

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Tuesday, March 24, 1903.

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

Prayer by the Rev. Mr. Cashmore of Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Read and Assigned.

An Act relative to actions for libel and slander.

An Act to abolish the issuing of separate executions for costs by disclosure commissioners.

An Act for the protection of shore birds. On motion by Mr. Bryant of Somerset, this bill was indefinitely postponed.

An Act to prohibit the use of any kind of horns, cow bells or other bells, cymbals, or tambourines, in hunting wild animals in the county of Hancock. On motion by Mr. Clark of Hancock, this bill was indefinitely postponed.

Passed to be Engrossed.

Resolve in favor of Joseph Mitchell, Jr., Representative of the Penobscot Tribe of Indians.

Resolve in favor of Louis T. Mitchell, Representative of the Passamaquoddy Tribe of Indians.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Chapter 42, Section 5 of the laws of 1899, and as amended by Chapter 379 of the Private and Special Laws of 1901, as prohibits fishing through the ice of Palmer pond, so called, in the county of Somerset.

An Act to extend the time during which the tolls granted the Bangor Bridge Company shall continue. (House amendment A adopted in concurrence).

Resolve laying a tax on the counties of the State for the years 1903 and 1904. (Senate amendment A adopted).

An Act relating to defense of actions brought against administrators and executors.

An Act relating to bonds given by collectors of taxes.

An Act to authorize the town of York to construct and maintain sewers in said town.

An Act relating to the municipal court for the city of Lewiston. (House amendment A adopted in concurrence).

An Act to amend Sections 17 and 19 of Chapter 105 of the Private and Special Laws of 1861, relating to the election of mayor, aldermen, common councilmen, wardens and ward clerks, in the city of Lewiston.

An Act in relation to lime and lime casks.

An Act relating to the powers and duties of administrators de bonis non.

An Act to incorporate the Naples Water Company.

An Act relating to Political Causes.

An Act to extend the powers of the Union River Light, Gas and Power Company.

An Act to provide for the assessment and expenditure of the income arising from the permanent school fund in certain towns.

An Act to amend Section 100 of Chapter 47 of the Revised Statutes as amended by Chapter 161 of the Public Laws of 1895 relating to the investment of funds of savings banks.

An Act to permit the Longwood Real Estate Company to construct a wharf in Long lake, in the town of Naples.

Resolve in favor of the town of Jackson.

Resolve in favor of Lee Normal Academy.

Resolve in favor of Norcross Transportation Company.

Resolve in favor of the city of Eastport.

Resolve in relation to early York deeds.

An Act to amend Chapter 51 of the Revised Statutes relating to duties of railroad commissioners.

An Act to extend the time of construction of the Boothbay Railroad.

An Act to grant additional powers to the Auburn, Mechanic Falls and Norway Street Railway.

An Act to incorporate the Maine Coast Telephone Company.

An Act to amend the charter of the Augusta Trust Company.

An Act to incorporate the Ashland Trust Company.

An Act to incorporate the Tyler-Fogg Trust Company.

An Act to amend Section 10 of Chapter 19 of the Revised Statutes relating to law of the road.

An Act to close Cupsuptic river and its tributaries to all fishing above the foot of First falls, near its mouth.

An Act to regulate fishing in the tributaries of Wilson lake in Wilton in the county of Franklin.

An Act to authorize the navigation, by steam or electricity, of Range ponds in the town of Poland.

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, and as amended by Chapter 379 of the Private and Special Laws of 1901, as closes Oaks pond, in Cornville, to ice fishing.

An Act to prohibit the throwing of sawdust and other refuse into Norton, Brown or Heath brooks or their tributaries in the towns of Shapleigh and Limerick.

An Act to amend Section 11 of Chapter 30 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1899 and as amended by Chapter 258 of the Public Laws of 1901, relating to close time for game birds.

An Act to protect smelts during their spawning season in the tributaries of the Damariscotta river.

An Act to amend Section 48 of Chapter 284 of the Public Laws of 1891 entitled an act to consolidate and simplify the laws pertaining to sea and shore fisheries as contained in Chapter 40 of the Revised Statutes and in amendments and additions thereto.

An Act to amend Chapter 279 of the Public Laws of 1897, as amended by Chapter 240 of the Public Laws of 1901, relating to the packing of sardines.

Resolve waiving a forfeiture of the public lots in the north half of township Number Four, Hancock county, north division.

An Act prohibiting the use of boats or launches of any kind propelled by steam, naphtha, gasoline or electricity, in the waters of Frenchman's Bay, so called on the coast of Maine.

An Act to prohibit ice fishing in Lake Webb or Weld pond so called in the town of Weld, county of Franklin.

An Act to prohibit the dumping of herring and all fish offal in the waters of Jonesport and Addison.

An Act to legalize the acts and doings of Nashville Plantation, Aroostook county.

An Act to incorporate the Brooks Village Corporation.

An Act for the protection of deer and moose in the county of Sagadahoc.

An Act to amend Chapter 174 of the Public Laws of 1901, relating to franchise tax on sleeping and palace cars.

An Act authorizing Bion M. Pike to maintain and extend a wharf into the tide waters of Jackson bay in the town of Lubec and county of Washington. (Introduced under suspension of the rules, and without reference or printing, took its several readings, and was passed to be engrossed.)

An Act authorizing Bion M. Pike to extend a wharf into the harbor line in the tide waters of Lubec Narrows in the town of Lubec, county of Washington. (Introduced under suspension of the rules by Mr. Pike of Washington, and without reference or printing took its several readings and was passed to be engrossed.)

Resolve in favor of electric lighting plant for Maine State prison.

An Act to amend Chapter 11 of the Public Laws of 1887, as amended by Chapter 44 of the Public Laws of 1899, authorizing cities and towns to accept legacies, devises and bequests.

An Act to amend Sections 2 and 116 of Chapter 48 of the Revised Statutes relating to corporations. (Subsequently, the vote whereby this bill was passed to be engrossed, was reconsidered on motion by Mr. Wing of Androscoggin, and on his further motion, the bill was laid on the table.)

An Act to amend Chapter 174 of the Public Laws of 1901, relating to a

franchise tax on sleeping and palace cars.

An Act relating to the new iron bridge over the Presumpscot river in the town of Falmouth.

The following communications were received and referred:

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the 30th Report of the Librarian of the Maine State Library.

Very respectfully,

Your obedient servant,

A. I. BROWN,

Deputy Secretary of State,

which was referred to the Committee on Library.

To the President of the Senate and Speaker of the House:

I have the honor to transmit herewith reports of Trustees and Principal of the Maine School for the Deaf.

Very respectfully,

Your obedient servant,

A. I. BROWN,

Deputy Secretary of State,

which was referred to the Committee on Appropriations and Financial Affairs.

To the President of the Senate and Speaker of the House:

I have the honor to transmit herewith communication from the Department of State of the State of Washington, relating to a convention for the purpose of amending the Constitution of the United States of America.

Very respectfully,

Your obedient servant,

A. I. BROWN,

Deputy Secretary of State,

which was referred to the Committee on Revision of the Statutes.

The following bills, etc., were presented, and referred, under suspension of the rules.

Appropriations and Financial Affairs.

By Mr. Libby of Kennebec, Resolve in favor of C. C. Libby, chairman of the Committee on Education to defray expenses of committee and Legislative members to University of Maine.

By Mr. Pierce of Aroostook, Re-

solve in favor of the Maine State Library.

By Mr. Stetson of Penobscot, Resolve in favor of Drew Plantation.

Orders.

By Mr. Buck of Hancock: Ordered, the House concurring that the report of the Committee on Legal Affairs on Bill, An Act to amend Chapter 26 of the Revised Statutes, ought not to pass, be taken from the table, and re-committed to the committee. The order was passed.

Reports of Committees.

Mr. Bryant for the committee on Appropriations and Financial Affairs, on Resolve in favor of the Maine State Library, reported same ought not to pass. Report accepted.

The same senator, for the same committee, on Resolve in favor of Eastern Maine General Hospital, reported same ought not to pass. On motion by Mr. Stetson of Penobscot, this resolve pending the acceptance of the report, was laid on the table, and specially assigned for tomorrow for consideration.

Mr. Burns, for the same committee, on Resolve in favor of Bangor Children's Home, reported same ought not to pass. On motion by Mr. Stetson of Penobscot, pending the acceptance of the report, this resolve was laid on the table and specially assigned for tomorrow.

Mr. Rankin, for the same committee, on order providing extra compensation for Senate stenographer, reported same ought not to pass. On motion by Mr. Goodwin of Somerset, pending the acceptance of the report, this resolve was laid on the table.

The same senator for the same committee, on resolve in relation to the publication and distribution of the Revised Statutes, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Burns, for the same committee, on resolve in favor of Castine State Normal School, reported same ought to pass. Report accepted.

The same senator for the same committee, on resolve in favor of electric light plant of the Maine State

prison, reported same ought to pass. Report accepted. Bill took its several readings under suspension of the rules, and was passed to be engrossed.

The following joint standing committees submitted their final report, that they have acted on all matters referred to them.

Committee on counties.

Committee on taxation.

Committee on interior waters.

Committee on public buildings and grounds.

Mr. Morrison for the committee on military affairs, on resolve in favor of George E. Gaddis of East Machias, reported ought to pass. Report accepted. Under Rule 18 this was referred to the committee on appropriations and financial affairs.

Mr. Bryant for the Somerset County Delegation, on bill, An Act to amend Chapter 485 of the Private and Special Laws of 1901, establishing a municipal court in the town of Skowhegan, reported same ought not to pass. Report accepted.

Bills Passed to be Enacted and Resolves Finally Passed.

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

An Act to amend Chapter 3, Section 59, Paragraph 12, of the Revised Statutes, relating to dealers in old junk.

An Act in relation to the discharge of debtors in cases now pending in insolvent courts.

An Act to change the name of the State Reform School.

An Act to amend Section 57 of Chapter 11 of Revised Statutes, as amended by Chapter 211 of the Public Laws of 1901, relating to school house lots and grounds.

An Act to incorporate the Hillside Water Company.

An Act in relation to the Ellsworth municipal court.

An Act to incorporate the Sullivan Harbor Water Company.

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

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

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

An Act to amend Chapter 86 of the Revised Statutes, relating to trustee process.

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 the charter of the Bar Harbor Banking and Trust Company.

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

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

An Act to incorporate the Maine and New Hampshire Railroad.

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

An Act relating to the franchise rights and privileges of the Milbridge & Cherryfield Electric Railroad Company.

An Act to incorporate the Jonesport Railway Company.

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

An Act to extend the charter of the Eastport Street Railway Company.

An Act to incorporate the Washington Telephone Company.

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

An Act to prevent the throwing of sawdust and other refuse matter into Half Moon stream or Sandy stream or any of the tributaries to Unity pond, in the county of Waldo.

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

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

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

An Act to authorize the navigation, by steam, of Eagle lake and the connecting lakes, in the county of Aroostook.

An Act to fix the beginning of the open season for fishing in Sebago lake, in Cumberland 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 prohibit bait fishing, so called, in certain portions of the Magalloway river and its tributaries and in various ponds in Oxford county.

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

An Act to incorporate the Lee Telephone Company.

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

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

An Act to establish the Lubec & Machias Railway Company.

An Act to amend the charter of the Union Boon Company.

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

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

An Act to authorize the Norcross Transportation Company to erect buoys in certain waters of the West Branch of the Penobscot river.

An Act to incorporate the Fish River Improvement Company.

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

An Act to incorporate the Androscoggin Log Driving Company.

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

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

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

An Act to authorize the Boston Excelsior Company to locate piers and booms in the Sebec river.

An Act to incorporate the Ferguson Stream Improvement 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," approved April 8th, 1854.

An Act to authorize Edward J. Mayo and his assigns to maintain a wharf in Sebec lake.

An Act to incorporate the Waterville and Winslow Bridge Company.

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

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 Indian pond, situated partly in Franklin and partly in Somerset county.

Resolve in aid of Caratunk for repairing road from Caratunk Village to Pleasant pond in said plantation.

Resolve in favor of the Bangor Children's Home.

Resolve in favor of Edmund C. Bryant, chairman of the committee on Reform School.

Resolve for an appropriation for the preservation of the remains of Fort William Henry, now the property of the State of Maine.

Resolve in favor of the Madawaska Training School.

Resolve in favor of the Bar Harbor Medical and Surgical Hospital.

Resolve in favor of the Saint Elizabeth's Roman Catholic Orphan Asylum of Portland.

Resolve in favor of the town of Moscow.

Resolve in favor of the committee on Maine State prison.

Resolve in favor of Knox County General Hospital.

Resolve providing for the topographic and geological survey for the years 1903 and 1904 and for extending its work to include hydrography.

Resolve in favor of a Maine soldiers' monument at the Andersonville, Georgia, National cemetery.

Resolve in favor of the Maine Industrial School for Girls.

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

Resolve in favor of the Farmington State Normal School.

Resolve in favor of the town of island Falls.

Resolve to aid in repairing roads in Jerusalem plantation.

Resolve in favor of the town of Crystal.

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

Resolve in favor of C. C. Libby, chairman of the committee on education.

Resolve in favor of the Maine General Hospital.

Resolve in favor of the Maine Home for Friendless Boys.

Resolve in favor of rebuilding the house of the Sisters of Mercy at Peter Dana's Point, within the jurisdiction of the Passamaquoddy tribe of Indians.

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

Orders of the Day.

On motion by Mr. Stetson of Penobscot, House Document No. 39, An Act to set off a part of Reed plantation and annex the same to Drew plantation, with accompanying reports was taken from the table. On further motion by the same senator, the majority report ought to pass, was accepted. On further motion by the same senator Senate amendment A was adopted, and the bill as amended took its several readings, and was passed to be engrossed.

On motion by Mr. Gardner of Penobscot, bill, An Act relating to the election of superintendent of schools, was taken from the table, and on further motion by the same senator, the bill was indefinitely postponed.

On motion by Mr. Clark of Hancock, House Document 392, An Act to regulate the taking of black bass from waters lying wholly or in part in the county of Hancock, was taken from the table; and, on further motion by the same senator, Senate amendment A was adopted, and under suspension of the rules, took its second reading, and was passed to be engrossed.

On motion by the same senator, the vote whereby the House document 509 was passed to be engrossed, was reconsidered, and on his further motion, the same was laid on the table.

On motion by Mr. Manley of Kennebec, the vote whereby House Document 487, relating to sea shore birds was indefinitely postponed, was reconsidered, and on his further motion, the bill was laid on the table.

On motion by Mr. Goodwin of Somerset, the bill, to repeal Section 23, Chapter 6, Revised Statutes, in relation to taxation of corporations, assigned for today, was re-assigned for consideration, tomorrow.

On motion by the same senator, reports, committee on taxation, majority, ought not to pass, minority ought to pass, on bill relating to school funds derived from savings bank tax, were laid on the table.

On motion by Mr. Staples of Knox, reports of committee on judiciary, on bill to incorporate the Messalonskee Electric Company was postponed to a later hour of this session for consideration.

Report, committee on taxation, on bill providing for taxation of railroad companies according to cash value (ought not to pass), came up for consideration by special assignment.

Mr. STAPLES of Knox: Mr. President, This matter of the taxation of railroads according to the true value appears to me to be one of the most important measures that has come before the Senate this winter. The question of taxation is agitating the minds of the people, today, more than it has

for 20 years. I think you will agree with me that there is nothing unfair or unjust in the bill. We have sat here day after day, and I have heard of but one bill that tended to increase the revenue of the State. If you look at the report of the finance committee, you will find you are \$500 or \$600 beyond the income of the State. There is no state in the Union that taxes the railroads so little as the State of Maine. In Michigan they tax railroads upon their cash value, and in the last year that state has raised in revenue \$309,000. This bill is framed almost word for word with the Michigan bill which has worked so admirably in that state. You are all aware that the railroads of the State which comprise about \$77,000,000, are only paying one-half of 1 per cent. upon their gross receipts—while property of the State of Maine is taxed upon its value—or the most of it. This places the whole taxation of railroads in the hands of the State assessors. In this bill it is provided as in the State of Michigan that the tax when assessed and collected shall be paid to the State treasurer, and he shall divide the same into two equal parts, half of which shall remain in the treasury for the benefit of the schools of the State, etc. Is there any reason why the railroad property of the State of Maine should not pay a tax equal to that of other property in the State of Maine. If there is any reason, I would like to know it. In Iowa it is taxed the same as other property. In Illinois it is taxed on the mileage, and taxed locally. Indiana taxes railroad property according to municipal rates. In New Hampshire it is taxed the same as other property. In New York it inc 1½ per cent. on the gross value. In Rhode Island it is taxed the same as other property. It does not seem to me that there is any earthly reason why the railroads of this State should be exempt from taxation, any more than the farmers. Suppose you taxed a farmer today 1½ per cent. on his gross receipts—how much would you get. Is it just and fair to tax the farmer and mechanic as we do and tax the railroads upon their gross receipts? I tell you the people of this State are clamoring for equal taxation, and we hear

it everywhere. When this bill was submitted to the railroad committee, the committee were favorably disposed toward it, but, for some reason or another, they voted ought not to pass. I have been a little surprised that men who say that they represent the State Grange have been opposed to all taxation that has come before the committee on taxation. I deny that they represent the Granges of the State of Maine. I recollect, in the early part of this session, when I had a bill in here before the taxation committee to tax stocks, that the man who represents the legislative committee of the Grange, denied that the Grange was in favor of it. I deny that these men represent the Grange of the State of Maine. And, in answer to my friend, Mr. Alden, the senator from Kennebec, when he explained his vote in relation to the arbitration policy, when he stated that the granges of the State of Maine were unanimous in favor of it, I deny it, as a member of this grange. Do you think you dare to go to a subordinate grange, a Pomona Grange of the State of Maine, and tell them that you voted to take away the right of trial by jury? The Grange is a grand order, doing a grand work, but I deny that they are in favor of taking away that right. If you make a conservative estimate of this matter, on a basis of 1 1-2 per cent., you would get a railroad tax of \$1,000,000. You don't get, in the whole State, today, but \$324,000. At 1 per cent., you see what an immense revenue it would be to the State of Maine. We have got to raise some revenue. Two years ago, there was a compromise made and I want to say to that legislative committee of the Grange—and some of them were here two years ago—a compromise was made and the senator from Kennebec, who belongs to the Grange, was one who helped make it, and raised it one-half; and the Grange seemed to be satisfied. What was the result? One of the committee on taxation, who sits now upon the floor of this Senate, who has been laboring with them for four years, thought railroads should be taxed equally with any other property. The bill which he presented, four years

ago, would have given us a vastly greater revenue than we get today. The Grange put in a bill, similar in form, but giving us a much less revenue. Why was that compromise made? That compromise was made by a member of the Grange who was a member of the Maine Central Railroad. Is there any property better adapted and able to pay than the railroads? Almost every other state in this union taxes upon the only true principle of taxation—that is, that they pay according to their value. I believe in equal taxation; and when we come into this Senate and find \$77,000,000 of property paying only one-half of one per cent. upon the gross receipts, there is something wrong. I plead with you in this matter, as honest and honorable men, because I do not believe there is a man upon this floor but what wants to do just what is right. There is nothing which engenders discontent among the people so much as unequal taxation. There is no politics in this, but it is an act of exact justice; and I move that the bill be substituted for the report, ought not to pass.

Mr. GARDNER of Penobscot: Mr. President, I wish to say very briefly that the committee on taxation considered this matter carefully, and in our best judgment it was thought advisable to continue the present method of taxation on the income of the railroads. I will say here to the distinguished senator from Knox, that if there is any partisanship in this, I had supposed, at least that the party that he has the honor to represent here in the Senate, would at least champion the income tax idea; and we can but say that the present method of taxation in this State is upon the income—as to the right, I am not so clear. I can but substantiate his statement, and I could but feel it as a personal allusion to myself, as to the action two years ago. I will say that, so far as the roads were concerned, the action of the Grange at that session was somewhat of a disappointment—the legislation being in the nature of a compromise, whereas I supposed they would come in for a higher rate. But at present it seems to continue the income tax on steam railroads; and I trust the report of the

committee, ought not to pass, will be upheld by the Senate.

Mr. STAPLES of Knox: Mr. President, I do not understand that the policy of the State of Maine is tax property upon income. It never has been until two years ago. If that has been the policy, the sooner it is done away with the better, so that they may be taxed upon the cash value.

The question being put, upon the motion of the senator from Knox, that the bill be substituted for the report, the motion was lost. The report of the committee, ought not to pass, was therefore accepted.

Reports, committee on judiciary, majority ought to pass in new draft, minority ought not to pass, on bill to incorporate the Messalonskee Electric Company, came up by assignment. The pending question was upon joining on the part of the Senate, a committee of conference appointed on the part of the House.

Mr. Goodwin of Somerset, moved that the Senate recede from its former action and concur with the House.

Mr. MORSE of Waldo: Mr. President, I wish to say just a few words in relation to this matter before it is disposed of. The question, as it appears to me is: Where shall we fix and establish a just medium between the rights of the old company at Waterville and the new company? If there is room for increase of population in Waterville and Fairfield, demanding this increase of light and power—that is one side of the question. If, on the other hand, the old company can, and are furnishing the people what is required and demanded—that is another. After having been instructed quite generally by both sides who are here in this matter, I have arrived at this conclusion, and I feel at liberty to express it to my fellow senators. It seems to me that this beautiful city of Waterville is growing—is prospering, and that the town of Fairfield is very closely connected with it. They are building there, and increasing their population, and it seems to me that this new company should have a right to live, grow and prosper. It was very nicely brought out to my mind the other day in a remark here, that this old com-

pany, like many of these large corporations, had made an effort, at least, to strangle, in some degree, this new company, which it seems to me has a right to live and to have a being. It looked to me like a powerful organization undertaking to drive out of existence a new company that has a right to use its rights. We have got to draw a line between these large interests and the small interests—and I suggest that is a proper thing for us to do—we are here for that purpose—to draw the line between the two parties. Far be it from me to want to interfere with the vested rights of the old company. They ought to be protected and I believe it as much as any man upon the floor of this Senate; but I believe this, too, that we have young, enterprising people who are looking for a place to extend and grow, and that this great public spirit which pervades the American people should have a chance to expand and build up—and we are glad to see them do it. I dislike very much those influences that reach out to hinder a young man who has the ability to come to the front. I believe in equal rights to all men. In 1862 it chanced to be my fortune to be in Havana, Cuba. If you will recollect, gentlemen, some of you, who are old enough, there was a very unpleasant matter thrust upon the people at that time—and there, in that beautiful harbor, I discovered the first rebel flag that I saw flying, the small vessels that came in there loaded with cotton, running the blockade. It was there that I felt the first indignity that had been thrust upon the American people as a free people. I came from there and immediately went into the service, where I remained until 1862, and a portion of 1863, and I went in prompted by that spirit of freedom and equality, not only for the colored man but for all men. I was not alone. I did what I could. Seventy-two thousand noble men from the State of Maine did the same thing—that same spirit is among us today, and if you reach out you will find it. Seventy-two thousand of those noble men went forth for liberty, for union, for freedom, and with others who responded from other states they accomplished it; and, gentlemen, I stand here today as a representative of those people, and believing in the rights. Over eight thousand of that seventy-two thousand that went forth to establish this right of freedom for all men, never returned to this beautiful State of

Maine. Can we forget their memory? Can we forget the cause for which they laid down their lives? Gentlemen, I suggest to you that this same spirit of freedom ought to prevail everywhere in this country today, and that this great crisis that seems to be facing the American people today between labor and capital is among us. Haven't we seen the effect of it the past winter? Shall we not continue to look upon these things, and will they not constantly be thrust upon us? I tell you, gentlemen, we stand here to draw this line of equality, justice and right between these gigantic capitalists, and the common people. I hope, gentlemen, that you will see to it that no injustice is allowed to come upon these young men who have that American spirit of their fathers, to give to these people not only what they are getting now, but give them something to work with, that they may grow, and not stultify the interests of that beautiful city of Waterville represented here by men of brains and culture, education and everything that goes to make up a noble manhood; and they are here pleading at our door and asking for help. Let us help them.

Mr. GOODWIN of Somerset: Mr. President, and members of the Senate, I do not want to take your time and to rehearse the arguments of the other side. It has been stated to me that we were mistaken in our position in regard to this charter being asked for by the citizens of Waterville; and the argument has been made to the senators in this chamber that this is not a popular measure in the city of Waterville; and that there are many people in that city who are opposed to the granting of this new charter. Now, I believe that every senator in this body if they were in a community that knew all about the rights of the two existing companies who came to the doors of this Legislature and asked for a certain thing, that this Senate would grant it. Therefore, Mr. President, I have prepared an amendment to this charter, which at the proper time I propose to offer; and I make the preliminary inquiry—if we recede and concur, Mr. President, will the bill then be before the House for its first reading, or amendment?

The PRESIDENT: The present status of the bill is as follows: In the House the report of the majority was accepted, the bill took its three several readings and was passed to be engrossed. In the Senate, the minority report was adopted, "ought not to pass." If the Senate should recede and concur, the bill would then take its first reading and the amendment would then be in order after the first reading of the bill.

Mr. GOODWIN: Mr. President, I so understood it. If the senators see fit to recede and concur I propose to offer this amendment—that this charter shall not take effect until approved by a two-thirds vote of the legal voters of Waterville, voting at an election to be called and held on the first Monday of May, 1903—the balance of the amendment provides the usual method of registration, etc., upon the question: Shall the Act to incorporate the

Messalonskee Electric Company be accepted—the voters to indicate by placing a cross against the word “Yes” or “No,” their opinion of the same—so that the effect of this amendment is to refer back to the citizens of Waterville itself—and we do not ask you to allow a majority of those citizens to decide this important question—as you ask in all of your water charters, all all other charters that you grant in this session of the Legislature—but we say to you senators that unless two-thirds of the people of the city of Waterville ask for this charter, the charter shall be of no avail—and where is the senator in this body who says that is not a fair and honorable proposition? It seems to me so honorable and fair that there can be but one question in regard to it—and when you vote to recede and concur, gentlemen, you vote practically upon this proposition, to allow the people of Waterville, by a two-thirds vote, to say whether this charter shall go into operation or not. They know the situation. They know how this company came into that city to do business, and they know whether the rights of the old company are to be trampled upon by the granting of this charter. And now let me say right here in reply to that, the strongest reason or argument that strikes every fair-minded man is that if the old company attempted at one time to do wrong, and these young men, at the solicitation of their citizens and of the city government, invested their money there in that plant and not in there to do business, that the young men are not at fault. The citizens themselves are not at fault—but the old company, the old company that put its rates almost twice into the air, is responsible solely for the new company being in there. There is no senator in this chamber who has a deeper and more profound respect for vested rights than I have. I believe I should object to a new company coming into the city where there was an old company established unless there were grave reasons for that new company being allowed in there; but that is not this case. We have this new company in the city, doing business now, as a firm. They went in there in May, 1901. They put in \$65,000 of their money at the request of the citizens and the city government, and now after two years they ask to be incorporated. You are protecting vested rights when you vote to grant this charter to the new company, for their \$65,000 which they have invested since May, 1901, is today just as much a vested right as the property and money invested by the old company. Is there any doubt in the mind of any senator in this chamber that the old company did raise their rates, and afterwards take them back?

I read to you from their circular of April 29, 1901, the last time this question was debated, showing that the old company raised their rates. I read from the company's circular of June 7th where they withdrew their rates after they found the new company had come into the city and had made contracts with the city and with individuals of the city in order to meet the requests of the citizens; and since

that time something which I did not have at the time of the discussion, I have here in the Waterville Mail of Saturday, June 29, 1901. The company raised their rates on April 29, 1901, two months before this explanation was offered by the manager of the old company, and two months after Mr. Eaton and Mr. Wyman had come into the city and made their contracts with the citizens and the city government to light the city for a period of five years. Fear in mind the order of it. The old company raised their rates April 29, by that circular. Eaton and his company came in and made the contracts; then, on June 29th, this is what the manager of the old company says in regard to his position. The article is headed “Electricity Supplied.” Superintendent Patterson of the W. & F. Co., talks for publication. In this article the superintendent of the old company says: “On April 29th last, a circular letter (which is this one which I hold in my hand) was sent to customers of the Fairfield and Waterville Union Gas and Electric Company which was intended from the statement on the first page, for the purpose of placing rates and placing business on a basis which shall be just to small or large contractors for electricity, power, etc. Such being the declared intention of the companies one is very much surprised to find that the rates proposed would have accomplished exactly the opposite results. The superintendent of the old company who made the rates states in his explanation that one is very much surprised that those new rates which their company had established would have accomplished exactly the opposite result—that is, would have raised them much higher than they would have expected. The only explanation which can be given for disregarding the first principles, etc., they didn't fully understand how to carry out their expressed intentions. “We therefore (the old company) say that we feel that we owe our patrons and the public generally an explanation and apology for the mistake that was thus made.” The old company stands up in public and says, after Mr. Eaton and Mr. Wyman had come into the city and made arrangements to invest their \$60,000 or \$75,000, that therefore they feel that “we owe our patrons and the public generally an explanation and apology for the mistake that was thus unwisely made.”

Mr. WING of Androscoggin: Who is that from?

Mr. GOODWIN: Mr. Patterson.

Mr. WING: Does he sign it?

Mr. GOODWIN: It is not signed. It is simply in quotation marks.

Now the old company have reduced its rates by circular on April 29th, and Eaton and Wyman have come into the city and invested this capital—the old company goes to work on June 29th and by another circular letter withdraws those rates and then makes the statement I have read in a public newspaper. Action similar to that provided for in this bill has been taken in relation to other interests during this session of the Legislature, so that it is not without parallel. I ask you, in all fairness, to leave this to the people of Wa-

terville. If there are those in this chamber who feel that a two-thirds vote is too small, I stand here deliberately and say we will make it a three-quarters vote if you ask for it. If all the people of Waterville demanded this, would you still turn them down? If you say a nine-tenths vote we will take it. Are we to stand against the unanimous vote of any people? When we get to that point, we have absolutely taken from the people the right of government and invested it in an oligarchy. The liberty of the country itself is at stake in the principle involved. You say it is a local matter. The leading Republican paper west of Lewiston says of it: "It is to be hoped that the Maine Senate will yield to the stand which the House has taken in the Waterville electric matter." The people of Portland felt it keenly enough when the law prevented a new electric light company from entering the city; and the Senate is refusing sanction to a service that already has the approval of the State. Wherever this matter has been discussed in the papers it has been universally demanded that the Senate should yield to the request of the people of Waterville, and not stand by, what we all know, if we are true to ourselves, is the influence of the most powerful corporation in the State of Maine—the Maine Central Railroad. Now, I want also to present this other amendment which, if you insist upon it, I will offer. I am going to put the Senate upon record, if possible, in refusing one of the fairest propositions I can conceive of. The bill provides that the Messalonskee Company may sell, distribute and supply electricity in the city of Waterville, the town of Oakland, Fairfield, Benton and Winslow. Fairfield, in my own county, has been here with its representative citizens, asking for the passage of this Act. Every voter in that town interested in order to get power to come into that town, so that they can build their electric road—but I will strike out of this bill the towns of Benton, Fairfield and Winslow, and will offer this second amendment, which strikes out those towns from the bill, so that the charter of the new company will not allow them to go into my own county, though my own people are praying for it—not go into the big town of Benton, and Winslow—but will reserve that territory exclusively for the old company—and then, senators, what will be the effect of your Act? Simply to give to the Messalonskee Company the right to do business where they are already doing it in the city of Waterville and in the village of Oakland. Is there any fairer proposition we can make? And, I say to the senators and to the president, that when you vote to recede and concur I shall immediately—if you do, and I trust you will—I shall immediately offer this amendment. There is nothing of trickery about this. You can vote to indefinitely postpone the bill at any time; and I will ask now the unanimous consent to call up the bill and propose these amendments; and I ask unanimous consent to take from the table the bill lying there and offer these amendments to the same.

Mr. WING of Androscoggin: Mr. President, I object.

Mr. GOODWIN. There is objection, Mr. President; but if we will vote to recede and concur, I still will offer these amendments, leaving to two-thirds of the people to say if they shall have this charter, and striking out the towns of Benton, Fairfield and Winslow. You can gag us on the amendments, but you will never gag the people of those three towns so but what they will express their opinion sometime and somehow, in the future or the present.

Mr. WING of Androscoggin: Mr. President, I had supposed this matter had been carefully considered and gone over thoroughly—perhaps not fairly for the old company, so called, but enough so that the Senate understood the situation; but it seems to be necessary to carefully prepare speeches to be delivered with great earnestness and force and great ability in order to again bring this matter, which has been decided twice adversely, to our consideration. I realize that the time of day is not favorable for listening. It is a time when men who are human prefer to go to dinner and to say as the man said to a fitsome after-dinner speaker, who usually had a speech about him somewhere that he could deliver on almost any subject, and who arose with a jaunty sort of an air and said: "What shall I speak about?" The fellow who sat near him had dined pretty well, and he said: "Speak about a minute." There are certain suggestions that I wish to make about this matter, and the first is that the pending question is whether we shall recede and concur, or not. The amendments are not in order until that vote is determined. I trust the Senate will not vote to recede and concur, but that it will insist on its previous action, which, so far as I know, has received the commendation of every business man in this State outside of the coterie of gentlemen who are personally and financially interested in this project in Waterville. Now there comes a proposition here that is plausible—to refer this matter to the people of Waterville. We read that a certain plausible gentleman at one time took our Saviour up into the top of the mountains and showed him the kingdoms of the Earth and the glories thereof, and offered to give them up to him—but this same gentleman did not have anything to give.

Mr. GOODWIN: I never assumed that character.

Mr. WING: You never did?

Mr. GOODWIN: No.

Mr. WING: I will simply say that there are gentlemen in this Senate who have heard the voice of the senator from Somerset raised in favor of incorporating a body here at the last Legislature known as the Eastern Telephone Company, for the benefit of the people, and what became of it? The people were compelled, as a man stated they would be compelled, to bear the entire burden of the public service. Now, I do not think there is any politics in this business. I do not think there is a senator from Kennebec county

who would vote for any measure on account of politics or on account of fear, and I shall consider it, and do consider it, and make the suggestion in fairness to the senators from Kennebec county, that the suggestion that any such thing would influence their vote on this business proposition is a direct insult. Allusion is made to the Maine Central lobby. Gentlemen, have you seen any more evidence of the Maine Central lobby than you have of the other lobby? It is any more dangerous to have the lobby on the outside than it is to have the lobby on the inside? Is not the lobby on the inside to be more dreaded than the lobby on the outside? When leading State officials take a part in matters of this kind isn't it as much an open criticism as it is when respectable lawyers are employed to take a part? Neither one avails anything. The members of the Senate have their attention called directly to the issue here by one side or the other, but when they act they act upon their own judgment and their own integrity. Now I want to ask the gentlemen of the Senate if they detect in this plausible suggestion about the people of Waterville voting upon this proposition, anything wrong? What interest has Waterville got, so far as you know, or have heard from the senator from Somerset, in the between \$300,000 and \$400,000 invested capital in this company? Who represents them and votes in Waterville—\$1,500 of these bonds are owned by Colby College. Who votes for the widows and orphans whose money is in the savings banks where these bonds are? Who has opportunity to vote for them? Should not they have a voice in the matter? If you vote to cut their property up root and branch, should not they be heard in the matter? Should not they have a voice in it? It strikes me that is only a reasonable proposition. Shall it go out that the State of Maine disregards a statute upon its books and grants a charter that shall annihilate an existing corporation, where the bonds and ownership of it exists in another jurisdiction? When may we hope to have further money brought here to develop the resources of this great State when we need it and where we need it, when will it come and who will bring it, if the rights of the people who have invested it are disregarded openly and boldly by the Legislature? That is the question. Here is the great county of Aroostook, as large as the whole state of Massachusetts, full of water powers where more towns and villages should be built up. Will money go in there unless it is protected? Not at all. It will be placed elsewhere. We cannot afford to vote down a proposition of this kind, plausible though it may be, earnestly though it may be sought. We may have sympathy, we may have friendship, but we have no right, moral or legal, as senators, to disregard our plain duty. Gentlemen, it is past 1 o'clock, and you prefer to go to dinner rather than to hear me talk upon this subject which has been talked over and over and over again. I hope when you vote it will be not to recede and concur, but to insist upon our present action.

Mr. GOODWIN: President, just one word. The vote is not to let a new company go into Waterville. The company is already there. It has been there for two years and it will continue to do business as a partnership. The action of this Senate could have no effect upon the bonds, because the new company will continue to do business just the same. All we ask is that we may have a corporation so that we may issue stock and bonds to finance our proposition.

The question being put upon the motion to recede and concur, the motion was lost, 10 voting in favor of the motion and 13 against the same.

On motion by Mr. Wing of Androscoggin, the Senate then voted to insist, 12 voting in favor of said motion and nine against the same.

The Chair appointed as a committee of conference on the part of the Senate, Messrs. Wing of Androscoggin, Stetson of Penobscot, and Hyde of Sagadahoc.

On motion of Mr. Goodwin of Somerset, the Senate voted that the conferees on the part of the Senate should be instructed to present to the conferees on the part of the House Senate amendments A and B.

The same senator further moved that said conferees on the part of the Senate should be instructed to present to the conferees on the part of the House Senate amendments A and B with the statement that they are an expression of the will of the Senate. On this motion a ye and nay vote was called for and ordered, and the vote being taken resulted as follows: Those voting ye were Messrs. Burleigh, Clark, Dudley, Gardner, Goodwin, Morse, Pierce, Pike, Staples of Cumberland, Wilson—10. Those voting nay were Messrs. Alden, Bryant, Burns, Carrier, Knowlton, Maddocks, Manley, Morrison, Philbrook, Plummer, Randall, Rankin, Stetson, Titcomb, Wing—15. So the motion was lost.

Passed to be Enacted.

An Act to amend the charter of the city of Lewiston and to provide for a street sewer and permanent improvement department.

On motion by Mr. Manley of Kennebec, the Senate adjourned to meet on Wednesday, March 25, 1903, at 10 o'clock A. M.