

# 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.**

Friday, March 20, 1903.

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

Prayer by the Rev. Miss Wadsworth of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Gardner of Penobscot, Bill, An Act to establish an additional Normal School to be located at Presque Isle, in the county of Aroostook, was taken from the table, and on the further motion of the same Senator, the bill was passed to be engrossed.

At this point, Mr. Pierce of Aroostook was called to the chair and presided.

On motion by Mr. Bryant of Somerset, Resolve providing for the collection of information in regard to the large bridges within the State, was laid on the table.

On motion by Mr. Goodwin of Somerset, Bill, An Act to amend the charter of the Union Boom Company, took its several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Goodwin of Somerset, Bill, An Act relative to elections of treasurers and collectors of taxes in towns and cities, was indefinitely postponed.

**Read and Assigned.**

An Act to amend Section 12 and following sections of Chapter 43 of the Revised Statutes, relating to meridian lines as a standard of length. This bill came from the House with House amendment A adopted in that branch. On motion by Mr. Goodwin of Somerset, the bill and amendment were laid on the table.

An Act to incorporate the Washington County General Hospital.

An Act authorizing the Lewiston Trust and Safe Deposit Company to establish a branch at Freeport. On motion by Mr. Wing of Androscoggin, this bill was laid on the table.

An Act to change the name of the Maine Wesleyan Seminary and Women's College.

Resolve authorizing the land agent to sell certain public lots in Dallas Plantation, Franklin county.

An Act to amend Chapter 381 of the Private Laws of 1901 relating to open time on deer in Cumberland county.

An Act to set off a part of Reed Plantation, and annex the same to Drew Plantation. (This bill was accompanied by a majority report ought to pass, and a minority report ought not to pass). On motion by Mr. Stetson of Penobscot, pending the acceptance of the reports, the bill and reports were laid on the table.

An Act to amend Chapter 495 of the Private and Special Laws of 1893 relating to the destruction of fish in the Eastern Penobscot river in the town of Orland. 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 to amend Section 4, Section 11, Section 19 of Chapter 18 of the Public Laws of 1891 as amended by Chapter 154 of the Public Laws of 1895, relating to returns of vital statistics.

An Act to amend Chapter 100 of the Public Laws of 1891 entitled, "An Act to create a forest commission, and for the protection of forests.

An Act to amend Section 38 of Chapter 27 of the Revised Statutes as amended by Chapter 140 of the Public Laws of 1887, and Chapter 132 of the Public Laws of 1891, relating to intoxicating liquors.

An Act to amend Sections 32, 33, 34, 35 of Chapter 18 of the Revised Statutes relating to the assessment of damages upon abutters on city streets.

An Act to repeal Sections 1 to 47 inclusive and Sections 49 to 82, inclusive of Chapter 47 of the Revised Statutes relating to banks of discount.

An Act relating to trespassers.

**Reports of Committees.**

Mr. Dudley for the Committee on Agriculture, on Bill, An Act to prevent the spread of contagious diseases among animals, reported same ought not to pass. Report accepted.

Mr. Staples, for the Committee on Inland Fisheries and Game, on remonstrance of Arthur Payson and 68 others of Union, Maine, protesting against any law being enacted prohibiting the throwing of sawdust into the tributaries of Crawford pond and Seven Tree pond in Union and Warren, reported that petitioners have leave to withdraw.

Mr. Burns, for the Committee on Appropriations and Financial Affairs, on Resolve in favor of M. E. Trafton of Kittery, reported that same ought not to pass. Report accepted.

Mr. Titcomb, for the Committee on Banks and Banking, on report of the bank examiner, report that no legislation is necessary. Report accepted.

Mr. Burns, for the Committee on Appropriations and Financial Affairs, on Bill, An Act for the protection of lobsters with eggs attached, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Staples, for the Committee on Inland Fisheries and Game, on petition of W. I. Neal and others, asking for a law prohibiting the throwing of sawdust and other mill refuse into Ellis Stream, so called, in Waldo, Brooks and Belfast, in the county of Waldo, reported Bill, An Act to prohibit the throwing of sawdust into Ellis Stream, in Waldo, Brooks and Belfast, in Waldo county, and that it ought to pass. On motion by Mr. Morse of Waldo, the bill took its several readings under suspension of the rules, and was passed to be engrossed.

Mr. Maddock, for the Committee on Interior Waters, on Bill, An Act to supply the people of Bangor with pure drinking water, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Maddocks, for the Committee on Sea and Shore Fisheries, on petition of H. P. Dunstan and others for right to use purse seines in the waters of Damariscotta river, reported Bill, An Act to permit the use of purse seines in Damariscotta river, and that it ought

to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Plummer, for the Committee on Public Charities and State Beneficiaries, on Resolve in favor of the Bangor Children's Home, reported same in new draft under same title, and that it ought to pass. Report accepted. Under Rule 18 referred to the Committee on Appropriations and Financial Affairs.

Mr. Hyde for the same committee, on Resolve in favor of the Eastern Maine General Hospital, reported same in new draft, under same title, and that it ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Goodwin, for the Committee on Revision of the Statutes, reported Bill, An Act to repeal Sections 23, 24 of Chapter 39 of the Revised Statutes relating to paupers. Report accepted. Bill tabled for printing under the joint rules.

The same Senator for the same committee, reported Resolve in relation to the publication and distribution of the Revised Statutes, and that the same ought to pass. Report accepted. Under Rule 18 referred to the Committee on Appropriations and Financial Affairs.

The same Senator for the same committee reported Bill, An Act to amend Section 44 of Chapter 2 of the Revised Statutes relating to the publication of public laws. Report accepted. Bill tabled for printing under the joint rules.

Mr. Morrison, for the Committee on Military Affairs, on Bill, An Act in relation to the Bath Military and Naval Orphan Asylum, reported same in new draft, under same title, and that it 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. Wilson, for the Committee on Education, on Bill, An Act to define the powers and duties of superintendents of schools, reported same in new draft and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Staples for the Committee on Inland Fisheries and Game, on petition of F. A. Alden and others of Union, in regard to throwing sawdust into the tributaries of Seven Tree pond in Union and Warren in Knox county, and that it be prohibited within five miles of said pond, reported Bill, An Act to prevent the throwing of sawdust and other mill refuse into the tributaries of Seven Tree pond and Crawford pond in Union and Warren, and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

A majority and minority report of the Committee on Inland Fisheries and Game on Resolve for screening lakes, were submitted and, on motion by Mr. Wing of Androscoggin, the Resolve and accompanying reports were laid on the table.

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

Public charities and State beneficiaries, final report.

Banks and banking, final report.

State reform school, final report.

Claims, final report.

Ways and bridges, final report.

Temperance, final report.

#### Passed to be Engrossed.

An Act to incorporate the Maine and New Hampshire Railroad Company.

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.

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

An Act to incorporate the Hillside Water Company of Frankfort.

An Act to incorporate the Sullivan Harbor Water Company.

Resolve in favor of Island Falls.

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 Pery.

Resolve in favor of Farmington State Normal School.

Resolve for the 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 Carratunk 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.

An Act relating to franchises, rights and privileges of the Cambridge and Cherryfield Electric Railroad Company.

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

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

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 Act in relation to the Ellsworth municipal court.

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 & Foxcroft Light and Heat Company.

An Enabling Act for the annexation of the city of South Portland to Portland. On motion by Mr. Randall of Cumberland, this bill was laid on the table, pending its passage to be engrossed.

At this point the President resumed the Chair, and presided.

#### Passed to be Enacted.

An Act to authorize the town of Brunswick to raise money to defray the expenses of locating a water supply.

An Act to amend Section 21 of Chapter 116 of the Revised Statutes, and Chapter 225 of the Public Laws of 1893, relating to fees of registers of deeds.

An Act to establish a municipal court in the city of Eastport.

An Act to regulate the appointment of constables by the city council of Portland.

An Act to enlarge the powers of the Carrabassett Stock Farms.

An Act to establish an additional Normal school to be located at Presque Isle, in the county of Aroostook.

An Act to authorize extensions of the Bangor & Aroostook Railroad in Aroostook, Piscataquis and Penobscot counties.

#### Finally Passed.

Resolve in favor of the Maine School for the Deaf.

Mr. Buck of Hancock, submitted resolve in favor of the chairman of the committee on Maine State prison, which was received under suspension of the rules, and on the further motion of the same senator, the resolve took its two several readings under suspension of the rules, without reference to a committee, and was passed to be engrossed.

On motion by Mr. Wilson of Washington, the vote whereby bill, An Act to amend Section 43 of Chapter 284 of the public acts of 1901, was passed to be engrossed, was reconsidered, and on the further motion of the same senator, Senate amendment A was added, and as amended, the bill was passed to be engrossed.

Mr. Gardner of Penobscot, submitted under suspension of the rules, bill, An Act to incorporate the Patten Trust Company, and on the motion of that senator, the bill took its several readings under suspension of the rules, without reference to a committee, and was passed to be engrossed.

On motion by Mr. Morse of Waldo, the vote whereby Senate No. 239, resolve in favor of an electric lighting plant for the Maine State prison, was committed to the committee on appropriations and financial affairs, was reconsidered; and on motion of Mr. Goodwin of Somerset, leave was granted Mr. Morse of Waldo, to make statement of facts in connection with the resolve.

Mr. MORSE of Waldo: Mr. President, and gentlemen of the Senate, You will remember, undoubtedly, when this matter of lighting the State prison came up in the general appropriation bill, this committee was appointed to investigate the matter and see whether or not something might be done in regard to the future lighting of the State

prison. I have read that report, and I am much pleased with it. The present inspectors are, or ought to be the proper persons to look after the immediate needs of the State prison, and make all contracts; and when this matter came up in the general appropriation bill, I then thought that the State had been paying out \$2500 a year for lighting. When I came to look into the matter, I found it was even worse than that. The Governor and Council were authorized to make the contract that now exists by act of the Legislature of 1893, Chapter 401. No doubt the Legislature that authorized this contract acted in good faith, but behind this act was an unseen hand. At that time and even now, very few people have any knowledge of electricity. The contract reads: 20 cents per thousand watts, consisting of 112 16-candle power lights. Let me cite you a comparison. The State Reform school is lighted with 488 16-candle power lights—and for that the State pays \$600 per year. The State prison is lighted with 112—as shown by the contract, 112 16-candle power lights, not for \$3500, as in the estimate here in the general appropriation bill, but for \$4500 a year, which the State has been paying constantly since 1893. Notice gentlemen—the 112 lights at the Reform School prices would cost the State of Maine \$137.76 per year—against \$4500. Is that right, gentlemen? Are you satisfied with that? I am not. The State treasurer's report shows what we have been paying each and every year for lights. A part of the committee report is that out of this \$3500 per year for 1903 and 1904, that, at the rate we have been paying since March, 1902 to February, 1903, it has only cost the State \$2636.75. I do not understand why it has cost the State less to fulfill a contract that it made 10 years ago, for the year past than it has for other years. Under this expenditure at the present rate, I am informed by this committee who have investigated this matter, that with \$3500 appropriation for each year at the end of 1904, it would leave of this \$7000, \$1726.50. This is another thing that is not exactly plain to me. Gentlemen, a great wrong has existed at the State prison, not because of the many persons confined therein who

may have been born in crime, but because of business transactions known to exist. The people of Knox county are aware of the condition under which the State prison is laboring today. The water contract is nearly as bad as the lighting. Twenty-five hundred dollars a year. They have only 175 inmates.

At the Reform School we have 150, and we pay \$650. Gentlemen, I appeal to you to right these wrongs. We are here for that purpose. We are here representing the people, and let us be true and represent them as we should. It is simply an outrage; and I am at a loss to know why such contracts are entered into by men on the part of the State who are sworn to protect our interests. As Republicans, we must be consistent, and true men. We must stand for right and justice, and Knox county will be Republican, and our mutual friend, the senator from Knox, Mr. Staples, will be proclaiming the Republican doctrine from the hill tops. (Applause.)

Mr. BUCK of Hancock: Mr. President, the prison is now using about 400 lights, and four arc lights. The contract was made by act of the Legislature, and the contract provided that the prison inspector and electric light company were to have access to the meter, and were to pay for what electricity and current they used, the price being 20 cents. At the present time they have reduced it to 12 cents in the face and eyes of the contract. That is what makes the discrepancy between the \$3500 and the amount actually paid.

Under Rule 18, the resolve was referred to the committee on appropriations and financial affairs.

Mr. Stetson of Penobscot, submitted the following order: Ordered, that when the Senate and House adjourn, the House concurring, they adjourn to meet on Saturday, March 21, 1903, at 8.30 A. M., which was passed, and sent down for concurrence. The order was subsequently returned to the Senate non-concurred in by the House, and on the same senator's motion was indefinitely postponed.

The committee of conference on the part of the Senate, on Resolve in favor of Matthias Culnan of Belfast, re-

ported that they were unable to agree with the conferees on the part of the House, and recommended that the Senate adhere to its action. On motion by Mr. Goodwin of Somerset, the report was accepted; and on further motion by the same senator, the Senate adhered.

Bill, An Act to amend Chapter 286, Public Laws of 1901, relating to taxation of interest-bearing deposits in trust and banking companies, came up by assignment, was read a second time, and passed to be engrossed.

An Act to amend Chapter 46 of the Revised Statutes of 1883 came up by assignment, the pending question being upon the acceptance of the report of the committee. Mr. Goodwin of Somerset, moved to substitute the bill for the report.

Mr. Goodwin of Somerset: Mr. President, I wish to take the time of the Senate for a few moments to explain the provisions of this bill. It has been reported back from the committee on judiciary unanimously, ought not to pass. I presume all of the senators have been talked to more or less by corporation lawyers in regard to this bill. This bill is designed to protect minority stockholders in corporations. It is not aimed at your public-service corporations. It is not aimed at your banks. Those corporations already furnish annual statements to their stockholders. Many of your public-service corporations are required to make their returns to the officials at the State House, and you have them in the railroad commissioners' report, the insurance commissioners' report, and other reports. This bill is aimed at those corporations where a majority of the stock is held by stockholders who will not give to the minority stockholders information in regard to the assets and liabilities of the corporation. That is, Mr. President, if I own stock in a corporation and I am a minority stockholder, holding, perhaps, a thousand dollars worth of stock, and the corporation is capitalized at \$100,000, and one man owns 60 per cent. of the stock, or two or three own that amount, they can so control the affairs of the corporation that they will not give to me, holding only a small fraction of the



stock, any information as to the assets and liabilities, receipts or expenditures, so that I can know the value of my property; and this is designed so that any man who has stock in a corporation may find out from the treasurer of the corporation the assets and liabilities of the corporation, at least once a year, and only once a year, the date of the last annual meeting or at the end of the fiscal year. That is a fair, honest and just purpose. Any man, woman or child who has stock in a corporation is entitled to know the value of that stock, and a majority of the stockholders have no right to retain from them information as to the value of their stock. I have not lobbied this with a single senator. I have never asked, and never will ask one vote for any measure of mine in this Senate. I wish to be perfectly fair in the discussion. It is said, by members of the judiciary committee who have reported this bill, ought not to pass, that the minority stockholder has these rights under the common law, today, that he can apply to the courts, and force the treasurer of the corporation to make such a return, and give him such information. I have tried for six months, for clients of mine, to get information from majority stockholders, and I have not been able to do it. You can get your writ of mandamus, but, as far as I can find, in the Maine Reports, there is but one case, up to the present time, where there has been a writ brought against a treasurer of a corporation that has ever been reported in those reports, and it took two years before the matters of law were decided. Now, if we have these rights under the common law, why not incorporate them into a statute, and put them where the people of the State may know that that is the law. If the argument which the distinguished gentleman from Androscoggin will make to me is that we have those rights—why should we be afraid to put them upon the statute books, so that the people may know that they have those rights, and can get them without recourse to the courts, and the delay of waiting for two years. In that time they may find the value of their proper-

ty so much depreciated that they will be forced to sell at a much less figure than the stock is actually worth. Today, we are organizing in this State, an immense number of corporations,—most of them foreign corporations, and laws should not be made solely to hedge about and protect corporations. They should not be made so that an individual cannot get his rights. A public corporation,—a corporation receiving a charter from this State should have nothing under the sun that it should be ashamed to show to its stockholders. It is in line with recommendations made by leading men today. Our own President says publicity is a remedy for the trusts, which are simply gigantic corporations. This is in line with publicity. This bill was discussed before the judiciary committee. I have the most profound respect for the eminent gentlemen that constitute that committee. Nobody bows his head in more humble deference than I do.—I say it in all seriousness,—nobody can take the chairmanship of the judiciary committee of this Senate, but he must be recognized as one of the leaders of the bar in this State; and the gentleman from Androscoggin, leading corporation attorney that he is in his own county,—I know his knowledge upon these questions is vast and able; and the gentleman from Piscataquis is also one of the lights of the bar in this State; but the practice of these gentlemen depends to a great extent upon the corporations that employ them; and you cannot say a word against corporations before the judiciary committee but what they rise up in holy horror, and say: Protect the sacred white elephant we all worship. That is the position we find ourselves in. When this bill came up before the judiciary, what took place? There were fifteen lawyers on the other side of this measure. The members of the judiciary,—four of them remained through the entire hearing. The rest of them came and went as the discussion took place. Mr. Manley and Mr. Wing were there through the entire hearing, and heard the arguments pro and con. Since the report of the committee was made, a part of the other members,—three of them, have said to me that the

bill was meritorious,—but the bill comes in with a unanimous report of the committee, and it is as all reports from the committee come, simply carried through by three or four who engineer the matter, and others do not see fit to raise a protest. At this hearing there was a personal altercation between Mr. Manley and myself. I had been misquoted in the papers in reference to Mr. Dobson of Pittston. I said nothing at the hearing detrimental to Mr. Dobson or the Waverly mill. They are estimable gentlemen, standing high in the community, whose private life has never been smirched. I thank you for the opportunity for making this explanation. The papers misquoted what was said in that discussion.

The bill is before you. It is a fair proposition. Those who opposed it made an extended speech in regard to the sacredness of corporations. After the first man who had spoken had got through, I replied to him; and he said in that hearing, and I will refer it to Brother Wing, if he did not, that the bill was meritorious if it didn't apply to foreign corporations. He thought there was merit in it. Another prominent attorney present, said he thought it was meritorious if it did not hit the public service corporations. Then it was suggested that I sit down with those two men and draft a bill on lines that would meet their suggestions, and I agreed to do it, calling for a statement in gross, and not in detail, in the bill, so as not to put the corporations to great trouble, but I did want them to furnish to their stockholders a report of their assets and liabilities. Then Mr. Heath, and the other gentleman, Mr. Carter, said they were not responsible for the other attorneys, and could not take upon their shoulders the responsibility of drafting a bill which would remove their objections. I drafted the bill, and left it with the committee, and the committee didn't consider it, but reported this bill, ought not to pass. Now, if there is merit in the bill, I appeal to you as fair and honorable men, why should it not be passed? I know of cases almost innumerable, of minority stockholders

who are crowded out of their rights by majority stockholders, who hold the control and power in their hands. I do not think it fair for these distinguished corporation attorneys to come here and talk to the individual members of this Senate—not that you would be influenced by them—but I do not think it fair for them to come here and attempt to influence us in our action. This bill has no personal bearing upon any individual case. It is an honest law. The arguments against it are simply that it may hurt somebody on account of publicity—but publicity is what we want as to corporations. A corporation should stand or fall upon its integrity. If it is unjust and dishonest, it should fall, and our laws should not be made for the purpose of hedging about the dishonesty and trickery of such corporations. If there is no merit in the bill, and you throw it down, I shall be content. If it is honest, in behalf of the minority stockholders, I ask you to support the bill.

Mr. WING of Androscooggin: Mr. President, and Gentlemen of the Senate, I am most profoundly grateful for the compliment which has been passed to me. I presume, if the chairman of the judiciary committee were present, he would accept his bouquet. He is necessarily absent, and in his absence, it is my duty, I think, to defend the position of the judiciary committee in this matter. The senator from Somerset has well said in his remarks that this is his bill. No one else appeared before the committee in support of the measure; and a great many persons, lawyers, business men and some members of the Legislature, appeared in opposition. For myself, I can say, that I see no merit in it. I think it is vicious legislation—uncalled for, unnecessary, unusual—and should not be placed upon our statute books. It can be readily understood that a corporation which is becoming the means through which business is being done, is in the same line as the individual, except that the interest which the owner of the stock has in a general business is greater or less, as the case may be, that it is in the individual business or in a partnership

business. The people count on succession, on account of interruption of business by death, and prefer to do their business as a corporation; and it is within the experience of every man that there are times in his business when any explanation which might not be understood by the public would ruin him—actually bring ruin to what might work out prosperously and all right. Now, the gentleman has stated that there is only one case in the Maine Reports. He states that within his personal knowledge there are cases almost innumerable—that is a very large word. It ranks with universal, eternity, and those words; almost innumerable, he states to you, gentlemen, in all candor. Now, if he has found cases almost innumerable, he certainly has had an extended practice beyond that of any lawyer in any state of this country. Now, Mr. Dill, in his work on "Corporations," and he is a leading authority on this subject in the United States, and has stated the doctrine in regard to the rights of stockholders, and he says: Undoubtedly at the proper time and for proper purposes, shareholders are entitled to inspect corporate books. The right is not to be given to gratify curiosity or speculative purposes, but only when its exercise is sought in good faith and for a proper purpose. Now, if a man wants to see the books, he has a right to see them in a proper way, at a proper time, and the court will intervene and show him those books, and that too, without delay; and if a lawyer who has had access and a pen and ink and a piece of paper, cannot find a way to look at books when he has a right to within 36 hours, where he has these innumerable cases, it is certainly a misfortune. Now, gentlemen, I want to call your attention to the text of this bill, and say all the hardship would be placed upon corporations. Any stockholder of record, no matter if he only holds one share, at the date of the annual meeting of the corporation, may demand of the treasurer of said corporation a statement in writing, showing in detail the assets and liabilities of said corporation. If I had one share of stock in the Maine Central Railroad, I could go and de-

mand an exhibition of a list of every shovel, every pick, and every piece of property in that corporation, and what it cost. If I had a share of stock in the Portland Company, or in the Bates Mill, in Lewiston, or in any of the chartered manufacturing corporations in Auburn, I could oblige them to keep a force of clerks in operation there for three months. Is that reasonable legislation? No wonder that no one but the gentleman appeared in favor of this proposition. I suggest to you that when he failed to get the vote of a single gentleman out of the 10 on the judiciary committee, it was because those gentlemen believed it was not wise legislation. I say to you, in all candor and fairness, that I do not think there is a member of this Senate who has been approached wrongfully by any gentleman this winter. I do not believe there is a member of this Senate that wears the collar of anybody; and I do not believe, either, that there is a senator to be frightened into a business proposition by the cry of "White Elephant of a corporation." Suppose that a corporation is in existence doing business, and a man might go and demand a detailed statement of assets and liabilities. That is a pretty drastic measure—where every note of hand is placed—where every loan is made, where every secret of the business is contained—for whom? For a man that might take it, and for the sake of a hundred dollars of stock, go and transfer it to a competitor, or to a commercial agency, and dispose of it perhaps for 10 times what it cost him for the information he had obtained. What would be the result; and what would he gain by that? Gentlemen, consider well this situation. Look at it in a business way. The common law affords ample protection, and there is no lawyer who wants the common law of this land placed upon our statute books. The supreme judicial court of this State has a common law jurisdiction, and has the widest equity and powers; and it is within the reach of any man or any lawyer who represents a man whose rights have been invaded, or who has had refused to him property rights to which he is en-

titled; and I trust, gentlemen, that without wearying you on account of the details of this affair, that you will consider the situation carefully, and, relying upon the unanimous report of the judiciary committee of this Legislature, accept its report.

Mr. CLARK of Hancock: I think well of and shall vote for this bill under discussion notwithstanding the fact that the judiciary committee have refused it their official cognizance. It is one step towards legislation for the people against monopoly. It is in line with the last Presidential message which requires publicity of all corporations, yet does not go so far as his recommendations; as this bill only allows those that have their money invested knowledge of the financial standing of the company. There has been a great deal said here this term of the Legislature in regard to the earnings and small deposits of widows and orphans in our savings institutions, and about laws that we should enact for their protection. Why not continue the same principle by protecting the same people who have their small pittances invested in a small block of stock of a corporation. What protection has a person who has only a few hundred dollars invested in a corporation and what could be more fair than to compel the corporation to give that small stockholder a list of the assets and liabilities of the company; which is all this bill provides for. I do not claim to have the long legal experience that the eminent senator from Androscoggin boasts of. I do claim to have some personal experience, however, in corporations. When I was but 18 years old, I purchased a block of stock, under the promise that it would soon make me very wealthy. That stock was gotten up most beautifully, and upon bond paper with a big red seal, and it looked well enough for a necktie. When I commenced to look for my untold wealth, I went to the directors to find what we had for assets and liabilities. I was sent from one to another, and told they would shortly have a meeting, but the first meeting those gentlemen do have will be in that unknown world above. Well! I tried it once more, and invested \$250 in another one. I tried to find out the assets and liabilities of that

company, but failed. I made up my mind I would not have that thing staring me in the face any longer, and I tied it to a rock and threw in overboard, but low and behold, I was sued under the State for stockholder's liability and had to pay \$125 in addition. I am glad that the eminent senator has shifted his position, and is willing now to resort to the courts, as in the insurance discussion he is willing to do away with the courts. Sudden changes of hearts are dangerous. We are facing a great national calamity where it has become necessary by legislation to prevent the greed of those leeches from sucking the very life blood of our people. They have been justly described as a mere shell by which a body of individuals do business, though they would be more justly described as the shell game. Everything is now done under a corporate name, every conception of man has been incorporated, bonded and sold, the powers of the air and water, the resistless forces of the elements, which in the time of the discoverer were the terrors of the wrath of God, have been subdued to the services of man, incorporated, bonded and sold. Some legislation is necessary because principles are eternal and should be respected. Disguise it as you may, the great controversy about corporations is between power and the people. As strong as may be the love of power of the great captains of industry, just so strong is the love of fair play on the part of the people. All men are equal on the common deck of life, and we should legislate to that end. Twice during the session of this Legislature have we been asked to pass upon rights between the people and corporations, once upon the standard form of insurance policy, and yesterday, on the Messalonskee Light Company, and both times have we been found wanting. This Senate which has always been a synonym for integrity. At the first part of this session we listened to the very able remarks of the senator from Kennebec, Mr. Alden, upon the dairy interests of the State. The eloquence of that speech has not been equalled this session. He referred to our gallant sons who fought so nobly on Southern battle fields, to the illustrious sons of Maine in Congress, but said he

was humiliated that the price of Maine butter in the Boston market was two cents a pound less than New Hampshire. Let me ask the honorable senator, if he would have been proud of those noble sons and if he would not have been more humiliated if a question had arisen between the people and corporations and our noble sons had voted against the rights of the people in favor of the corporations, and if he would not have been more humiliated still if those illustrious sons had voted for the people on one day on one of these questions and against them the next, on the same question. Would you not have questioned their loyalty to the people?

Mr. GOODWIN of Somerset: I would ask that the vote be taken by yeas and nays, and I ask it as a special favor.

The yeas and nays were called for and ordered.

Mr. ALDEN of Kennebec: In reply to the honorable senator, I would say in relation to my position, that the Grange I represent—which I claim to represent—of the common people of the State of Maine, that I am proud to be a member of this organization. I found they were unanimously for standard policies; and I voted, when I voted, in support of the people.

The question being put upon the motion to substitute the bill for the report, those voting yea, were Messrs. Alden, Bryant, Buck, Clark, Goodwin, Maddocks, Morse, Pierce, Pike, Staples (Knox), Staples (Cumberland)—11. Those voting nay were Messrs. Burns, Currier, Dudley, Gardner, Guernsey, Hyde, Knowlton, Libby, Morrison, Philbrook, Plummer, Randall, Stetson, Wilson, Wing—15. So the motion was lost.

#### **Passed to be Enacted.**

An Act to establish an additional Normal School at Presque Isle in the county of Aroostook.

An Act to amend the charter of the Baskahegan Dam Company. On motion by Mr. Stetson of Penobscot, it was ordered, that when the Senate adjourn, it adjourn to meet on Saturday, March 21, 1903, at 8.45 A. M.

On motion by Mr. Goodwin of Somerset, it was, ordered, that the postmaster of the Senate receive the same sum

for expenses as that received by the postmaster of the House.

On motion by Mr. Stetson of Penobscot, the Senate adjourned to meet on Saturday, March 21, 1903, at 8.45 A. M.