referred to the Committee on Appropriations and Financial Affairs.

By Mr. Buck of Hancock, Resolve in favor of Maine State Prison. On motion by Mr. Buck, this resolve took its several readings under suspension of the rules, without reference to a committee, and was passed to be engrossed.

#### Committee Reports.

Mr. Clark for the committee on legal affairs, on Order of the Legislature to inquire into the expediency of electing a State insurance commissioner by the people, reported legislation thereon inexpedient. Report accept.

Mr. Burns for the committee on appropriations and financial affairs, on Resolve in favor of Isaac Noore of Somerville for reimbursement of \$300 for money paid during the Civil War of 1861, reported that the same ought not to pass. Report accepted.

Mr. Maddocks for the committee on ways and bridges, on bill, An Act to improve the condition of roads, reported that the same ought not to pass. Report accepted.

Mr. Goodwin for the committee on Revision of the Statutes, reported bill, An Act to make valid the elections of treasurers and collectors of taxes held during the month of March in the year 1903, and that the same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same senator for the same committee, reported bill, An Act to amend Section 29 of Chapter 116 of the Revised Statutes, relating to fees and costs of magistrates; and that same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

The same senator for the same committee, reported bill, An Act to amend Section 10 of Chapter 60 of the Revised

Statutes, relating to divorce, and that the same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Manley for the committee on judiciary, on bill, An Act relating to trespassers, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Bryant, for the committee on appropriations and financial affairs, on resolve in favor of Eastern Maine Insane Hospital, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Bryant for the committee on appropriations and financial affairs, on resolve for an appropriation for the preservation of the remains of Fort William Henry, now the property of the State of Maine, reported ought to pass. Report accepted. On motion by that senator, the bill took its several readings under suspension of the rules, and was passed to be engrossed.

Mr. Bryant for the committee on appropriations and financial affairs, on resolve in favor of the town of Mariaville, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Burns for the committee on appropriations and financial affairs, on resolve in favor of Maine Insane Hospital, reported ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

The same senator, for the same committee, on resolve in favor of the State committee of the Young Men's Christian Association of Maine, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Rankin for the committee on appropriations, on resolve in favor of the Maine Soldiers Monument at the Andersonville, Ga., National Cemetery, reported same in new draft under same title, and that it ought to pass. On motion by Mr. Rankin, under suspension of the rules, the resolve took its several readings and was passed to be engrossed.

The same senator for the same committee on resolve in aid of navigation on Moosehead lake, reported same ought to pass. Report accepted. Re-

solve tabled for printing under the joint rules.

The same senator for the same committee on bill, An Act in relation to the salary of the county attorney of the county of Hancock, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Hyde for the committee on railroads, telegraphs and expresses on bill, An Act to incorporate the Patten Telephone and Telegraph Company, 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 authorize steam railroad corporations to build and operate electric railroads, and to purchase and lease such railroads, reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Randall, for the committee on railroads, telegraphs and expresses, on bill, An Act to authorize the Phillips & Rangeley Railroad Company to purchase or lease the property and franchises of the Madrid Railroad Company reported ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Wilson for the same committee, on bill, An Act to amend Section 16 of Chapter 51 of the Revised Statutes, relating to railroads, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Maddocks for the committee on ways and bridges, on resolve in favor of the town of New Sharon, reported same ought to pass. Report accepted. Under Rule 18 this resolve was referred to the committee on appropriations and financial affairs.

Mr. Bryant, for the committee on Reform School, on bill, An Act to change the name of the State Reform School, reported same ought to pass. Report accepted. On motion by Mr. Morrison of York, the bill took its several readings under suspension of the rules, and was passed to be engrossed.

Mr. Titcomb for the committee on banks and banking, on bill, An Act to amend the charter of the Maine Invest-

ment and Guarantee Company, 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 to extend and amend the charter of the Bluehill Trust and Banking Company, 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 incorporate the Phillips Trust Company reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Burleigh for the committee on interior waters, on bill, An Act to incorporate the Piscataquis Reservoir Dam Company, reported same in new draft under title of An Act to incorporate the Piscataquis River Storage Company and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

#### Passed to be Engrossed.

An Act to authorize the Augusta Trust Company to increase its capital stock.

An Act extending the charter of the Waldo County Trust Company.

An Act to extend and amend the charter of the Bangor Loan and Trust Company.

An Act to amend the charter of the Dead River Log Driving Company.

An Act to amend the charter of the Moose River Log Driving Company.

An Act to permit ice fishing in Pease pond on Saturdays of each month during certain months.

An Act to amend Section 43 of Chapter 284 of the Public Laws of 1901.

Resolve in favor of Maine Industrial School for Girls.

Resolve in favor of George B. Haskell, Jacob R. Little and Stephen J. Kelley, in payment of witnesses', magistrates' and officers' fees and disbursements made by them in the city of Lewiston contested election case.

Resolve in favor of Maine Home for Friendless Boys.

An Act to amend An Act to establish a municipal court for the town of Brunswick.

An Act relating to the claims against estates of deceased persons.

An Act to regulate the sale or exchange of mortgaged personal property.

An Act authorizing the town of Madison to purchase with the town of Anson in the county of Somerset the Norridgewock Falls bridge.

An Act to amend Section 1 of Chapter 284 of the Public Laws of 1893 relating to ways.

An Act to extend the time for the acceptance of the charter of the city of Dexter.

An Act to authorize the town of Anson to purchase with the town of Madison in the county of Somerset the Norridgewock Falls bridge.

An Act authorizing the sale of the Norridgewock Falls bridge.

An Act to incorporate the Mount Auburn Cemetery Company.

An Act to amend Chapter 378 of the Public Laws of 1885 relating to electric posts and wires.

An Act to amend Chapter 365 of the Private and Special Laws of 1899 entitled An Act to regulate the apportionment of members of the police force of the city of Bangor.

An Act to amend Section 1 of Chapter 172 of the Private and Special Laws of 1899 relating to lobster traps in Pigeon Hill bay.

An Act regulating fisheries in the streams in Salem and Strong in Franklin county. On motion of Mr. Currier of Franklin, this bill was laid on the table, pending its second reading.

#### Passed to be Enacted.

An Act to establish a school board for the city of Brewer.

An Act relative to the election of treasurer and collector of taxes for the city of Augusta.

#### Orders of the Day.

On motion by Mr. Morrison of York, House Document No. 320 was taken from the table, and assigned for Wednesday of next week for consideration.

On motion by Mr. Goodwin of Somerset, Senate Document 175, An Act to protect the waters of Lake Auburn, was taken from the table. On motion by Mr. Wing of Androscoggin, House amendment A, was adopted in concur-

rence, and on further motion of the same senator, the bill as amended, was passed to be engrossed.

On motion by Mr. Randall of Cumberland, bill, An Act in reference to State detectives, was taken from the table,—the pending question being upon its passage to be engrossed.

Mr. RANDALL of Cumberland: Mr. President, This is a bill tabled by me several days ago, that I might make some inquiries concerning it; and I wish to say that the more I inquire about it, the more I am convinced it should not pass. I have made inquiries about it, and talked with a prominent attorney in Portland the other day, who has been a member of the Legislature, and he told me this bill, or a similar bill, had been before the Legislature for the last 10 years, and had been defeated every time, and he thought this one ought to be. It seems to me the bill gives a sort of roving commission, so that a detective, say from Cumberland county, can go to Aroostook county in search of an imaginary crime, and cause trouble. We have plenty of the machinery of the law without it, and I move its indefinite postponement.

Mr. WING of Androscoggin: Mr. President, It seems to me that this is rather a summary way of disposing of a matter where there was a full and complete public hearing before the judiciary committee, who made a unanimous report in favor of this bill. So far as a similar measure is concerned, I can simply say to the senator from Cumberland, that the prominent and eminent gentleman who gave him the information was very much mistaken. This matter was fully considered in committee; and it is a measure which appeals, as it seems to me, to the judgment and good sense of the Legislature in putting it upon the statute books in order that crime may be detected by persons appointed by the Governor. Those men who are appointed are gentlemen who have to furnish entirely satisfactory endorsements, and are under bond; and it is for the safety of railroad corporations and business interests that there should be men of this kind to the extent they are au-

thorized by this bill. Under the present law they are unable to carry out one provision, which the title of the officers under this bill enables them to carry out, and that is to return deserters, nor to get any compensation for it. I hope the Senate will not be hasty in taking a measure that the committee carefully considered and unanimously reported, and pass it out of the window in this way.

The motion being put to indefinitely postpone, a rising vote was taken, 18 voting in favor of the motion to postpone, and 5 voting against said motion. The motion to postpone was declared to have prevailed.

On motion by Mr. Goodwin of Somerset, bill, An Act to amend Chapter 46 of the Revised Statutes of 1833, specially assigned for consideration, today, was re-assigned for consideration, tomorrow.

The majority and minority reports of the committee on judiciary on bill An Act to incorporate the Messalonskee Electric Light Company came up by special assignment, next in order. The majority report ought to pass, signed by Messrs. Guernsey, Allen, Smith, Drew, Libby, Potter, Weeks; the minority report ought not to pass, signed by Messrs. Manley, Wing and Littlefield.

Mr. MANLEY of Kennebec: I move that the minority report be substituted for the majority report; and, in making this motion, I desire to say that this matter was heard very fully by the judiciary committee. There is an old company doing business in Waterville that has spent a very large amount of money. They have now 2500 horse power. They are lighting the city, furnishing power for private individuals who are doing business as private individuals, and have the lighting of the city. Now, in consideration of the law of 1895, which prohibits the incorporation of a second company, you have got to prove something before you get the right to incorporate a second company in any city or town in this State. There was no evidence whatever before the committee that the present company failed to furnish the lights asked for, and all the power asked for. They are furnishing 500-

horse power to Hollingsworth & Whitney by a contract which they purchased at \$18 a horse-power. That contract expires in about two years, and I take it for granted it will never be renewed at that price. They have ample power to furnish the citizens of Waterville with all the lights and all the power they demand. There was no evidence showing that the price charged was too high. In fact, I think the price charged at Waterville is cheaper than in any other city in the State. I think the evidence was that they furnished it for 5 cents a thousand. That is cheaper than I think it can be furnished. Now, there was no evidence before the committee authorizing the granting of a new charter. The majority of the committee voted to grant it; and the minority voted that it should not be granted. I will not say what influences induced the members to vote. I have nothing to do with that. It does seem to me, Mr. President, that there is no reason whatever for granting a new charter and driving out business men who have engaged in the operation and conduct of the electric lighting and electric railroad between Fairfield and Waterville for years. There was no evidence whatever showing that this corporation was not complying with the rights of the people—furnishing the lights at a cheap price, and power at a cheap price, and furnishing all the light and power that was required; and for that reason, the minority signed this report that the bill ought not to pass.

Mr. GUERNSEY of Piscataquis: Mr. President, it was not my intention to make any remarks upon this matter, and is not, at the present time, to any extent. I feel it my duty to say something as a member of the judiciary committee who signed the majority report. After a very full and complete hearing in regard to this matter, it was thought by those who signed that report that in granting legislative consent there was not created the destructive competition contemplated by the law of 1895, which was to prevent such competition. We are of the opinion that that element did not exist in this State, and for that reason a new charter should be granted. I therefore



hope the motion of the senator from Kennebec will not prevail.

The question being upon the motion to substitute the minority for the majority report, the motion prevailed, 16 voting in favor of the motion, and 11 against the same.

Mr. Manley of Kennebec, thereupon moved to reconsider the vote whereby the minority report "ought not to pass," was substituted for the majority report "ought to pass," and said: "I hope the motion will be voted down."

Mr. GOODWIN of Somerset: Mr. President, upon that motion, I wish to be heard. I had not intended to take the time of the Senate, but I want to say something in regard to this measure before it is finally disposed of, and to place before this Senate the situation in regard to this company at Waterville; and the reasons why the granting of the Messalonskee bill should prevail.

There is, as has been said, in the city of Waterville, an old company known as the Fairfield and Waterville Electric Light and Railway Company. There is also another company in that city composed of two young men by the name of Mr. Eaton and Mr. Wyman who have, six miles from Waterville, a plant known as the Oakland Electric Light Company. They are now also in the city of Waterville, lighting that city as a co-partnership and as they have a right to do under the law of 1885. They come here before this Senate and they ask for the privilege of consolidating their Oakland Electric Light Company with the other company in Waterville, and to get a charter in order to compass their undertaking. It is simply a consolidation of the Oakland Company with the two young men in partnership who are now already in the city of Waterville doing business there with \$50,000 or \$60,000 expended in lighting that city. Now, I shall have to worry you just a little about it, because I want you to truly understand the situation, and because I think, when you do understand it, there will be no doubt you will be convinced that the majority report of this committee, granting this charter, should be accepted by this Senate, and when you register your vote I hope it will be differently from what it was just now.

That was the situation in 1899. Three

companies were formed into what is now known as the "old company," and for the purposes of this discussion I will call them the Old Company. That was the company that passed into the hands of a gentleman in Boston by the name of Spaulding, who is a very wealthy gentleman—and he is not to be blamed for his wealth, and I make no arguments against him because of his wealth—but he owns the Fairfield Electric Light Company in association with a director of the Boston & Maine Railroad, Mr. Henry R. Reed. Those two men are the owners of the Waterville and Fairfield Electric Light and Railway Company—the Old Company; and those are the two men who are here in this Legislature, today, asking this Senate to vote down a proposition to grant to those two young men a charter for their new company. Now, let us see what took place. In 1899, as I say, it was the Old Company. Mr. Eaton and Mr. Wyman had bought the company out at Oakland. The treasurer of the Old Company, Mr. Boutelle, is also here. He was treasurer of the Oakland Company. Under his direction, and acting with him and by his consent, the president of the Old Company, also the treasurer of the new company at Oakland—those two young men bought the water power known as the Race Rips for the purpose of developing it so as to supply the city of Waterville with electricity and power. As soon as that was done, and after it was done, Mr. Reed and Mr. Spaulding came down to the city of Waterville—Mr. Boutelle resigned his partnership and clerkship in Mr. Eaton's company and the Oakland Company. Each one gave \$500 when they bought it. Just let me stop a moment right here. There was at the city of Waterville at this time another company known as the Union Gas and Electric Light Co. This company had been bought by the Waterville and Fairfield Railroad Company—by Mr. Spaulding and Mr. Reed. They had the whole control of the city of Waterville—they had the whole power. They had crushed out the competition of the Union Electric Gas and Light Company, and the only cloud upon the horizon was this little bit of a company at Oakland; and now, the gentleman from Kennebec says there was no evidence before his committee of any increase of rates by the old company.

Mr. MANLEY: You know I didn't.

Mr. GOODWIN: I understood you so.

Mr. MANLEY: Oh, no; oh, no.

Mr. GOODWIN: I will take it right back. Let us see what Mr. Reed and Mr. Spaulding did after the competition ended. They went to work and raised the—I had their circular—on the 29th of April, 1891, they raised the rates in the city of Waterville almost three times what the old rates were. I have made some computations of it—Elliot Soper & Co. from \$380 were raised to \$600 by Mr. Reed and Mr. Spaulding. Another from \$25 to \$60, another from \$159 to \$300, C. W. Davis from \$23 to \$75, another from \$129 to \$240. Those were the rates the old company put upon the city of Waterville when the only cloud existing upon the horizon was the little company at Oakland, now appealing to the people of this State to be recognized and given a charter. The contract expired in six months; and it was stated in that contract that the city must state to them in writing six months before the contract expired, in order to get a renewal of the same—this six months was up on the first day of May, 1901, just after they have put out this raise of prices; and the mayor, for some reason—I don't know how it happened—neglected to furnish the writing to the old company of which Mr. Boutelle was president, which was the company of Mr. Reed and Mr. Spaulding—of his desire to renew the contract, and in two or three days the matter was called to his attention, and he came to them and stated that they wanted to renew the contract; and they were turned down, and Mr. Reed and Mr. Spaulding got control of the whole power. Now your two foreign gentlemen had the city of Waterville by the throat, and in six months' time, when the contract expired they would have to make such a contract as the old company saw fit to enforce upon them. Talk to me about there being no raise in the rates, when they had increased the rates almost three times what they were and refused to accept a notice of the city of Waterville for renewal of the contract. They had the whole thing in their hands. This was in April, 1901.

Mr. Eaton and Mr. Wyman and this Oakland company—for they are all the same thing—were visited by the mayor

of the city of Waterville, and by the citizens of the city of Waterville; and they said: Grant to us the power to make a contract with your company, and develop your power somewhere in order that we can have our rates right; and Mr. Eaton went to work and bought what is known as the Race Rips property; and when he bought that, what happened? Down from Boston, on May 20, came the director of the Boston & Maine Railroad, Mr. Reed, and Mr. Spaulding, the wealthy millionaire—came in their private car; and they sent for Mr. Eaton, who came up to the station, and they wanted him to make some trade with them, some arrangement with them, whereby he wouldn't furnish lights to the city of Waterville—whereby they could have control of him and his company—and he refused to do it; and what does Mr. Eaton find out? He finds out that this old company is negotiating for the purchase of this Race Rips property out from under him for the purpose of getting control of it and stopping him and competition from coming into the city of Waterville. So they agree to help for three or four days, and say: Let's have no further trouble, and have a conference; and Mr. Spaulding and Mr. Reed agree to come to Mr. Eaton's office the next Monday—about May 26—and when Monday came, their private car came down to Waterville, and they telephoned: "Come up here; we are at the private car;" and Mr. Eaton goes up, and they say to him: "You have got to have money, you have got to borrow money of us, you have got to lease power of us. That isn't your power. No matter; you cannot compete with us." And he says: "No, I will not do it, and then he goes to work and completes the negotiation for the Rice Rips property, and gets absolute control of it, and the old company has no longer power to get it; and then begins this tug of war. Then they began to see what the effect of competition may be with the use of money, and everything from that time down to the present has been done by those men, Mr. Reed and Mr. Spaulding, to crush out the life of this company. What do they do? Just follow it. It is an interesting tale. Two young men, with

the respect of the community behind them, stand up here and fight for their rights against this rich millionaire. See if your hearts do not bleed over it. The first thing these two millionaires did was to go to the city of Oakland, where this little company was lighting the city of Oakland. Mr. Spaulding sent a petition into the city of Oakland asking the people of that town to let him light them with electricity, and turns down Mr. Eaton, who was supplied already to furnish them with power and light. He offered to furnish them with lights for \$200 a year, where Eaton and Wyman had been getting \$750 a year. He offered to put in eight lights for them for the same price that the Oakland company furnished three; for they did this in order to crush out the little company. Mr. Spaulding offered to do it for practically nothing. The selectmen didn't take up this proposition. They referred it to the full town committee. They had a town meeting. Everybody turned out, and by a unanimous vote of the people of Oakland they turned down the proposition of the millionaires, and said: We will stand by the boys in Maine who seek to light our village, and who have done it so well up to the present time. That is a criticism upon the feeling in that town. They had failed to crush the little company in the city of Oakland. It came about that Mr. Eaton and Mr. Wyman were to take their power from the Union Gas and Electric Power Company, and that company had passed into the hands of the old company—into the control of Mr. Reed and Mr. Spaulding. This contract which Mr. Eaton and Mr. Wyman had with them ran for six months. In June, 1901, there came a freshet and the dam of the old company, Mr. Reed's and Mr. Spaulding's company, was injured. They went to work and repaired it. While it was being repaired, Mr. Eaton had to get power elsewhere; and when they had the dam repaired, Mr. Eaton asked them to carry out their contract for the remainder of the six months. They said: No; we won't do it. Get your power somewhere else. And, today, they are spending money in the

supreme court, in a suit brought by these men because they broke their contract with him. Why? Simply because they thought they could crush him. The iniquity of it is terrible, when you think of it. They went out to Oakland—they bought up every water power in Oakland—they paid \$25,000 for one water power that wasn't worth over \$5000. There is where your bonds have gone. They paid that amount of money for the purpose of keeping this new company—Mr. Eaton and Mr. Wyman from getting power for electricity to carry out their contract in Oakland and Waterville. They approached the Dunn Edge Tool Co.—Messrs. Reed and Spaulding, and through their attorneys, they said: Here, we want to lease your power, but we want to put into your contract that any power which you have you shall not let Eaton and Wyman have any—and will pay you a big price. But that company said no. We believe in our home people and will not lease to you the power, but will lease it to Mr. Eaton and Mr. Wyman, and that is the source of their power today. Reed and Spaulding were doing everything they could to crush out the life of this young company. In October of that year, after Mr. Eaton and Mr. Wyman had got their poles up and \$60,000 invested in the city of Waterville, and had made a contract with the city of Waterville for five years to light them, and with a hundred business firms, the paid attorneys of Reed and Spaulding appeared before the municipal officers and said this new company is going into the streets of your city today with such a high voltage that the lives of your people are in danger, and they stirred up a tremendous feeling against them. They sent for Eaton, and he came out of the wilderness, and they show that the old company is putting in a voltage of 7000 volts over their wires, and the old company drops dead to the ground. It is simply illustrative of the fact that Reed and Spaulding were trying in every way to crush out these young men. Then they go round to the different supply companies, and intimate that these young men have no financial credit, and try, in every way, to break them up. Now,

as a last act, they come down to this Legislature; and I see Mr. Reed, with all the influence that he can control, and Mr. Spaulding, the millionaire, connected with the Sugar Trust—that he is is not to his discredit—down they come, and they ask you to vote these young men down, and to vote to them the control of the entire city of Waterville. Gentlemen, I have seldom heard such a proposition as is advanced here. When it was known, yesterday, that this was coming up in the Maine Senate, today, these petitions which I hold in my hand were circulated in the city of Waterville, and every business man but two in that city has placed his name upon it—I know it is so reported to me and I think it is true. Upon these petitions they ask you to give the right to these young men, and to vote that you will grant a charter to the Messalonskee Electric Company. It is for our interests and the business interests of Waterville in every way that it be granted. Will you turn them down at the request of these men because they are wealthy and can control influence here. I do not believe it. Every man in the House voted for it, so to speak. They wait until it gets into this exclusive body, where influence can be brought to bear. Gentlemen, it will be a stigma upon the State, a crying shame, if you allow this matter to go as you have shown an indication so to do. I do not understand such statesmanship—and God grant that I never may.

Mr. MANLEY: I would like to ask the senator from Somerset a question. He states that the old company increased the price of the electric lighting to several gentlemen of Waterville. Will he tell me what they now pay for it?

Mr. GOODWIN: I cannot tell you. Yes—I will answer the question. I will answer it in a moment when I get my papers ready.

On April 29th, 1901—I hold a circular whereby they established their price at almost three times—

Mr. MANLEY: What is the price?

Mr. GOODWIN: Wait a moment I have given it.

Mr. MANLEY: No, you haven't.

The PRESIDENT: Let the discussion be conducted in order.

Mr. GOODWIN: Mr. Soper was paying \$330. They raised it to \$600.

Mr. MANLEY: That is not what I asked.

Mr. GOODWIN: I didn't suppose you did.

The PRESIDENT: The Chair insists that there be no interruption while a senator is speaking. One at a time.

Mr. GOODWIN: On April 29th they raised the prices.

Mr. MANLEY: How much?

Mr. GOODWIN: I have given you the figures.

Mr. MANLEY: No. You don't say what price they charged per thousand.

Mr. GOODWIN: They acquired the Rice's Rips property in June, 1901, and six weeks after they raised the prices, and after the city had gone to Eaton and asked him to make a contract, and after Mr. Eaton had made contracts with a hundred of the citizens of Waterville with a lower rate, and on Jan. 7 the old company issued its order after it found it had lost its business. They say: "Present conditions are such that it is not deemed expedient to put in operation the enforcement of the system of charges for the services of this company as proposed. You are therefore respectfully informed that the flat rates will be continued." After the city had made its contract—after the old company had raised its rates and found they had lost their business—six weeks later they went and put their prices back to the original prices.

Mr. MANLEY: I ask what price they are charging now per thousand watts?

Mr. GOODWIN: I cannot tell you.

Mr. MANLEY: They are charging a less rate for electric lights in Waterville than is furnished in any city or town in this State, and the talk of the senator from Somerset, that Mr. Spaulding is a rich man, living out of the State is not true. Mr. Spaulding's mother was born in Waterville, and is a noble woman who visits that city, and the interests he has in this electric light company he inherited—every dollar of it. Mr. Reed is not a large owner in it. He is Mr. Spaulding's partner, and carries on his business for him in the conduct of affairs in Waterville. These two gentlemen do not own this company, by any manner of means—that is

talk. It is all for the purpose of affecting you, senators, to make you believe that it is a case of a few Waterville boys against non-residents of the State. Why, they come down here from Boston, and have put \$300,000 in there. That is some help to the State of Maine, as the gentleman well knows. I do not care to discuss this question any further. I made the motion in good faith, and I insist upon a vote being taken upon it.

Mr. WING of Androscoggin: Mr. President, I desire to state my reasons to this honorable Senate for voting as I do upon the substitution of this minority report. I think it is a question of business interest—of State integrity—that the rights under the law and under the charters granted by this Legislature be protected. Section 1 of Chapter 53 of the Revised Statutes provides that, after a corporation is organized and goes into the exercise of its business, no other corporation shall have authority, without special act of the Legislature to occupy the same ground. That is a reasonable proposition. It is has been the law of this State for several years. The State, of course, reserves the right to grant a charter independent of its statute law. It should do so. It should protect its citizens from imposition and abuse; but, when a corporation, carrying out a public service, does it in a manner without charging a high price, and furnishes all the the public requires, giving no ground for complaint—this Legislature and any other Legislature has no right, moral or legal to place anybody in competition with them to destroy their property. Now, these men have made investments in what is called the old company, and I want to read a line from the railroad commissioners' report, on page 251, to show the candid statement of the railroad commissioners in regard to a similar proposition. They say: "So long as the State grants charters, and authorizes corporations to invest money and exercise rights under those charters, there should be some assurance that the charters will not be made valueless by granting other charters over the same territory, and authorizing other corporations to operate over said territory, so that

neither corporation can get a fair interest upon it's investment." Now, the city of Waterville is not a large town. It is certainly not large enough for two electric companies. Anyone who has had experience will understand that a city the size of Waterville cannot well afford one electric light company, to say nothing of two.

Now, as to the hearing before the committee: The senator from Somerset was not present and did not hear the statements that were introduced pro and con in reference to this matter. He seems to come up with an entirely new state of facts. Where he obtained his facts, I am not advised, but they are facts which did not appear before the committee—if they are facts. Now, these young men, with \$70,000 that they have invested there as partners, have a right, under the law, to continue business as partners. One of them is a lawyer. He knew what the law was before he went into the business; and it is no reason why, having gone into the matter with his eyes wide open, that this Legislature, or any Legislature should take him by the hand and endorse his illegal act in the shape of a corporation. He has a legitimate, legal right to prosecute his business as a partnership or individual after the decisions of the court in this State that this section does not preclude. I was about to say, they were represented before that committee by Mr. Heath of Augusta.

About everything that Mr. Heath cannot think of to urge in a matter of this kind might as well go unsaid, but when he has the ample and able assistance of the ex-attorney general from Waterville, it makes a team that is hard to duplicate in this world. Now, it was urged to the committee that this would not be a competition by one man, one witness, but Mr. Heath distinctly stated, in answer to direct questions asked him by Mr. Littlefield, whose name appears on this minority report, that it was the purpose to compete, and that no other purpose could be found; and he stated that undoubtedly lights were being furnished in Waterville cheaper than they could be furnished, and prices would necessarily have to be advanced. The facts are

that the Waterville prices are less than in any other city in this country. I think the figures show that they are only about 70 per cent. of the average price, so that the city of Waterville has no ground to complain of the price. This corporation has exercised its full duty to them in furnishing them lights. No evidence was produced but that this old company furnished lights to everybody that called for them in any amount called for, and that all the power that was called for in connection with their lighting business was furnished. If they have done that and have in no way abused the franchises granted them by this Legislature, can the Legislature do anything more than to protect them under the provisions of Chapter 53 of the Revised Statutes to which I have referred? The State cannot afford to adopt any different policy from that mentioned in the railroad commissioners' report which I read. Men will not start enterprises in Maine and ask capital to be brought in unless they have the assurance of the Legislature that the policy of the State in protecting charters which they have granted is carried out in good faith. That is a business proposition that will appeal to every business man in this Senate. These men issued bonds—their companies did, and the bonds were sold. Now there is the president of the saving bank who lives in Androscoggin county, which I have the honor to represent in part—that holds \$5000 of these bonds, the Peoples' Savings Bank. The Bath Savings Bank has \$5000 in those bonds. The Saco Savings Bank has \$7000 in those bonds. Mr. Bailey of Winthrop, has \$5000 of those bonds. The Universalist Convention has \$5000 of those bonds. Colby University \$1500 of those bonds. Bought on what? On the faith of the law of this State, on the statute books, that that corporation should be protected by the Legislature—that no other corporation should be protected to go in there and take away their business and destroy their property; and it is for that reason that my name appears on that minority report. It is nothing more than an act of common honesty to protect and take care of the investments of those people, made upon the faith and credit of the

State of Maine, and it will be a sad day for business, and for the formation and exploitation of business corporations of every description that could be effected by competition to have it understood that the Legislature would take the reins in their hands and drive in and place beside the existing people, corporations that would compete to ruin and destroy the investments that had been made on the faith and credit of the State.

Now, this talk about crushing out of the gentlemen, is an appeal—not to your judgment—but to your sympathies—not to your reason, for there is no reason in it. These men have a right to do business—nobody questions it—nobody challenges it, but they exhaust their rights under the law when they began business by doing it the way they are doing it, when they started in, and using that as an entering wage to become incorporated so they can destroy the property of the other corporation. It is not honest. It is not right. The people who have invested in those bonds on the faith of the law on our statute books would have great cause to complain if such treatment was meted out to them—and I hope the motion to reconsider will be sustained.

Mr. GOODWIN: Mr. President, I want to trespass upon your time for just one moment to answer the statement of the gentleman in regard to the bond matter. It is true that the savings banks which he has named own those bonds, and the history of it is this: When Mr. Spaulding got control of those companies there were outstanding \$4500 worth of bonds which Mr. Spaulding could not get control of. He then issued a class A bond to the amount of \$40,000, every one of which is held by him and Mr. Reed. He then issued a class B bond that are in the hands of the savings banks, and sold them broadcast, wherever he could get the money. That is what Mr. Spaulding did. For four years those class B bonds have never paid a cent. In the United States Investor, which I hold in my hand, in a statement of the Waterville and Fairfield Electric Light Co., coming from Mr. Spaulding, the president of the company, Mr. Boutelle, they state that Mr. Spaulding holds those \$40,000 of class A bonds and that the

company owes Mr. Spaulding \$126,000, money loaned, which must be paid before the class B bonds can get a cent. That is, Mr. Spaulding holding those underlying bonds, can foreclose tomorrow, and intends to do it tomorrow, and sweep the class B bonds absolutely out of existence. Now, how much protection will you give the class B bonds when you protect this company? And consider the increase of the income of this company, managed by these gentlemen from Boston, in 1902 over 1900. In 1900 the total increase of receipts was \$11,746. In 1901, \$43,000. In 1902, \$55,000, an increase of \$11,000. The total operating expenses in 1900 was \$29,000. In 1902, \$48,000. The increase was \$19,000 in operating expenses. When, under the canopy of heavens, are they going to be able to pay the class B bonds? Now the motion before the Senate is to consider this vote. I trust, when the vote is taken, it may be a yea and nay vote.

Mr. WING: Mr. President, I desire to call attention to the fact that it is hardly a fair suggestion that the senator makes concerning the increase of expenses, when he spoke in his previous remarks about their losing the dam.

Mr. MANLEY: Mr. President, I want to inform the senator from Somerset that he makes a misstatement when he says that Mr. Spaulding owns \$40,000 of those bonds. Mr. Spaulding owns \$20,000, and Mr. Reed does not own a bond.

Mr. GOODWIN: I was simply quoting from the report, and I accept the suggestion.

The question being put upon the motion to reconsider the vote whereby the minority report was substituted for the majority report; a yea and nay vote being called for and had, resulted as follows: Those voting yea were Messrs. Burleigh, Clark, Dudley, Gardner, Goodwin, Guernsey, Morse, Pierce, Pike, Staples (Cumberland), Staples (Knox), Wilson (12). Those voting nay were Messrs. Alden, Bryant, Burns, Currier, Hyde, Knowlton, Madocks, Manley, Morrison, Philbrook, Plummer, Randall, Rankin, Stetson, Titcomb, Wing (16). Messrs. Buck and Libby were paired.

So the motion to reconsider was lost.

On motion by Mr. Manley of Kennebec, the Senate adjourned to meet on Friday, March 20, 1903, at 10 o'clock A. M.