

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Saturday, March 28, 1903.

Senate met according to adjournment and was called to order by the President. Prayer by the Rev. Mr. Livingston of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Burns of Cumberland, it was Ordered, the House concurring, that the treasurer of state be and hereby is requested to advance to the members of this Legislature their pay, on or before the adjournment for the recess which is necessary to complete the revision of the statutes.

On motion by the same senator, resolves on the pay roll of the Senate received a passage.

On motion by Mr. Goodwin of Somerset, it was Ordered, the House concurring, that when the Senate and House adjourn it be to meet on the first day of September, in the year of our Lord, 1903, at 10.30 o'clock in the forenoon.

Bill, An Act relating to the public health, came from the House, accompanied by minority report "ought to pass" and majority report "ought not to pass." The pending question being upon the acceptance of the minority report.

Mr. BRYANT of Somerset:

Mr. PRESIDENT, on that motion I wish to say a few words. This is a resolve which came into this body two years ago and which was sent to the committee on financial affairs, which committee was very favorable to the proposition; but, owing to the state of finances, it was referred to this Legislature. This year it went to the committee on public charities and State beneficiaries, and was unanimously reported. It came to our committee and, while I think all favored it, yet some thought perhaps the State could not afford it. The minority felt that the bill had merit enough to warrant us in signing the minority report. It calls for the establishment of a bacteriological and chemical laboratory, \$2000 and \$3000 for an expert bacteriologist and chemist to manage it. I think that Maine in this respect is far behind the other New England states. New Hampshire has such a laboratory, established some years ago to which she annually contributes \$5000—\$2000 more than this resolve calls for. Vermont has one, established quite a good many years ago, and she has for many years appropriated \$8000, and at the last session of the Legislature they raised the amount to \$10,000. Massachusetts appropriates \$40,000 annually for such a purpose, to the Massachusetts Laboratory. There are in addition to that at least 10 or a dozen cities in that state that have laboratories run as adjuncts to the local boards of health; and I submit that no state board of health or local board of health can do its best work without such a laboratory. They are cramped from the beginning. It is evident, I suppose, to every one, that the control of any contagious disease depends very largely upon the

early diagnosis of what the disease is; and we consider it as indispensable to the public health to have this done. It saves life. It prevents the spread of infectious diseases and contagious. Take it in diphtheria, for instance, it is difficult for the most skillful physician to diagnose the true bacteria, or pseudo-bacteria, and there is no way to do it but by a bacteriological test made from culture tubes—and without that, everything is guess-work. With it, it is reduced to a scientific certainty. I could relate hundreds of instances that have been told me by physicians, where such things would have saved life or prevented the spread of contagion throughout the State. I remember one case, where a little girl, the only child in a family, was taken with sore throat and unusual rise of temperature. A physician was called, and did not diagnose the disease as true diphtheria, and later, another physician was called in who pronounced it false diphtheria. Later it developed true diphtheria, and word was sent for anti-toxine, but it was too late, and the life of the little sufferer went out. The physicians believe that if they could have known in the first stages that it was true diphtheria, the life of the child might have been saved.

Another case that will show the advantage of the laboratory: In a similar instance in New Hampshire, a culture was made and sent to the state laboratory; in 12 hours it was flashed back over the wires that it was diphtheria, and the life was saved. In diphtheria no local board of health can determine whether the danger of contagion ceases in 10 days or 30, and does not know when it is safe to remove the quarantine. With this it is reduced to a certainty. Even heads of families are quarantined at times for 20 days when there is no need to be, because it has been found by bacteriological tests that the danger from infection is past, and in 10 days the head of the family could be out attending to his daily duties. There have been reported, in the last 10 years, 124 deaths from diphtheria in the State of Maine; reckoning about eight cases unreported and cured to one death, you would have over 14,000 cases in the last 10 years in this State, or 1400 a year. I submit that the State Board of Health are not far wrong when they claim that in this disease alone, the State would save all that this bill calls for. In tuberculosis we have about 1000 deaths per year; and here, as in diphtheria or other contagious diseases, the work of this laboratory would be very essential to the health and lives of the people. Of course, in that disease, it is impossible for a physician to tell for months whether a patient is suffering from some other disease or tuberculosis, but with the aid of the laboratory it could be determined at once. I know, some years ago, a gentleman was trying to get a wealthy man to establish a reformatory and training school for boys growing up in a reckless way, and it called for \$100,000. He said: If you save one boy a year, it would be worth all it costs; but, said the man, do you think a boy is worth \$100,000? Said he: Yes; if it is my boy.

This bill calls for \$3000 a year for running expenses. Do you not think the life of a child is worth \$3000? I say yes, if it is my child; I say yes, if it is the child of the humblest home in the whole State of Maine; and I submit that not only in tuberculosis and diphtheria but in scarlet fever and typhoid fever it is going to be equally valuable. I also claim for it that it will be a great benefit to the stock-raisers. Glanders and foot and mouth disease and tuberculosis could be just as easily determined; and so I might go on illustrating its advantages in many ways. The question may arise. Can we afford it? My sympathy says we can, my humanitarian instinct says we can, and my best judgment says we cannot afford to do without it, and I trust the minority report will be accepted.

Mr. RANDALL of Cumberland: Mr. President, as a member of the committee on public charities, I wish merely to say that the committee thought this a very important measure; and after a full hearing which was attended by a dozen or 15 of the most eminent physicians all over the State, we came to the conclusion that it should pass unanimously; and I trust the motion will prevail.

Mr. HYDE of Sagadahoc: Mr. President, I would like to say that I agree with the two senators who have spoken upon this matter. I hope the minority report will be accepted.

Mr. MORSE of Waldo: Mr. President, as an undertaker, perhaps I come in contact with these matters as much as any other man outside the profession, and during 36 years' experience in that line I have had a chance to witness some of the things that have been allowed to go through negligence and by default in these matters, where seemingly they might have been remedied if proper precautions had been taken. I hope the motion will prevail.

The question being put upon the motion to accept the minority report, "ought to pass," the motion prevailed; and on motion by Mr. Bryant of Somerset, the bill took its several readings under suspension of the rules and was passed to be engrossed.

On motion by Mr. Wing of Androscoggin, bill, An Act for an amendment to the constitution relating to the limitation of municipal indebtedness, was indefinitely postponed by a yea and nay vote. Those voting in favor of the motion were Messrs. Alden, Buck, Burleigh, Currier, Gardner, Hyde, Knowlton, Maddocks, Manley, Morse, Pike, Plummer, Staples of Knox, Stetson, Wilson, Wing—16. Those voting against the motion were Messrs. Bryant, Burns, Dudley, Goodwin, Guernsey, Morrison, Randall, Rankin, Staples of Cumberland—9.

Bill, An Act to establish a bounty on porcupine and for the better protection of timberland, took its several readings under suspension of the rules and was passed to be engrossed.

Mr. Goodwin for the committee on conference on bill, An Act to provide for representation of the State of Maine at the Louisiana Purchase Exposition at St. Louis, Mo., reported that the committee were unable to agree. Report accepted.

Mr. GARDNER of Penobscot: Mr. President, I understand that the report of the committee has been accepted.

The PRESIDENT: Yes.

Mr. GARDNER: The committee were unable to agree, as I understand it?

The PRESIDENT: That was the report.

Mr. GARDNER: I now move that the Senate recede and concur with the action of the House, in this matter.

Mr. GOOLWIN of Somerset: I rise, Mr. President, to a point of parliamentary inquiry. Final instructions having been given to that committee to adhere, is it proper to make such a motion after such action?

The PRESIDENT: The Chair would consider it proper, before such a motion was introduced, to reconsider the vote whereby such instruction was given.

Mr. GARDNER: Mr. President, wasn't the motion of the senator from Somerset to instruct the committee to adhere?

The PRESIDENT: It was.

Mr. GARDNER: Would not a motion for the body here, the Senate, to recede and concur on its action in this matter be in order?

Mr. GOODWIN: I would say after reconsideration it would be in order if you reconsidered the vote.

Mr. GARDNER: I would ask the ruling of the Chair on my motion.

The PRESIDENT: The status of the matter, so far as the Chair can ascertain from the record, is that the senator from Somerset, after the motion to insist was made and the committee joined, the senator from Somerset moved that the committee be instructed to adhere, to carry out the views of the Senate—which was passed. The same senator moved to reconsider the vote whereby the committee was instructed, and the motion to reconsider was lost. The same senator later moved that the instructions to that committee be final, which was carried, and the senator moved a reconsideration of that vote and the motion to reconsider was lost—that applied to that committee—and now, what is the motion of the senator from Penobscot?

Mr. GARDNER: I assumed that all those votes relative to instructions to the committee of conference were proposed for effect on the committee on the other proposition, and not that it was final action on the part of the Senate. I now move that the Senate recede and concur with the House in its action on its motion to insist.

Mr. GOODWIN: Will the Chair permit a parliamentary inquiry?

The President: Certainly.

Mr. GOODWIN: Mr. President, it is a well established rule that the House cannot do indirectly what they cannot do directly. The House, yesterday, directly gave this committee final instructions in regard to this matter and voted upon it intelligently. How can they come in this morning and indirectly reach what they cannot do directly.

The PRESIDENT: That is the question which the Chair is considering, whether a motion to recede would be in order, which would be reversing the action of yesterday.

Mr. GOODWIN: After a motion to adhere, by the Senate, and the motion to reconsider is lost, how can you get in a motion to reconsider?

The PRESIDENT: That is the very point the Chair has in consideration.

Mr. GARDNER: I assume that all these matters were with reference to that committee, and that instructions to the committee do not settle our final action on this matter. The Senate did not vote to adhere, but the committee were instructed by the Senate to adhere, which was an expression of the Senate that it should adhere.

The PRESIDENT: The instruction to that committee was to adhere, and the motion to reconsider was lost, as well as the vote to reconsider the final instructions. The Chair is very much in doubt as to the proper ruling at the present time. A motion to recede and concur is in order in many instances—whether it is at the present time the Chair is unable to state, and would ask the leniency of the Senate that he may consider the matter further, and that the matter may be laid on the table pending the examination.

Mr. GARDNER: Mr. President, I appreciate every moment of delay.

The PRESIDENT: The Chair would like to look into the matter. The Chair will call another senator to the Chair temporarily that the business may be facilitated.

On motion by Mr. Goodwin of Somerset, the report of the committee on conference was laid on the table, also the motion of the senator from Penobscot. Mr. Gardner.

Mr. GARDNER: Mr. President, I would suggest that any technical point raised here to prevent the action of the Senate directly on this matter at this time would perhaps be in the way of barring reconsideration. I think the plain view should be that, if the Senate wish, they should have a chance to vote directly on the issue.

The PRESIDENT: Parliamentary rules are established for the prosecution of business and sometimes to prevent proceedings is to facilitate business.

Mr. GOODWIN: Were it otherwise we could vote one way one day and another another—for a whole year.

Mr. GARDNER: I should hardly agree. At this point Mr. Stetson of Penobscot, was called to the Chair.

In matter of resolve providing for the expense of examining candidates for the Cecil John Rhodes scholarships, the Senate concurred with the House in the substitution of the resolve for the report. The resolve took its several readings under suspension of the rules and was passed to be engrossed.

On motion by Mr. Wilson of Washington, on bill, An Act relating to apportionment of the State school fund and mill tax, the Senate non-concurred with the House in referring the bill to the next Legislature, and voted to accept the majority report of the committee "ought not to pass."

Resolve in favor of the Maine State Prison. (House amendment A adopted in concurrence and, as amended, the resolve was passed to be engrossed.)

Bill, An Act for the protection of shore birds. (House amendment A, B and C adopted in concurrence; and as amended the bill took its several readings and was passed to be engrossed.)

Reports A, B and C of the committee on judiciary, on resolve relating to election of United States senators by direct vote of the people, came from the House, the Chair having accepted report A, that the bill be referred to the next Legislature. Report B reported the bill in new draft under same title. Report C "ought not to pass."

Mr. WING of Androscoggin: I desire to ask the Senate to accept report C, which my name appears upon—that the resolution "ought not to pass." We have had success in the methods that have hitherto obtained for the election of United States senators. We have as creditable a representation in Congress as any state, and for senators we have as much influence in that body as any state, no matter what state or how large or important. It is a recognized fact the world over that the senators from Maine ably and creditably represent this State. Now, they have been elected from the Legislature. It has seemed to work pretty well, and I am opposed to a change. I think we should go along as we have gone along; and not only that—when the question has come up relative to the change, our United States senators have gone on record as being opposed to it. I do not think it is a handsome thing for this Senate, in the face and eyes of the fact that those senators have been elected—and all senators since 1802 (?) by the Legislature, should now be elected by the people. Let well enough alone; and I ask the senators to vote to accept the report "ought not to pass."

Mr. STAPLES of Knox: Mr. President, I can see no objection to letting the people of the State vote directly upon that question. I do not think we should ever take anything from them. To be sure, we have been electing senators by the Legislature. I agree with the senator from Androscoggin that Maine has been very well favored in its selection of United States senators; but it is a fact nevertheless that the people of the State are electing their own officers, and I always was and always shall be in favor of letting those matters rest entirely with the people; and I apprehend that the people of the State of Maine will elect just as good representatives as the Legislature. I do not care whether our present senators are in favor of it or against it. Read the history of this country today relating to the election of senators by Legislatures, and you will find it is not a very creditable one to the people of the United States. We have seen, time and time again, within the last 20 years, in the State of Maine, that the man who had the most money got the election in the Legislatures of the United States, so much so that it has been a disgrace to the United States. If you submit it to the people and let them vote upon it, you won't have any such examples as those which have disgraced this country in the last 25 years in many states of this Union. What objection can there be to letting people vote upon this? I am willing to trust to the

people upon this matter. Let them vote directly for the servants they want to rule over them. That is entirely democratic, republican, and entirely in keeping with the fundamental principles of our government. Let us keep it down to the people just as close as we can. I hope the motion of the senator from Androscoggin will not prevail.

The PRESIDENT: The motion of the senator from Androscoggin takes precedence—the motion being to non-concur with the House in the adoption of amendment A, that it be reported to the next Legislature.

The question being put, the motion prevailed. On further motion by the same senator report C of the committee was accepted that the same ought not to pass.

Bill, An Act to provide for the appointment of a commission to investigate the causes of floods and overflows of river and water courses, and storage water, and to make recommendations for preventing floods and for storing water, and to make an appropriation therefor, came from the House indefinitely postponed by that branch.

Mr. STAPLES of Knox: Mr. President, that bill called for the appointment of three commissioners with a certain amount of money. It is quite evident to me that there can be no possible good derived from the bill. It is evident there are three men somewhere in the State of Maine who want a position; and it seems to me this bill is gotten up for that very purpose. I hope the bill will be buried so deep that it will never be resurrected.

Mr. GOODWIN of Somerset: Mr. President, although this is the only measure I have had personally before the Legislature, I move that it be indefinitely postponed.

Mr. MADDOCKS of Lincoln: Mr. President, I will not discuss the merits of this bill, so far as it relates to the appropriation. I do not undertake to be well enough informed to say whether or not the State can make that appropriation consistently. I will say as a member of the committee on interior waters, that no bill has been presented to our committee that has impressed me so favorably as this bill. The water power of the State seems to be its greatest asset; and it is evident to every man who has served on the committee on interior waters this winter that some reliable information be available for future reference so

that we may act intelligently and for the interest of the State. The small sum required is a mere pittance. When we are called upon here to legislate away the rights of the great water power of the State, and of the great interests of the State which are dependent upon water powers, it is a serious question.

The question being put, it was voted to indefinitely postpone the bill in concurrence.

Bill An Act to regulate the use of automobiles and motor vehicles upon the public ways, came from the House with three amendments. The Senate non-concurred in the adoption of the amendments and the bill was returned to the House. The House insisted on the amendments and requested a committee of conference. On motion by Mr. Guernsey of Piscataquis, the chair appointed as such committee Messrs. Guernsey of Piscataquis, Wing of Androscoggin and Morrison of York.

The committee of conference to which was referred the disagreeing vote of the Senate and House on bill, An Act relating to corporations, report that they have agreed upon the recommendation that the Senate recede and concur. Report accepted. The Senate thereupon voted to reconsider the vote whereby the bill was indefinitely postponed. Under suspension of the rules the bill took its several readings and was passed to be engrossed.

For titles of bills passed to be enacted and resolves finally passed, see House report of proceedings of previous session.

A recess was here taken. After recess, the President in the chair presiding:

On motion by Mr. Goodwin of Somerset, Senate report on House document relating to the Louisiana Exposition was taken from the table.

The PRESIDENT: The pending question is on the motion of the senator from Penobscot, Mr. Gardiner, who moves that the Senate recede and concur. Pending the motion of the senator from Penobscot, the senator from Somerset, Mr. Goodwin, raises the point of order that the motion is not in order.

The Chair after investigation will rule,—and before ruling will state the

status of the matter as the Chair understands it—that the Senate voted to indefinitely postpone the bill; that the House insisted and joined a committee of conference. The Senate instructed its committee to notify the House conferees to adhere and that they had been instructed to adhere in the action of the Senate in indefinitely postponing the bill. The Senate instructed its committee as to final instructions to notify the conferees to adhere. Under the parliamentary law, and so far as I have been able to ascertain from the rules adopted by the Legislature, the object of conference committees is to adjust differences between the bodies. The Senate has not voted directly to adhere, as the secretary informs me the record is. It may be said it has voted indirectly to adhere by instructing its committee. It is a very fine point, and there are precedents probably both ways. The Chair is inclined to rule that the instructions to the committee were for the sake of influencing the House conferees to compel them to recede and concur with the action of the Senate. Under our own rule, when the report is made of a conference committee no other action shall be had except through another committee of conference. The Chair is inclined to rule that the motion to insist on the part of the Senate and to call for a committee of conference would be in order, in order to get the two bodies together. A motion to insist being in order, a motion to recede and concur would be in order. That is the ruling of the Chair.

Mr. GOODWIN of Somerset: Mr. President: Speaking upon the point of order, under the ruling of the Chair, there is apparently no way in which we could kill the bill indefinitely, yesterday, because we could not vote to adhere and kill it in that way, because parliamentary courtesy demanded that we should meet the request of the House for conference. Therefore we appointed a committee of conference. Now the only way in which the Senate might have stamped its action of approval or disapproval upon the measure for all time and prevent it from being brought up, today, in the absence of senators was by instructing those conferees fi-

nally that they should not agree with the conferees of the House and then by refusing to reconsider that the motion, which absolutely killed the measure. That was the action of the Senate, yesterday. Now we cannot under our rules do indirectly what we cannot do directly; and having directly killed the measure, yesterday, how can we, today, bring it up indirectly? There is no reflection in what I have to say in any way, shape or manner; but of course the wise thing to do is to fix the parliamentary status for all time to come. This is a parliamentary question. The Chair has his views. The secretary of the Senate may have his views, and members may have theirs. We are trying to establish precedents that shall be a guiding star for the Senate and House; and therefore, for the purpose of getting an expression upon this parliamentary question I shall ask to take an appeal of the Senate from the ruling of the Chair. I understand that it in no way affects the main question or the ruling of the Chair.

The PRESIDENT: Pending the appeal the Chair will take the liberty to reply informally, without taking informally the suggestions made by the senator from Somerset, who states that there was no way yesterday in which the bill could have been finally disposed of. There was a way. The Senate could have voted to adhere. The Senate today can move to adhere, and if they see fit to adhere, can finally kill the bill today. That is the parliamentary status as the Chair understands it. The Senate has not voted directly to adhere. A motion to recede before you concur takes precedence to a motion to adhere. Likewise, a motion to insist. If either of these motions are made and voted down, then the Senate can take up a motion to adhere and finally dispose of the bill—move to reconsider—vote that down—it is all disposed of. It rests in the hands of the Senate, without any appeal from the Chair, in the Senate, for instance upon these motions.

Mr. GARDNER of Penobscot: Mr. President, I trust that the ruling of our presiding officer will be sustained and I hope that the senators in this body, after having witnessed through these whole proceedings the painstaking care with which our presiding officer has treated all questions, I think I am frank in assuming that no presiding officer who has filled this chair for many years has been more painstaking or has exercised greater care than our present presiding officer as to ruling judicially and fairly; and I trust the ruling of the Chair will be sustained. The suggestions of the senator from Somerset that there is no way of finally settling the matter does not seem to me correct, be-

cause we should be obliged on every call for a committee, for the sake of courtesy to grant that committee. I think if the other branch of this Legislature went to extreme lengths and called unreasonably many times for a committee of conference that the sense of this Senate would not grant it, and I think it is an inference which is not tenable. I hope the ruling of the Chair will be sustained and that the body will have a chance to vote directly, either to recede and concur with the House in their action or to adhere to their former action.

The PRESIDENT: The question is on the motion of the senator from Somerset, Mr. Goodwin. I think there is a technical form which the Chair will state in order that the record may be correct. The form of the question is: Shall the decision of the Chair stand as the judgment of the Senate? All senators in favor that the decision of the Chair shall stand as the decision of the Senate will say aye; all opposed, no.

The vote being taken the ruling of the chair was sustained.

Mr. GARDNER of Penobscot: Mr. President, I now move that the Senate recede and concur with the House in this matter.

Mr. GOODWIN of Somerset: Mr. President, there is a great deal to be said upon this question, this morning, as to whether we shall recede and concur with the House in granting this appropriation. Yesterday, we emphatically refused to grant it. Now there can be no reason why the motion should be brought up today, except that some secret influence, which I know not of, has been brought to bear upon individual members of the Senate. It seems to me, confronted as we are by the staggering proposition advanced by the Governor, himself, today, in his veto message to the House, that any senator in this body who votes to grant this appropriation votes contrary to the instructions of the Governor, sent down in his veto message not more than half an hour ago to the House. I hold that message in my hand, senators; and that message I want to read to you:

"State of Maine, Executive Chamber. To the Hon. House of Representatives: I have examined the resolve in favor of the town of Fort Kent for the sum of \$1500. I return the same herewith, without my approval, and desire to submit for your consideration some facts and figures in relation to State finances."

The Governor has submitted for our consideration some facts and figures in relation to State finances in consideration of his veto on the bridge matter of \$1500: "Estimated income of the State for 1903, \$2,100,000, and for 1904 approximately \$2,000,000, a total of \$4,100,000. Appropriations already made and pending aggregate over \$4,650,000—\$550,000 increase over the amount appropriated by the 70th Legislature and more than that Legislature appropriated for the years 1901 and 1902 of over \$300,000." It is the Governor's message—there can be no question about the figures. "The amount actually in the treasury available for the payment of current obligations is less than

\$287,000, and nearly all will be required to meet necessary expenditures in excess of the current revenue within the next three months. Of the above amount about \$4,000 is due members of the Legislature on the pay roll. It is evident that unless appropriations now under consideration are materially reduced, the State treasurer will be compelled to make a temporary loan; and since the constitution does not permit the creation of a State debt in excess of \$300,000 except for war purposes, it seems to me most unwise to make any appropriations not absolutely required and which will result in the creation of a floating debt." Is there any senator on the floor of this body that will vote for an appropriation of \$40,000 for St. Louis when the Governor in his veto message on An Act calling for \$1500 for a bridge in Aroostook county says it will be "most unwise to make any appropriations not absolutely required." This appropriation for St. Louis is not absolutely required. It is man within the length and breadth of the whole State of Maine. We have had it discussed here. The Senators understand it, and it is not for me to go into the question of the right, or wrong of that. Continuing further, the Governor says that "we should conduct the business of the State as we would our own affairs. The people demand, and the people expect from us the same careful, prudent management which characterizes the administration of every successful private business, and that the promises of economy in the public expense will be fulfilled." We have made that promise as a party. We have made it in our platform. The Governor of the State in his veto message, today, asks us to keep that promise and the promise of economy in public expense. Will you vote it down, after voting the other way, yesterday? The Governor continues: "Those who have been entrusted with the management of State matters will be held strictly responsible for any excessive or unwise appropriations." And if it is unwise to appropriate \$1500 for a town whose tax rate is 37 mills, away up in the northern part of Aroostook, to help out a struggling community, I ask you if it is not unwise to send \$40,000 out to the state of Missouri which can do no good to anybody in the State of Maine? There is the issue, gentlemen. If he sees fit to veto the little bridge appropriations brought up for a little, struggling community, and we send broadcast out of this State into another state \$40,000—which is \$20,000 more than the entire bridge appropriations now lying upon our table call for.

There is the issue that we go before the people upon in the next election: The Governor asking us, in private, at least, and I say it advisedly, asking us not to make unwise appropriations, when he vetoes a little bill of \$1500 for a town whose tax rate is 37 mills. We are strictly responsible. He says further: "We can offer no excuse which will be considered a sufficient reason for the failure to do our whole duty in the fulfillment of the pledges which we have made, and the blame will rest upon us if we are faithless to our

trust. For reasons here given, I submit the matter to your consideration. (Signed) John F. Hill." (Applause.)

It has been told to me, this morning, that there had been taken into the executive chamber senators from this body who had been consulted in reference to this St. Louis appropriation, and the cry has gone forth in this State House that this appropriation should be granted because the Governor's wife comes from St. Louis. This I do not believe to be true. But that is the argument made by the gentlemen who are in favor of it. Now, senators, what can we say? What can we say to our people when we go back to them? That we voted down that little appropriation because somebody high in authority wanted it to be given? It is a most absurd and ridiculous position for the Republican party to be placed in by this action which is here sought to be crowded through this Senate the last day of the session, when we are tired and weary--crowded through for a junketing trip, which every honest man throughout this State will repudiate, when you consider the state of the finances of the State at the present time. (Applause.) I believe that the senators in this body have as much independence and honor and uprightness--and I do not believe what has been intimated, that two or more may change their vote because they are going out to St. Louis as commissioners upon this exposition. God forbid, when any legislative body gets in that condition. Such a thing as that has been intimated. I do not believe that the senator, if he changes today, will change for that reason, and I say it openly, it will be because he conscientiously has found something different today from what he found yesterday. Yesterday, he voted this appropriation down. Today, he gets the Governor's message requiring us to vote this appropriation down; and how, in the face of that message, can we possibly vote it up?

Senators, I appeal to you, as the guardians of the public treasury—I appeal to you as members of the Republican party, do not give to our enemies in the next election the cry that has gone forth all over this State in the papers, that we are extravagant and that we have run wild about expenditures. Let us go back to them and say to them, we did not appropriate this \$40,000. We did appropriate for the bridges of the State for little communities that were struggling for an existence. (Applause.)

Mr. WILSON of Washington: Mr. President, considering that the senator from Somerset voted against the bridge bill, I hope the Senate will excuse any tears he may shed over them.

Mr. GOODWIN of Somerset: Mr. President, let me reply. I did vote against the bridge bills yesterday, after we had received an intimation from His Excellency, the Governor of the State, that the finances of the State would not warrant us in voting for them.

Mr. WILSON of Washington: Mr. President, I want to state that the Governor has not so far changed my vote at all in this matter.

Mr. GAIDNER of Penobscot: Mr. President, I take issue with the senator from Somerset that no honest man can vote for this appropriation. I also suggest that it is in rather poor taste to say that this Senate is voting for an appropriation because the Governor's wife is interested in it. I regret very much that that matter has been brought upon the floor of this House. I will say that I heard the Governor say this morning that he understood such a rumor was gaining ground, and he trusted that it would be disregarded. I heard other gentlemen dispute that matter. I will say briefly as to the issue, I voted for this measure because I believe it is just and right, even though the amount is small on so large a matter as the exposition; and if we cannot appropriate \$40,000 I trust the Senate will vote that we may be represented there. As to the bridges, they are wholly local matters. I trust that this will go through the Senate and that this State will be represented at the exposition; and I trust that this campaign literature talk won't have any effect upon this body--will not prevent the State from taking part in the exposition.

Mr. BURNS of Cumberland: Mr. President, I will say for the benefit of this body that I asked the Governor if he cared to express an opinion, even privately, on the St. Louis resolve. He told me he didn't care to do it. I voted for the report "ought to pass" on this resolve. I believe it is a wise appropriation and see no reason why I should change my vote, and if I have the opportunity I shall vote for it today.

Mr. PIKE of Washington: Mr. President, the first time this matter came up, I voted for it. Yesterday after the vote was passed, we were told that if we sent \$40,000 out to St. Louise it would cut down our school fund, and I changed in the interest of the school money. Since that time we have passed the school money and have got as much, or more, than we have previously had; and my objection to this bill is removed and I shall vote for it.

Mr. GOODWIN of Somerset: Mr. President, every dollar appropriated for the school money is taken from the public treasury, and it is just so much short of public funds, although it has gone to the school funds.

Mr. BUCK of Hancock: I do not remember, but think we had enough. If we haven't, I do not want it taken from the school fund.

Mr. GOODWIN: It would have been taken from the school fund, yesterday.

The question being put upon the motion of Mr. Gardner of Penobscot, that the Senate recede and concur, the vote was as follows: Those voting yea were Messrs. Buck, Burns, Gardner, Guernsey, Maddocks, Morrison, Plummer, Rankin, Staples of Cumberland, Stetson, Wilson, Wing--12; those voting nay were Messrs. Alden, Bryant, Clark, Currier, Dudley, Goodwin, Hyde, Libby, Morse, Pike, Randall, Staples of Knox--12. The following pairs were announced: Mr. Burleigh voting no with Mr. Titcomb voting yes; Mr. Manley voting yes with Mr. Pierce voting no.

Mr. Manley stated: I do not know as I have stated Mr. Pierce's position correctly. He would have voted no and I would have voted for the proposition.

The vote being declared a tie, the President directed the secretary to call the name of the President, and his name being called, Mr. Virgin voted yea, and the motion to recede and concur was declared carried.

Mr. Gardner of Penobscot, thereupon moved to reconsider the vote whereby the Senate voted to recede and concur, and the question being put the motion was lost.

The resolve thereupon took its two several readings and was passed to be engrossed.

House bill No. 538, An Act to fix the salary of the secretary of State was returned from the House, that body insisting on its action and calling for a committee of conference. On motion by Mr. Wilson of Washington, the Senate thereupon insisted and voted to join the committee of conference. Pending the appointment of such committee, Mr. Manley of Kennebec, moved to reconsider the last named action of the Senate, and moved that when the vote is taken it be by the yeas and nays.

The PRESIDENT: The Chair understands that it requires one-fifth of the members of the Senate—not one-fifth of the members present.

Mr. MANLEY: Is it not contrary to all precedent?

The PRESIDENT: If the Senate calls for a ruling on that, the Chair can ascertain from the constitution, and will look up the rule—that has been the construction given by the Chair—that it requires one-fifth of the Senate to call for the yeas and nays. If the Chair is not correct, the Chair will be very glad to revise the ruling.

The Chair declared that a sufficient number had not voted in support of the yeas and nays, and a rising vote was taken on the motion to reconsider, which motion was declared lost.

On motion by Mr. Wilson of Washington, it was voted that the three senators on the salary committee should be appointed on the committee of conference.

Mr. MANLEY of Kennebec: Mr. President, Will the Chair inform me where can I find any authority that it takes one-fifth of the senators to call for the yeas and nays?

The PRESIDENT: It is the Chair's understanding that it is a provision of the constitution.

Mr. MANLEY: I can find nothing in the constitution relating to it.

The CHAIR: The constitution provides, Section 5, Article IV: Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy: and the yeas and

nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journals. The Chair was wrong, and corrects its ruling. There was no appeal taken. The Chair stated he would like to be corrected, if wrong.

Mr. MANLEY: The senator from Kennebec made the motion that the vote be taken by the yeas and nays, and a sufficient number arose, and the Chair ruled it out of order.

The PRESIDENT: No appeal was taken. If the senator desires the yeas and nays it will be necessary to reconsider the vote. The vote will stand, unless it is reconsidered.

Mr. MANLEY of Kennebec: Did not the Chair reverse its decision on this question?

The PRESIDENT: The Chair did, but did not reverse the vote.

The CHAIR: It is not too late to move to reconsider the vote now.

Mr. Staples of Knox, moved that the vote whereby the Senate voted not to reconsider the vote insisting on the action of the Senate and appointing a committee of conference, and the yeas and nays were called for and ordered on motion by Mr. Manley of Kennebec. The vote being had, resulted as follows: Those voting yea were Messrs. Hyde, Manley, Rankin, Staples (Knox), (4). Those voting Nay, were Messrs. Alden, Bryant, Burleigh, Burns, Clark, Dudley, Goodwin, Libby, Maddocks, Morrison, Morse, Pike, Plummer, Randall, Staples (Cumberland), Stetson, Wilson, Wing, (17).

Bill, An Act to fix the salary of the attorney general, the pending question the appointment of a committee of conference on the part of the Senate, the Chair appointed the same committee as in the preceding matter.

House Document 503, bill, in relation to amendment to the constitution increasing the debt limit to 7½ per cent., which was passed to be engrossed in the House, indefinitely postponed in the Senate, now comes back from the House, that body insisting on their action and asking for a committee of conference.

On motion by Mr. Wilson of Washington, the Senate insisted upon its former action and the Chair appointed

as a committee of conference on the part of the Senate, Messrs. Wilson of Washington, Manley of Kennebec, and Hyde of Sagadahoc.

(The Senate here took a recess until 2.30 P. M.)

After Recess, 2.30 P. M.

On motion of Mr. Stetson of Penobscot, Resolve on the pay-roll of the House took its two several readings under suspension of the rules, without printing, and was passed to be engrossed.

On House Document 511, An Act relating to apportionment of State school fund, or mill tax, a committee of conference was joined on the part of the Senate consisting of Messrs. Staples of Knox, and Burleigh and Dudley of Aroostook.

On order relative to the appointment of a commission in relation to the advisability of removing the State capitol, the Chair appointed on the part of the Senate on said commission, Messrs. Hyde of Sagadahoc, Wilson of Washington, and Don A. H. Powers of Houlton.

On Resolve in favor of the town of Fort Kent, which came from the House, final passage reconsidered, the question then being stated: "Shall the bill become a law notwithstanding the exceptions of the Governor?" the yeas and nays having been called and none voting in favor, and 111 against, the resolve was refused a passage over the veto, the Senate concurred in the action named, on motion of Mr. Stetson of Penobscot. Pending the reception of the message of the Governor accompanying said resolve, on motion by the same senator the resolve was laid on the table.

The committee of conference on the part of the Senate on increase of municipal indebtedness reported that they were unable to agree and directed that the matter be laid on the table.

Closing Exercises.

Mr. STETSON of Penobscot, presented the following.

Resolve, that the member of the Senate extend at this time their thanks to the President, and their appreciation of the just, able and impartial manner

in which he has presided over the deliberations of this session, and said:

Mr. Secretary:—Before the motion is put, I desire to add a few words to the resolutions which have been offered, and to express my feelings of profound respect for the gentleman who has so ably, and I believe to the satisfaction of every senator, presided over this body. It seems but a short three months ago, that we assembled in this room and with one accord chose him as our President, and today we can say that we made no mistake, for his rulings have been fair and just, his actions those of a courteous gentleman, and he has indeed won our respect.

To you fellow senators, I wish to express my appreciation of your uniform kindness, and though we may have honestly differed on some questions, still we have all worked for what we believed to be the best interests of our State.

We came here as comparative strangers, warm friendships have been made and I can truly say that I am sorry to part.

May the rest of your days be filled with pleasant thoughts of the friendships we have formed.

To you Mr. President, I wish to express my sincere thanks for your many favors and my earnest wish for you is that your life may be long, and that you may be surrounded with all the joys and blessings, which come to one, who like yourself, earns and is entitled to them."

Mr. WING, of Androscoggin:— Mr. President,

The lengthening shadows admonish us that the seventy-first Legislature of Maine is nearly at an end. The session has had many important public questions to decide, and I believe the members of the body have acted with absolute honesty of purpose and integrity of desire in the consideration and determination of all matters in which the people of the state, whom they represent, have such a vital and absorbing interest.

Unless we could as an entire body, be transferred to that imaginary island of Sir Thomas Moore—Utopia, the abode of a people free from care, folly and the common miseries of life—

we could not well hope to agree with one another upon all public or private measures, nor properly and completely respect the views and opinions of each other. Having been denied entrance to that place, which exists only in sentiment, and compelled to stand face to face with business conditions as they have existed, we have been obliged to exercise our best judgment, sometimes hastily, never too well considered, in determining for those we have had the honor to represent the issues of the passing hour.

It is useless to claim that men of positive convictions can, during the warmth and glow of discussion, dispute and argument, properly and completely respect the views and opinions of others, but if we have differed it has not been on account of obstinate and perverse conditions of mind, but rather from the light which has shown upon the way before us that made the course we have adopted seem to us to be right, and I feel sure that when the decisions have by majority vote been rendered, we have bowed respectfully to the will of superior numbers, and consented at least, that those comprising the majority were right.

We have been particularly favored having made so wise a selection in all our officers, from President to Page. Uniform courtesy, impartial action and absolute fairness have characterized the action of our President, and only in one instance has an appeal from his ruling been thought of. Patience, kindness, toleration and deliberation have been in evidence during every day of the session—kindness to all, from senator to page, toleration of the wishes and opinions of the members, patience with those unfamiliar with parliamentary law and, unacquainted with the rules of the Senate, and deliberation in matters of importance, so that action could be taken with a full understanding, after a clear statement from the chair of the issue to be determined by a vote of the Senate.

We have been deprived of the constant attendance of the senator from Kennebec on account of his illness, a circumstance which made us all anxious, but his return to his seat with improved condition of health, has been

the glad event of the session. We have all deeply sympathized with our brother senator from Washington, whose happiness has been marred by the dangerous illness of his wife, and while he has known that he had the sympathy of his brother senators in his great anxiety, I cannot allow the moment to pass without giving him again the most positive assurance of our respect and friendship for him, realizing as we do the great uneasiness and concern which have occupied his mind and cast a deep shadow for many weeks upon his life, but the promise of returning health to her who is a part of his life, has come like the dawn of a new day, full of hope, and has renewed his courage and completely reconciled him to his self imposed duties so cheerfully performed in caring for the woman he loves. And our good friend the messenger has caused us anxiety, but his return to his varied and exacting duties, bringing with him his unceasing efforts to please, has been hailed by us all with satisfaction and delight.

The pleasant acquaintances made, the close friendships formed, the good fellowship enjoyed, will last through life and be a source of satisfaction to us always. We may wish for our successors in this chamber every good thing, but we cannot expect they will find truer hearted more generous gentlemen than the members of this body whom we have learned to respect and love. I wish you, fellow senators, and my friends the officers and attendants upon this body, all success and prosperity, and may God save the state of Maine and bless us all.

Mr. STAPLES of Knox: Mr. President, and fellow senators. I feel to appreciate the courtesies that have been extended to me as the minority member of this Senate, many times, by the President of the Senate. I shall ever remember it as long as I live. I congratulate myself today that, considering my environments—being here alone with 30 Republican senators, I am in fairly good health today. There is a tinge of sadness always accompanying the dissolution of a body like this. While we have had many heated debates, while I have differed most of the time with a majority of the Senate, they have extended to me the right to express my opinion, and I thank the senators for their courtesy. The tinge of sadness which we all recognize as we part, is taken away when I

think that if we do not meet again in this chamber, we shall meet together in the great hereafter. I believe that, coming together as we have here and mingling together is a discipline that the Great Intelligence intended should be afforded to man—a discipline for a far grander and nobler state of existence beyond this. If it were not so, I should feel sadder today, Mr. President, than I do, or shall, as I take each and every brother by the hand. But I am reminded of a grander truth than that—that when we get through with this life, that it is so arranged by that Great Mind—the Master of the Universe—that we shall meet again upon the other shore. Now, as we are about to separate, it is highly improbable that all of us shall again meet in this chamber; and, while we have differed, I am glad of one thing, that we carry away with us no scars, no wounds, but that we will forget every hasty word that has been spoken. I have the most profound respect for every member of this body and for the President of the Senate, whose arduous duties have been performed so admirably, so patiently and so kindly by him. I concur in all that the distinguished senator from Androscoggin has said about the messenger, his courtesy, friendliness and patience has been the characteristic of every member and officer of this body; and I trust that as you go to your homes you will hereafter be blessed in the past, and if we do not meet again upon this shore, when we bid our friends good-night here, let us remember that we shall bid our friends that have gone before, good-morning on the other shore (applause).

The PRESIDENT: Fellow senators, I assure you it is gratifying to listen to your resolution, and also to the words of commendation spoken upon the resolution. When I came here, I received, as has been stated, the unanimous support of you all for the position which I now occupy. It has been my endeavor, ever since I was elected, to perform the duties of the office fairly, impartially and to the best of my ability; and if I have merited your approval, as I seem to have done, it is to me one of the most satisfying epochs in my life. The position entails arduous duties—duties that are sometimes full of such difficulties that a presiding officer hardly knows what is the proper course to pursue, the dividing line is so fine. In all decisions that the Chair is made, the Chair has been led by what he believed to be right and proper, in every way; and I, at this time, wish to acknowledge the great assistance the Chair has received from the secretary of the body. His long experience in the duties that pertain to that office, his suggestions that he has made to the Chair from time to time as occasion demanded, his intimate knowledge of parliamentary law, has been of great assistance to the Chair. I am also indebted to the messenger who has been here for so many years—27 years, I think—as the messenger of this body, who is so conversant with his duties and who on all occasions has been courtesy itself, who ever looks after the interests of every senator, anxious to get everything for him that was

necessary to enable him to perform his duties, to see that his mail was placed upon his desk, as has been his instruction to the mail carrier, and to see that other subordinate officers performed their duties uniformly and well—all merit from the senators their profound thanks. The senators were disturbed at one time by his illness and fears were entertained that he might not be with us during the remainder of the session; but, thanks to Him who has us all in his charge, our messenger recovered his health, not fully, however, until after he reached this chamber and breathed the spirit that pervades this body. I think that put more life into him than all the medicine he has taken during his illness.

Of course, in a body like this there are questions arising which always will bring with them differences of opinion. It is inevitable that such is the case; but I believe each senator in his discussion of the problems before him has voted as his honest conviction determined him to do. There has been some sharpness in the discussion, and some feeling displayed; but I feel that each senator as he departs from this chamber will put aside all feeling of dissatisfaction and entertain no ill will against any fellow senator.

When we assembled here we knew what was before us, and it is my conviction that when we go hence we shall go filled with the conviction that we have each done our duty as we saw it, have been true to ourselves and the best interests of the State.

I thank you, fellow senators, for your resolutions and for your kind words (applause).

Mr. BRYANT of Somerset: (In presenting on behalf of the senators to the President a bronze bust of Esmerelda.)

Mr. President: The adjournment of the 71st Legislature of Maine is near at hand, and as we take a retrospect of the work and occurrences of the session we are reminded, among other things, of the division and differences of opinion that the various acts and resolves and committee reports have produced.

But I raise, Mr. President, to perform a duty and take action over which there will be no division. One which will meet with the approval and consent of every senator. This duty brings to me feelings of mingled pleasure and sadness;—of sadness because it reminds me that the golden links that have bound us together in such cordial and fraternal relations are, for a time at least, to be severed, and soon we shall be saying our "good-byes." Of pleasure because it enables me, and through me, the other members of this body, to express their high esteem and appreciation of the able, dignified, impartial and courteous manner in which you have presided over our deliberations.

In behalf of this Senate I present you this piece of statuary as a token of the esteem and good will which every senator entertains for you.

Human nature is such that we love to be remembered by those whom we esteem and in future years as you look at this gift we entertain the hope that you will kindly remember us as somewhere in the State conscientiously striving to work out the

great problems of life. In future years as you gaze at the face of this statue and are reminded of the crescent of faces that have set under your kind and courteous guidance, and as in imagination you hear the old familiar roll call beginning with Alden and ending with Wing, be assured that somewhere in the good old State of Maine we are all voting a hearty "yes" in favor of your peace, prosperity, advancement and length of days.

Mr. President, we beg you to accept this gift as an evidence of the good will of every senator in this body, the minority not excepted.

Mr. GOODWIN of Somerset: Mr. President, I was not selected as one of the speakers, but I do wish to extend to the President of the chamber my sincere and cordial thanks for his uniformly courteous treatment, and for his fair and impartial rulings; and to all of the senators, as they shall go from this chamber—for each and every one I have the most profound respect including those who have been opposed to me upon any of the measures that have been before us. I love them for their courage in taking the stand they have, and to one and all I say, may peace, prosperity and health attend you ever.

The PRESIDENT: Fellow senators, I wish to thank you not only for your kindness, expressed in the words that you have previously uttered, but for this token of your good will which the senator from Somerset, Mr. Bryant, has so eloquently portrayed.

I can assure you that the memory of you all will go with me throughout my life. I shall recall you, every one, from the senator from Kennebec, Mr. Alden, to the senator from Androscoggin, Mr. Wing. I shall see your faces, I shall hear your voices, and they will be as familiar and welcome to me in my meditations as they have been in reality here. This bronze which you have given me will have an honored place in my home, and will remind me, as I see it from day to day, of yourselves, and of the pleasant incidents that have occurred during this session of the Legislature. I shall not need this to recall these associations. Nevertheless it is gratifying to possess it, and will bring you back to me and remind me that although some of us may not meet here again, still we shall all meet hereafter. I can only say to you that the best prayer I can utter is: "God be with us every one until we meet again."

The Senate reconsidered the vote whereby Senate Document 45 was passed to be engrossed, and the same was referred to the special commission to investigate the amount of salaries.

On motion by Mr. Manley of Kennebec, the bill, An Act relating to Wiscasset bridge was taken from the table and on further motion by the same senator was passed to be enacted.

On motion by Mr. Burlough of Aroostook, the vote whereby House Document 540, relative to salaries and com-

penensation of members of the Legislature was passed to be engrossed was reconsidered and the same was amended by Senate Amendment B, and as amended was passed to be engrossed.

The committee of conference on resolve in relation to salary of attorney general, reported "unable to agree." On motion of Mr. Morrison of York, the Senate adhered.

The committee of conference on resolve in relation to salary of secretary of State, reported "unable to agree," and on motion by the same senator the Senate adhered.

The committee of conference on the part of the Senate, on bill, An Act relating to apportionment of State school fund or mill tax, reported "That Senate recede and concur with the House in referring the bill to the next Legislature." Report accepted. A motion that the bill be tabled pending acceptance of the report was lost.

(A recess was here taken.)

The committee of conference on disagreeing action of the Senate and House, on bill, An Act to regulate the use of automobiles and motor vehicles on public ways, reported disagreement, and the report was accepted in concurrence. The House then having reconsidered the vote to adhere voted to insist, and asked for a second committee of conference. Thereupon, on motion by Mr. Wing of Androscoggin, the report of the committee of conference was accepted, and on the motion of the same senator a second committee of conference was joined on the part of the Senate, the Chair appointing Messrs. Wilson of Washington, Manley of Kennebec, and Hyde of Sagadahoc.

On motion of Mr. Goodwin of Somerset, it was ordered that a message be sent to the engrossing department requesting the return of the St. Louis Exposition resolve in new draft.

Mr. GOODWIN: I want to state what I have done, and what for. That is the St. Louis Exposition matter. I want to put this upon the table for half an hour and we will take a recess until half-past five and then have the matter called up and indefinitely postponed. It may be all ready to come up. I thought in fairness to all that everybody should have notice and should be here at the

proper time. I give notice to the Senate that I will call this matter from the table at 5.30 P. M.

In compliance with the order to the engrossing office, House Document 119, being resolve relating to the St. Louis Exposition in new draft, was returned to the Senate, and on motion by Mr. Goodwin of Somerset, the vote was reconsidered whereby the resolve was passed to be engrossed, and the same senator moved that the resolve be indefinitely postponed. A motion to reconsider the vote to indefinitely postpone was lost.

The committee of conference relating to bill regulating the use of automobiles and motor vehicles reported that they had agreed upon a new draft herewith submitted. Report accepted. On motion by Mr. Manley of Kennebec, the bill took its several readings and passed to be engrossed.

House Document 540, relating to compensation of members of the House and Senate and subordinate officers of both bodies, came back from the House with House Amendment 2 to Senate Amendment A. House amendment adopted in concurrence and as amended the bill was passed to be engrossed.

(The Senate here took a recess until 8 o'clock.)

Evening Session.

In accordance with the joint order, relative to the appointment of a joint special committee to inquire into the amount of compensation received by all State and county officials whose salaries are determined by the Legislature, there were joined on the part of the Senate, Messrs. Morrison of York, and Stetson of Bangor.

On motion by Mr. Goodwin of Somerset, resolve in favor of Fort Kent was taken from the table, and on further motion by the same senator, the Senate concurred with the House in refusing to pass the resolve over the Governor's veto.

Mr. Staples of Knox, moved to take from the table Senate bill 235, and said: Mr. President, I hope the Senate will not vote to continue it on the table. It is a bill of a great deal of importance, and should be acted upon at this time.

I understand that a scheme has been concocted to lay the bill of the Louisiana Exposition upon the table in the House, and to lay this upon the table of the Senate until September—and then, in September to pass the Louisiana bill, and defeat this bill. That has been rumored about this chamber for the last two hours. This is an important matter. It is a blow, if you defeat it, to the common schools of this State. I believe this bill is right, and I want it passed. There is another thing about it. We are to meet here in September, for the very purpose of accepting the revision of the statutes. If you leave this bill here and other bills, it would be pernicious practice, when we undertake to accept the revision. I move that the bill pass to be enacted, and that the vote be taken by a yea and nay vote.

Mr. BURLEIGH of Aroostook: I move that the bill lie upon the table.

Mr. GOODWIN of Somerset: (Addressing the senator from Knox). If you wish to kill the bill—haven't you enough to kill it? I don't want this left open in September. If you haven't enough votes to kill it, let us come back here next week. I would like to have it so, and not have it here in September.

Mr. WILSON of Washington: I hope the bill will lie upon the table. I have stayed here, tonight, for that purpose. I don't want it killed, and hope the motion to lay on the table will prevail.

Mr. BURLEIGH of Aroostook: I shall insist on my motion.

Mr. STAPLES of Knox: I desire that every senator shall put himself on record as to whether he desires it to lay on the table until September, which means its death. I hope every senator will vote, and call for a yea and nay vote.

A sufficient number having voted, the yeas and nays were ordered.

Mr. GOODWIN: I wish to ask the senator from Aroostook a question. Is it his desire to carry this over until September? Is that the purpose of laying it on the table?

Mr. BURLEIGH: As I understand it, the Louisiana bill is going to be laid on the table in the House, and

that will come before you in September, and if they attempt to pass that in September, we will pass this first.

I would rather give the Louisiana money to the schools. But I have seen the State treasurer, and the information is that we have as much money as ever before, and it looks as if there would be more. We are not going to reduce our school fund, I believe, one cent.

Mr. GOODWIN: An appropriation has already passed, carrying this extra money. You have reconsidered that and passed it back and it has passed the House to be engrossed, and passed to be enacted, and lies upon the President's desk, ready to be signed. That is the situation. Shall we stay here next week?

The question being put upon the motion of the senator from Aroostook that the bill lie upon the table, the motion was lost, eight voting in the affirmative, and nine in the negative.

Mr. Staples of Knox, thereupon moved that it pass to be enacted. The vote to lie on the table was doubted and the question being upon making certain—

Mr. GOODWIN: I would ask the chairman of the finance committee, have you already incorporated in the last amount, this same amount \$85,000?

Mr. BURNS of Cumberland: I am not positive. I will get the information.

Mr. BURLEIGH: I would inquire if a motion to indefinitely postpone is in order?

The PRESIDENT: It takes precedence to a motion to pass to be engrossed.

Mr. BURLEIGH: I move that the bill be indefinitely postponed.

Mr. STAPLES of Knox: I hope that the motion will not prevail. There has been a great deal said in regard to this school bill. It seems that everybody is afraid the scholars of Maine will have too much money. We have enough now if you add the savings bank tax and the trust company tax together. The times demand better teachers, and more money.

Mr. PIKE of Washington: Mr. President, I hope, during the last hours of the session of the Senate this bill won't be turned down. Why, I think

it is hardly fair. Why should this bill be selected from all these bills after its final passage to be enacted and laid on the table, for some purpose, unknown to me. I hope it will pass to be enacted. I move that it pass to be enacted.

The PRESIDENT: The question is on making certain, on the motion to indefinitely postpone.

The vote being taken, the motion that the bill pass to be enacted, the motion was lost, eight voting in favor and nine against.

Mr. STAPLES: If the motion is in order, I should like to make a motion that we raise \$100,000 for the Louisiana bill; I think it would be in keeping with our conduct here. I want to say--and it is probably the last time I shall speak in this Senate--when we go home, if we don't use this, that the Republican party struck a blow at the common schools, and at the same time was willing to appropriate \$40,000 for the great Admiration Society at St. Louis, I'll give up.

Mr. Wilson of Washington, moved that the bill lie upon the table.

Mr. GOODWIN of Somerset: Mr. President, I trust that the bill may be disposed of here. Let's not have this carried over until September. Let's have it killed and ended, once and for all.

The question being put on the motion to lay on the table, the motion prevailed, nine voting in favor, and five against.

Mr. STAPLES of Knox: Mr. President, I rise on the question of no quorum.

The President thereupon requested the messengers to bring in the absentees.

The PRESIDENT: The question of no quorum has been raised, and the Chair will declare that only 14 senators having voted, no quorum is present.

Mr. Goodwin of Somerset, moved that the Senate take a recess until Monday morning. The question being put, the motion was lost.

Mr. STAPLES: Mr. President, I don't want to pose as an obstructionist. In my two terms in the Senate, I think the senators and the President

will credit me with having been fair. There is other business to be transacted. I think it is right that we pass this school bill. I think it is just. I don't think we ought to be ready to go home without passing it. I don't want it killed. A vote for this school fund is in the interest of education. You are not throwing away any money, but you are spending it to the best advantage, and the tax-payers of the State. I have no doubt, will commend us for doing it. The school fund is not enough. I am surprised that they want to keep it where it is. We have been behind any state in this Union in supporting schools. The amount we get by this is problematical, both as to the savings banks and the trust companies. It will not, in my judgment, give us as much as we have had the past year, taking into consideration the increase in the number of scholars. I am willing to withdraw the question of no quorum, provided this Senate will vote for that which I deem just and fair, the school tax for the children of this State.

Mr. GOODWIN: I rise to a parliamentary inquiry. How does the senator propose to find out how they will vote for it, until they vote.

Mr. STAPLES of Knox: I apprehend that if my friend from Penobscot, Mr. Stetson, and my friend from Kennebec, Mr. Manley—if they say so, the others will follow.

Mr. STETSON of Penobscot: I desire to explain to the senator from Knox that I think the two senators from Aroostook have something to say in regard to this matter.

The messengers reported that they were unable to find the absentees.

Mr. Goodwin of Somerset, moved that the Senate reconsider the order whereby it voted to adjourn until September first next.

Mr. MANLEY of Kennebec: Mr. President, I trust that will not be carried by the Senate. It is a concurrent order and we have not a quorum should we want to reconsider it.

Mr. GOODWIN: Let me explain just what the situation is. The House has passed this bill to give the school fund five-eighths tax; the Senate has also passed the bill. It is proposed tonight by certain of the senators to reverse their action and indefinitely postpone the bill. If that is done the House has got to reverse its action and indefinitely postpone the bill. The House will not do that as their members are absent. It means that we have got to leave these matters in abeyance and come back here Monday or Tues-

day of next week and do our legislative work in an orderly and business-like manner. For that reason I have asked that that motion be reconsidered so that we can take an adjournment until Monday or Tuesday of next week, because any action we take looking to the defeat of the bill will not be concurred in by the House, and we shall be hanging between the devil and the deep blue sea.

Mr. MANLEY: I rise to a point of order. We can do no business unless a quorum is present.

The PRESIDENT: The Chair declared there was no quorum on the suggestion of the senator from Knox.

Mr. STETSON of Penobscot: Mr. President, the last expression of the senators was that the bill lie upon the table and not that it be indefinitely postponed.

Mr. STAPLES of Knox: Is not that the same thing?

Mr. STETSON: It is not the same.

The PRESIDENT: The question is on the motion of the senator from Somerset, Mr. Goodwin.

Mr. MANLEY: We cannot do any business without a quorum.

The PRESIDENT: Does the senator from Kennebec raise the question that there is no quorum now?

Mr. MANLEY: I do.

The PRESIDENT: The point is sustained. There are but 14 members present.

Mr. GOODWIN: Mr. President, I move was taken from the table any old thing that is lying on it, if there is anything lying on the table—the appropriation bill has been referred to.

The PRESIDENT: The pending question is on the motion of the senator from Washington, Mr. Wilson, to lay upon the table the bill to amend Section 3, Chapter 258 of the Public Laws of 1893, relating to school funds derived from savings bank tax, upon which a vote was taken, nine voting in favor and five against. The question of no quorum was raised. That is the pending question.

Mr. Goodwin withdrew his motion by unanimous consent.

Mr. MANLEY: I hope the senator from Knox will withdraw the question of no quorum and let the Senate vote this bill up or down as it sees fit.

Mr. STAPLES of Knox: Mr. President, it seems we have reached a crisis, and I am willing to do this, and I think this will be fair. I won't raise the question of no quorum if the vote can be taken upon this bill to settle it—to indefinitely postpone it or not postpone it, and that vote to be taken by the yeas and nays, everybody to put themselves on record.

Mr. WILSON of Washington: Mr. President, before the promise is made I shall say that I insist on my motion to lay on the table and have a vote on that first.

The PRESIDENT: The pending question is on the motion of Mr. Wilson of Washington, to lay on the table, on which the senator from Knox raised the point of no quorum.

Mr. STAPLES of Knox: I still insist upon the point of no quorum if it takes from now to next Saturday night.

Mr. GOODWIN: Have we taken all the steps we can to compel absentees to be present?

The PRESIDENT: The messengers have notified them to come and would not come. If the Senate desires to take any other course it can be done. There seems to be one of two things to be done when the question of no quorum is raised—to compel attendance or adjourn from day to day. A less number can do either.

Mr. STAPLES: I think my proposition was a fair one. I want this matter disposed of. I do not consent to lay it on the table, but I will consent that the Senate vote whether or not it shall be indefinitely postponed. If it is indefinitely postponed that ends it. It will withdraw then the question of no quorum. I would be better satisfied to have it indefinitely postponed than to have it laid on the table.

Mr. GOODWIN: Will the senator allow us to vote on the question of laying on the table, and then raise it?

Mr. STAPLES: No.

A recess was here taken at the end of which the President announced that a quorum was present.

The PRESIDENT: The pending question is on the motion to lay upon the table, offered by the senator from Washington, Mr. Wilson. The question being put the motion was declared lost.

Mr. STAPLES of Knox: I move that the bill pass to be enacted.

The PRESIDENT: That is the pending question.

Mr. BURLEIGH of Aroostook: I hope that the motion will not prevail. My reason for this is that I think this bill should go over to September, so that we may ascertain definitely the amount of money for school fund. From figures received from the State treasurer. I am satisfied that the income from the trust companies will be much larger than it has been in the past.

Mr. PIKE of Washington: I hope the motion of the senator from Knox will prevail. I prefer to put myself on the side of the schools of the State of Maine. I would rather go on record as raising money for the schools. I do not think it is fair to take the bill in the closing hours and put it over until September. There has been no understanding of this kind until this afternoon. The bill came in with the general understanding that it was going through, and I hope the bill will pass.

The PRESIDENT: On looking at the record the Chair finds there was a motion that the bill pass to be enacted which was lost by a vote of eight to nine. The Senate is on record as having voted not to pass to be enacted. The motion was then made to lay on the table, and voted, nine to five, and the question of no quorum was raised and the Chair ascertained no quorum. The matter then hung fire until a quorum is present, so that the motion is not in order until after a motion to reconsider.

Mr. WILSON of Washington: I move to reconsider the vote whereby the bill was passed to be enacted.

Mr. GOODWIN of Somerset: Shall we meet the issue squarely on the passage to

be enacted on a yea and nay vote? Is that the understanding?

The question being put the motion to reconsider prevailed.

The PRESIDENT: The bill is now before the Senate on its passage to be enacted.

Mr. GOODWIN: I want to make one statement. Senator Pierce, who had charge of the bill and who is in favor of it, telegraphed me that he wished to be paired if the bill came up. Now I do not know whether there is any senator here paired with him or not. I simply ask whether any senator will pair with him.

Mr. BURLEIGH of Aroostook: When Mr. Maddocks left here he asked me to have him paired with some member that would vote in favor of the bill. If he were present he would vote against the bill.

Mr. GOODWIN: I make the request and the senators can act as they see fit.

A yea and nay vote was called for and ordered. The question being put that the bill pass to be enacted the vote resulted as follows: Those voting yea were Messrs. Alden, Goodwin, Knowlton, Pike, Staples of Knox, Wilson—6; those voting no were Messrs. Burleigh, Burns, Currier, Dudley, Manley, Morrison, Plummer, Staples of Cumberland, Stetson—9. So the motion was lost.

The PRESIDENT: The bill is still upon the table.

Mr. WILSON of Washington: I move that it be laid down a little harder.

Mr. STETSON of Penobscot: To carry out the complete understanding in regard to which we have reorganized the Senate for business, I move that the bill be indefinitely postponed.

A yea and nay vote was called for and ordered and had, resulting as follows: Those voting in the affirmative were Messrs. Alden, Burleigh, Burns, Currier, Dudley, Manley, Morrison, Plummer, Staples of Cumberland, Stetson—10; those voting in the negative were Messrs. Goodwin, Knowlton, Pike, Staples of Knox, Wilson—5. So the motion to indefinitely postpone prevailed.

On motion by Mr. Staples of Knox, bill, An Act to provide in part for the expenditures of the government for 1903 under suspension of the rules was passed to be engrossed without reading. And on motion of the same senator, bill, An Act to provide in part for the expenditures of government for 1904 under suspension of the rules was passed to be engrossed without reading.

The committee on appropriations and financial affairs submitted its final report, that they have acted on all matters referred to them.

The foregoing appropriation bills were subsequently passed to be enacted.

A formal order was transmitted to the Governor notifying him that the Senate had transacted all business presented to the Senate except that with reference to the revision of the statutes, and that the Senate was ready to receive any communication he might make.

Messrs. Goodwin, Wilson and Staples of Cumberland, being appointed as a committee to notify the Governor, subsequently

reported that they had attended to their duty and that the Governor informed the Senate that he would shortly transmit to the Senate such acts as had been signed by him, and a list of the acts and resolves passed during the present session was subsequently received from the Governor.

The President informed the Senate that the communication of the Governor was addressed to the Senate and House; and Mr. Burleigh of Aroostook, thereupon moved that the communication be sent to the House.

On motion of Mr. Stetson of Penobscot, the Senate adjourned.

HOUSE.

Saturday, March 28, 1903.

Prayer by Rev. Mr. Hope of Augusta.

Paper from the Executive Department:

Augusta, Maine, March 28, 1903.

To the Honorable House of Representatives:

"I have examined the resolve in favor of the town of Fort Kent for the sum of \$1500. I return the same herewith without my approval and desire to submit for your consideration some facts and figures in relation to State finances.

"The estimated income of the State for 1903 is about \$2,100,000 and for 1904 approximately \$2,000,000 a total of \$4,100,000. Appropriations already made and pending aggregate over \$4,650,000—an excess above probable income of \$550,000 and an increase over the amount appropriated by the 70th Legislature for the years 1901 and 1902 of over \$800,000. The amount of cash in the treasury available for the payment of current obligations is less than \$267,000 and nearly all will be required to meet necessary expenditures in excess of current revenues within the next three months.

"Of the above amount about \$44,000 is due to the present Legislature on pay roll. It is evident that unless appropriations now under consideration are materially reduced the State treasurer will be compelled to make a temporary loan and since the constitution does not permit the creation of a State debt in excess of \$300,000 except for war purposes it seems to me most unwise to make any appropriations not absolutely which will result in the creation of a floating debt. We should conduct the business of the State as we would our own affairs. The people demand and expect from us the same careful prudent management which characterizes the administration of every successful private business and that the promise of economy in public expenditures will be fulfilled.

"Those who have been entrusted with the management of State matters will be held strictly responsible for any ex-