

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Wednesday, March 8, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Kearney of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

The following bills and resolves came from the House:

An Act to authorize the town of Mechanic Falls to acquire certain properties and rights of the Mechanic Falls Manufacturing Company.

An Act for the protection of fish in Dead, Baily and Levenseller brooks in the towns of Brooks and Waldo in the county of Waldo.

An Act to change the name of the Dover Gas Light Company.

There also came from the House:

Resolve in favor of Ida Yeaton, widow of the late John Yeaton of the 3rd Maine Cavalry.

Resolve in favor of the town of Chelsea,

Resolve in favor of the town of Farmingdale,

Resolve in favor of the town of Litchfield,

Resolve in favor of the town of Vas-saiboro,

Resolve in favor of the town of Vienna,

Resolve in favor of the town of Wayne,

Resolve in favor of the town of West Gardiner,

Resolve in favor of the town of China.

The House insisted upon its action and joined in the committee of conference, with reference to the foregoing acts and resolves.

Bill, "An Act to amend section 2, chapter 48 of the revised statutes relating to private banking," came from the House, referred by that branch to the committee on banks and banking.

Mr. IRVING of Aroostook. Mr. President, I beg the indulgence of the Senate this morning to offer very briefly a history of the subject matter covered by the foregoing Act. Early in the session an order was passed by the Senate instructing the Committee on

Banks and Banking to inquire into the expediency of enacting a law to restrict, regulate or prohibit private banking. Hearings were ordered. A hearing was held, and the matter was entered into extensively by the parties interested in the measure. The committee took the matter into private and executive session, and after discussing it it was finally tabled pending further information and investigation. A bill known to the Committee as the "Shaw Bill" was presented by the Senator from Sagadahoc, covering a portion of the matter into which the committee were instructed to inquire; and as we believed meeting with the approval of the promoters of the order and the private bankers who would be affected by the measure. The bill was given a passage. During the discussion of this bill the subject of private banking was again discussed by private bankers throughout the State and by members of different banks in different parts of the State; and it was agreed by them at that hearing that this very materially protected the public from the dangers to which it was exposed by the individuals who may have and could come into the State and open a so-called bank, and defraud the people.

The committee report "ought to pass" on that bill, and unanimously voted that legislation was inexpedient on the order placed before them. A record was made of that vote, and a member of the committee was instructed to so report it back to the Legislature. One week passed, and the report was not made. In the session yesterday afternoon, upon inquiry as to why the report was not made, it was stated by a member of that committee that he had thought that the subject had not been sufficiently considered; consequently the report was not made.

Even now, after the express order of that committee to have that report come into this body, or the body across the way, it has not yet appeared, and in place of that comes this bill, which deprives the private banker from taking interest-bearing deposits. What is more dangerous, very dangerous, it provides a penalty of \$1,000, for doing so, half of which shall go to the complainant. What more dangerous legis-

lation could possibly be conceived than this?

Now in the face of these facts, and with the assurance that it was in open committee, after deliberate and careful consideration, that they unanimously—seven in number—voted “legislation inexpedient” on the matter this bill relates to.

I move you, sir, that this bill be indefinitely postponed.

Mr. GARDNER of Penobscot. Mr. President; I have listened carefully to the Senator from Aroostock, and in order to vote intelligently I wish to ask him a question if he will permit me. It may be a somewhat pointed question, but it hinges on certain methods which have been in vogue. Am I led to understand that some influence outside of the committee, instead of a member of your committee was instrumental in withholding this bill from its introduction into this Senate after the committee reported? I want to know in order that I may vote intelligently.

Mr. IRVING. Mr. President; I would state that I can only answer this question by asking the Senator what he may be able to draw from the statement of facts as to what influence may be brought to bear, as being all that I feel at liberty to answer.

Mr. MILLS of Hancock. Mr. President; an insinuation I consider the worst kind of an untruth. I am not specially interested in this bill. I care not whether it goes through or whether it fails, but whichever course it takes I want the blame or the merit laid to the proper source.

Now, this bill has never been before a committee. It has never been under consideration before a committee, and was never under consideration in either branch except as introduced and brought here; and as to the report of the committee on banking being held up by outside influence, I want to say to you and to the Senators in this chamber that the secretary has been to me this morning, and various members of that committee have been to me, and they say it was entirely at their requests, at the request of the members of the committee on banking, that the report was held up. The secretary came to me and stated ex-

placitly that nobody outside of the committee had mentioned the matter to him. He stated this fact: he said that it was passed—that the vote was passed—“no legislation expedient,” and that it was passed by the committee on the understanding that the general banking bill, which has already been reported, covered that ground, and covered the ground of my order.

When they came to look into the matter they found the investigation required by my order was an entirely different thing from what was covered by the banking bill, which is going through both Senate and House, and they then requested the secretary of that Committee to hold up the report until they could consider it in executive session, and in their executive session yesterday I understand the matter was considered.

Now, Mr. President, there has been no outside influence in this matter. No member of this house, or or any of the branches of this Legislature has been to the secretary; no member has asked him to hold up the report except the members of the committee. I understand that a majority of those members have been to him, and have asked him to stop the report until they could give it further consideration, and I believe that they have the right to do that; and I believe that we should give this bill a proper hearing, and that it should go before the banking committee; and that we should not discuss the merits of the bill here, but let it take its ordinary course and be discussed before the banking committee, and be given a fair and impartial hearing.

Mr. IRVING. Mr. President, I wish to state for the benefit of the Senators that this matter did not come before our committee yesterday in executive session, because it was not legally in our possession. By a vote of that committee recorded it should have been and was as far as that committee was concerned in the possession of the Legislature, either in this chamber, or in the chamber across the way. I am perfectly willing if, in the judgment of this Senate it is willing, at this time to have a matter of such importance forced upon us in the rush and closing hours of this session, in face of the

fact that we are ordered to make our final report on Friday of this week, making it impossible to have a hearing, and making it impossible to have those interested in it get here and defend themselves against a measure that will leave them open to whosoever may make a complaint against them in violation of this act, and placing in their pocket \$500—half of the fine for so violating the law. It is a measure of too great importance to trifle with, and I trust that the Senate will not allow this bill to go into committee, and be hastily reported back here at this time.

Mr. GARDNER. Mr. President; again I would like to have a more definite answer to my question, if the Senator from Aroostook will give it. I want to know whether it was at the request of the members of this committee that this matter was held up, or whether it was at the request of any man or men outside the committee. I wish to know in order that I may vote intelligently.

Mr. IRVING. Mr. President; I can simply state that I was informed by the member of the committee who held up this report that it was at the request of two members of the committee. I cannot state whether or not it was at the request of anyone outside of the committee, or outside of this legislative body.

The PRESIDENT. The Chair would inquire of the Senator from Aroostook if the notices of the hearings of the banks and banking committee were ordered upon this same bill, and has this bill been before your committee.

Mr. IRVING. I would state, Mr. President, that it has been before the committee in an informal way before being presented to the House, and that previous to the adjournment yesterday the secretary was instructed to have notice of all bills coming before either branch of the Legislature published for a hearing, in compliance with the order passing this body.

The question being put upon the motion of the Senator from Aroostook, the bill was indefinitely postponed.

On motion by Mr. Pike of Washington the Senate nonconcurred with the action of the House in referring "petition of W. W. Hayden and 20 others in favor

of the Sturgis bill;" also "petition of R. C. Boothby and 40 others for same" to the committee on temperance; and on further motion by the same Senator said petitions were placed on file.

On motion by Mr. Clark of Hancock bill "a general act relating to negotiable instruments," which came from the House, having been reported by the committee on judiciary "ought to pass" was tabled.

House Bills Read and Assigned.

An act to incorporate the Trinitarian Congregational parish of Castine, and to legalize the doings of said parish as heretofore known under the name of the Trinitarian Society of Castine, Maine. (House amendment A adopted in concurrence.)

An act to amend chapter 15 of the Revised Statutes relating to the education of youth.

An act to further regulate the analysis of food and agricultural seeds.

An act to regulate the sale and analysis of food.

An act to authorize the maintenance of piers and booms in the Baskahegan stream in Danforth.

Resolve to aid in building a road in Eagle Lake Plantation.

An act to amend section 53 of chapter 41 of the Revised Statutes relating to bounty on seals.

An act to amend chapter 119 of the private and special laws of 1881, as amended by chapter 122 of the private and special laws of 1899 relating to the taking of spawn herring in Narragaus Bay.

An act to amend chapter 9 of the revised statutes relating to the assessment of taxes on lands in places not incorporated.

Resolve in aid of navigation on Louis, Long and Big lakes.

Resolve in favor of Peter M. Nelson of the Penobscot tribe of Indians.

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

By Mr. Furbish of Franklin, under suspension of the rules, bill "An act to organize the Plantation of Sandy River; which was referred to the committee on judiciary.

By Mr. Sturgis of Cumberland "peti-

tion of Fred H. Jones and 28 others of Portland, asking for passage of the Sturgis bill;" which was placed on file.

Also petition of Richmond and 125 others of Houlton, asking for same, which was placed on file.

Also petition of J. H. Purrington and 50 others of Bath for same, which was also placed on file.

Also E. C. Dodge and others of Alfred for same, which was placed on file.

Also petition of L. B. Brunell and 20 others, asking for passage of bill providing for proper labeling of proprietary medicines, which was placed on file.

Also petition of G. F. Goullard and ten others of Bath, asking for passage of the Sturgis bill, which was given the same disposition.

Also petitions from Monmouth, Lewiston, Norridgewock, Brownville and Oakland, which were placed on file.

Mr. Gardiner of Penobscot presented petition of citizens of Patten and others for passage of the Sturgis bill, which was placed on file.

Mr. Allen of York presented petition of J. W. Card and 7 others in favor of proper labelling of proprietary medicines, which was referred to the committee on Temperance.

Mr. Bartlett of Oxford presented petition of Barney L. Stone and others for same, which was referred to the same committee.

Also petition of 44 members of Ossipee Lodge No. 40 of Kezar Falls for same, which was referred to the same committee.

Also petition of Rev. Edgar T. Fitts and others of Fryeburg for same, which was referred to the same committee.

Mr. Gardner of Penobscot introduced petition of S. M. Thompson and 49 others of Sedgwick for the Milliken bill, which was referred to the committee on temperance.

Mr. Bailey of Somerset presented petition of Rev. James F. Taylor and others of Athens for same, which was referred to the same committee.

Mr. Irving of Aroostook presented petition of 54 citizens of Caribou for

same, which was referred to the same committee.

Read and Assigned.

An act authorizing the Governor and Council to execute a contract for water for the State capitol.

An act granting additional powers to the Eastern Manufacturing Company. (On motion of Senator Putnam this act was tabled.)

Resolve in favor of George G. Weeks.

Resolve in favor of L. C. Morse.

Resolve in favor of R. D. Leavitt of Auburn.

Resolve in favor of L. M. Staples.

Reports of Committees.

Mr. Allen for the committee on judiciary on bill "An Act to establish a board of light and water commissioners, and to define their duties," reported same "ought not to pass." Report accepted.

Mr. Potter for the same committee on "Petition of Women's Reform League of Androscoggin county, praying for the enactment of certain laws in reference to Shiloh," reported that the petition be referred to the next Legislature. Report accepted.

The same senator for the same committee on bill "An Act relating to the rebuilding of Vaughan's bridge," reported "legislation thereon inexpedient." Report accepted.

The same senator for the same committee, on "Petition of citizens of Lisbon praying for legislative investigation for alleged abuses at Shiloh," reported that the petition be referred to the next Legislature. Report accepted.

Mr. Morse for the committee on military affairs on bill "An Act in relation to desertion from military service of the United States, and from the militia of this State," reported that same be referred to the next Legislature. Report accepted.

Mr. Clark for the committee on judiciary on bill "An Act to extend the charter of Union River Water Storage Company," reported same "ought to pass." Report accepted.

The same senator for the same committee on bill "An Act to permit the Bar Harbor and Union River Water Power Company to increase its issue of bonds," reported same in new draft, and that it "ought to pass." Report accepted.

The committee on judiciary on bill "An Act to extend the corporate powers of the Seabasticook Manufacturing and Power Company," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Clark for the committee on judiciary on bill "An Act to incorporate the Alfred Light and Power Company," reported same in new draft under same title, and that it ought to pass. Report accepted.

The same senator for the same committee on bill "An Act to authorize the Sanford Light and Power Company to increase its capital stock, and to acquire the privileges and rights of the Atlantic Shore Line Railway, to furnish light, heat and power in the town of Sanford," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Allen for the same committee on "Resolve authorizing the land agent to equalize the State's interest in Halfway Island, Hancock county," reported same "ought to pass." Report accepted.

Mr. Ayer for the committee on interior waters on bill "An Act to extend the charter of the Fish River Improvement Company," reported same "ought to pass." Report accepted.

Mr. Shaw for the same committee on bill "An Act to incorporate the Mattagamon Towboat Company," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Morse for the committee on military affairs on bill "An Act to amend Chapter 266 of the Public Laws of 1893 as amended by Chapter 128 of the Public Laws of 1899, 159 and 167 of the Public Laws of 1901, and 73 and 212 of the Public Laws of 1903, relating to the militia," reported same "ought to pass." Report accepted.

The committee on towns submitted two reports on bill "An Act to annex the town of Roque Bluffs and certain islands forming a part of the town of Prospect; the majority report "ought to pass" being signed by Messrs. Ayer, Swasey, Oakes, Clark, Hill, Thompson and Witherspoon; the minority report "ought not to pass" being signed by Messrs. Shackford on the part of the Senate and Shaw on the part of the House. On motion by

Mr. Shackford of Washington, the bill and the accompanying reports were tabled for printing, and Thursday of next week, or before, assigned.

Passed to be Engrossed.

An Act to amend Chapter 175 of the Private and Special Laws of 1903, in relation to the Atlantic Shore Line Railway. To this bill Mr. Allen of York, offered Senate amendment B: "Amend by inserting after the words 'for amendment A,' second line of section 3d of said Act, the word 'light.'" The amendment was accepted, and as amended the bill was passed to be engrossed.

Resolve in favor of Jackman Plantation in county of Somerset.

Resolve in favor of Moose River Plantation, county of Somerset.

An Act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes in this State, and authorizing the acquisition thereof.

An Act to amend Section 93 of Chapter 4 of the Revised Statutes, relating to town and city by-laws and ordinances.

Resolve in favor of W. S. Cotton which was read and assigned.

An Act pertaining to the duties of the cattle commissioners.

Resolve in favor of Mrs. Fannie L. Jenkins of Newport, Maine, for State aid.

Resolve in favor of Eath Military and Naval Orphan Asylum.

An Act to incorporate the Bangor and Northern Railroad Company.

An Act to extend the charter of the Houlton and Danforth Electric Railroad Company.

An Act to extend the charter of the Hancock County Railway Company.

An Act to extend the charter of the Bluehill Water Co.

An Act to grant administration of the estate of John A. Holmes, late of Readfield.

An Act to authorize the inhabitants of York to give the York hospital a tract of land.

An Act to extend the charter of the Ellsworth Street Railway Co.

An Act providing for an open season on white perch in Lake Saint George in Waldo county.

An Act to amend Section 51 of Chapter 125 of the Revised Statutes, relating to cruelty to animals.

An Act to incorporate the Union Light and Fower Company.

An Act to incorporate the Jackman Water Company.

Resolve to provide means for examination of claims for State pensions.

Passed to be Enacted.

An Act to incorporate the Lincoln Trust Co.

An Act to incorporate the Oxford Trust Co.

An Act to incorporate the Belfast Banking Co.

An Act to amend the charter of the George A. Young Co.

An Act to extend the charter of the Somerset Trust Co.

An Act to regulate fishing in Lake Webb, Franklin county.

An Act to incorporate Fort Kent Light and Power Co.

An Act to extend the charter of the Lily Water Co.

An Act to incorporate the Milo Water Co.

An Act to incorporate the Kenduskeag Trust Co.

An Act to incorporate the Fort Kent Water Co.

An Act to change the name of Lower Stone pond to Lake Keewaydin.

An Act to change the name of Upper Stone pond to Virginia Lake.

An Act to amend the act incorporating the Kennebec Water District.

An Act to regulate the licensing of innholders and victualers in the city of Portland.

An Act to amend and extend the charter of Sanford Water Co.

An Act to prohibit ice fishing in Narraguagus lake, so called, in Hancock county.

An Act for the protection of gray squirrels upon a certain territory in Fryeburg, Oxford county.

An Act to extend the charter of the City Trust Co. of Bangor, Maine.

An Act granting additional powers to the Sebasticook Power Co.

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

An Act in relation to the lands reserved for public uses in the plantation of Pleasant Ridge.

An Act to amend an act entitled "An Act creating the Phillips Village Corporation."

An Act to set off a part of Plantation

Number Seven and annex it to the town of Gouldsboro.

An Act providing for non-feasance of duty by sheriffs, deputy sheriffs and county attorneys.

An Act relating to the appointment of an inspector of milk and vinegar for the city of Portland.

An Act to amend Section 60 of Chapter 93 of the Revised Statutes, relating to liens on monumental work.

An Act to prohibit ice fishing in Hancock pond, in the town of Embden and plantation of Lexington, Somerset county.

An Act to prohibit fishing in the tributaries to Little Sebago lake, in Cray, Raymond and Windham, Cumberland county.

An Act to regulate fishing in South Boundary pond, Little Northwest pond, Massachusetts bog, in Franklin county.

An Act authorizing the construction and maintenance of a wharf into the tide waters of Casco bay, in the town of Falmouth, Maine.

An Act to permit fishing in Branch and Meadow brooks, so-called, in Thomaston and Rockland, in accordance with the general law of the State.

An Act relating to the prevention, control and extinguishment of forest fires in plantations and unorganized townships.

An Act to amend Section 76, Chapter 48, Revised Statutes, relating to loan and building associations.

An Act to authorize the Passadumkeag Log Driving Company to acquire the property and franchises of the Grand Falls Dam Company.

An Act to extend the powers granted the St. John Lumber Company by Chapter 201 of the Private and Special Laws of 1903.

An Act to authorize the Sebec Lake Lumber Company, its successors and assigns, to maintain a wharf and boom in Sebec lake.

An Act to amend Section 50 of Chapter 41 of the Revised Statutes, relating to the alewife fishery in the Pemaquid river.

An Act to amend Section 97 of Chapter 15 of the Revised Statutes of 1903, in relation to schooling children in unorganized townships.

An Act to extend the charter of the

Norridgewock bridge proprietors, and to authorize the town of Norridgewock to take and purchase the property of the same.

An Act to amend Section 1 of Chapter 59 of the Private and Special Laws of 1903, entitled "An Act to authorize the Penobscot Chemical Fibre Company to make, generate, use, transmit and sell electricity."

An Act to permit ice fishing in Half Moon pond, in the county of Oxford, and to permit fishing for pickerel through the ice in Jenne pond, so-called, in Mexico and Carthage, partly in Oxford and partly in Franklin county.

An Act to amend Chapter 75 of the Special Laws of 1866, as amended by Chapter 18 of the Private and Special Laws of 1878, entitled "An Act creating the South Paris Village Corporation."

Finally Passed.

Resolve in favor of Sebocis road.

Resolve in favor of the town of Machias.

Resolve in favor of the early York deeds.

Resolve in favor of Castine Normal school.

Resolve in favor of Aroostook Normal school at Presque Isle.

Resolve in favor of the Waldo County General hospital.

Resolve in favor of F. A. Giddings, secretary of the committee on State prison.

Resolve providing for the preservation of regimental rolls in the adjutant general's office.

Resolve in favor of repairing the bridge across the St. Croix river near Squirrel Point in Baileyville.

Resolve authorizing the land agent to sell certain public lots in St. Francis plantation in Aroostook county.

Resolve in favor of the re-establishment, where necessary, of the boundaries of the lots reserved for public uses in the several plantations and unincorporated places.

Resolve in favor of the trustees of the University of Maine.

Orders of the Day.

On motion of Mr. Clark of Hancock, the vote whereby bill "An Act relating to town and city ordinances" was

passed to be engrossed, was reconsidered, and on further motion by the same Senator the bill was tabled.

On motion of Mr. Allen of York, the vote whereby the Senate accepted the report of the Committee on Inland Fisheries and Game on "Petition for close time on Lake Sokokis and its tributaries, in York county" was reconsidered.

Mr. ALLEN of York. Mr. President; there was some misunderstanding in regard to the notice, so that interested parties thought the hearing was to be this week instead of last. The parties are coming here, as I understand, tomorrow, and I move that the matter be recommitted to the Committee. The motion prevailed.

On motion of Mr. Shackford of Washington, the rules were suspended, and bill "An Act for the better protection of shell fish within the town of Freeport, county of Cumberland," which came from the House, having been reported by the Committee on Sea and Shore Fisheries "ought to pass," took its several readings, and was passed to be engrossed.

On motion by Mr. Brown of Kennebec it was, Ordered, the House concurring, that the bill entitled "An Act relating to the stipend for the Eastern Maine Fair," which has been reported on by the Committee on Agriculture, be taken from the files and returned to the Committee.

Mr. POTTER of Cumberland. Mr. President; I desire to inquire of the Chair whether the act in relation to taxation on the estates of deceased persons, has been returned by the Governor.

The PRESIDENT. It has been in the hands of the secretary since yesterday.

Mr. POTTER. Mr. President; then for the purpose of moving an amendment to the Act, in order that it may take effect on approval, I move that the vote whereby the same was passed to be enacted be reconsidered.

The motion prevailed. On further motion by the same Senator the vote whereby the bill was passed to be engrossed, was reconsidered. On further motion by the same Senator, Senate

amendment A, having for its object a definition of the Act, and Senate amendment B, providing that the Act take effect on approval, were severally adopted.

As amended the bill took its several readings, and was passed to be engrossed.

On motion by Mr. Allen of York, bill "An Act relating to compensation of trustees, visiting committees, and cattle commissioners," was taken from the table, and on further motion by the same Senator the bill took its first reading and was assigned.

On motion by the same Senator bill relating to compensation of examining boards was taken from the table, and on his further motion the same was read and assigned.

On motion by the same Senator bill to amend revised statutes relating to compensation of executive council was taken from the table, and on his further motion was read and assigned.

On motion by Mr. Clark of Hancock, report of committee on judiciary, "ought to pass," on bill to amend Revised Statutes defining manslaughter, was taken from the table, and the same Senator moved that the same be re-committed to the Committee on Judiciary.

Mr. POTTER of Cumberland, Mr. President; Understanding that the motion of the Senator from Hancock is made at the request of two members of the Committee who were absent from the executive session when this bill was considered, I do not oppose it, but I second his motion.

The motion prevailed, and the bill was recommitted.

Special Assignments.

On motion by Mr. Mills of Hancock, Senate document 142, "An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors," together with reports of the Committee on Temperance, report "A" being "ought to pass in new draft;" report "B" "ought not to pass."

The same Senator further moved that report "A" "ought to pass," be accepted.

Mr. MILLS of Hancock, Mr. President; I have no inclination to make an extended speech on this question. I have an idea that every member of the Senate is already fully decided in his own mind as to how his vote shall be cast. As a member of the committee on temperance, however, it seems to me proper to state briefly my reasons for supporting this most important measure. I voted for this bill, Mr. President, because I believe it is the only consistent thing for the Republican party to do. We have promised the people of the State that we will enforce the prohibitory law. The senator from Knox says we are hypocrites; he says that the very bone and sinew of the Republican party is permeated with hypocrisy. Now, the passage of this bill, and its impartial enforcement by the Governor of the State, will acquit the Republican party of any such charge as that, and to show the sincerity of the Republican party, Mr. President, I voted for this report. Furthermore, the Senator from Knox will tell you in a few minutes, as soon as he gets onto his feet, that this passage of this bill will entail a great expense upon the State; I have an idea he will put it at \$50,000 or more, but that's purely a matter of opinion, and I suppose the senator's opinion is just as good and worth just as much as that of any other man who knows nothing at all about it.

But I voted for this bill, Mr. President, because I believe the expense of its enforcement will be a very safe and profitable investment for this State. I believe that the results in the shape of law enforcement and good government will give large returns on the investment. I believe that good government is cheap at any price.

This report is signed by every senator who is on the temperance committee. Its five signatures are names of five Republicans; the adverse report is signed by all the Democratic members of the committee; this bill is purely a Republican measure; it is designed to carry out Republican principles; its provisions are reasonable and yet strong; it receives the approval of the temperance people in the State and it ought to be unanimously supported.

I ask that when the vote is taken it be taken by yeas and nays.

Mr. STAPLES of Knox: Mr. President,

I regret very much that the senator from Hancock said that I believed that all the Republicans who supported this measure were hypocrites. I do not believe any such thing. I am glad, however, of one thing, that the Republican party fathers this measure, and I probably shall before I get through call it just what he has said I will—a monstrous one.

The party to which I belong believes in the inherent rights of the common people. I want it distinctly understood, Mr. President and fellow senators, that I yield to no man upon the question of temperance. I believe in no use of intoxicating liquors, in any way, shape or manner. I yield to no man in saying that I believe that the curse of intoxicating liquors is greater than any one thing that the people of this country have contended with.

Then you say: Why do I oppose this measure? I oppose this measure for various reasons. I oppose it because it is taking away from the people of the counties those inalienable rights which are given them by the constitution of our country under the great declaration of rights. I oppose it because the rights of the people are inherent within themselves. It will be a sorry day in the State of Maine when we are ruled by a commission, as we were once ruled by the State constabulary. We had the State constabulary in 1880, a bill similar to this in its effect, and the people carried it along a little while, and it didn't stop the sale of intoxicating liquors within the State of Maine, and the people got so disgusted with it that they swept it from the statute books.

Now, let us keep our laws within the people. I do not believe there are 16 sheriffs in the State of Maine, that there are 16 county attorneys, that there are 38 deputy sheriffs, besides constables and police officers and judges of the municipal courts—I don't believe they are all hypocrites.

Is there any complaint coming in here that the sheriffs, except in one county in the State, do not do their duty in the enforcement of the liquor law? Is there one scintilla of evidence—has there been any complaint that the 16 county attorneys, men elected by the people of our 16 counties, have not performed their duty? I challenge the other side to show me one particle of evidence or any insinua-

tion against those 16 men who have done their duty as far and faithfully as they could in the prosecution of the prohibitory law, as well as any other law upon the statute books.

The people elect their servants. Are you going to wrest from the people of the counties—because you may just as well abolish the offices of sheriff and county attorney in your counties if this bill goes into effect, and is carried out according to its terms. Are you going to say that the county attorney of Kennebec, or the county attorney of Cumberland, has not done his duty? Are you going to say that the 16 sheriffs throughout the whole length and breadth of this State have not done their duty? Are you going to say that you will put in their places men appointed by the Governor of this State to execute the law—just what they were elected to do?

My experience, and I think it has been your experience, has been that when we have too much law it is not so well enforced. Now just turn and look at this matter in a calm and dispassionate way, because I regard this as taking away from the people the rights which are inherent in them, and which are guaranteed to them by our form of government. And when I say that of Knox or Cumberland county they should elect their men to perform the duties of the office of county attorney and sheriff, and that they shall be superseded by the men appointed by the Governor of the State, who shall come in there and take charge of the enforcement of this law—do you think that is giving the people of those counties the rights that the constitution has guaranteed to them, or is it usurping those rights?

If you can do that you can go further and do something else in the same direction. It is a dangerous precedent, fellow senators. I speak not from a partisan standpoint, but I want to be understood that I care not so much about the question of enforcement of the prohibitory liquor law as I do the taking away of the rights of the people to elect their own servants and holding those servants responsible to them. That is the duty, Mr. President, of our form of government. Do not you suppose the people of Kennebec county, if the sheriff of that county does not do his duty and fault is found,

that it is the people of that county who will not re-elect him? Do you suppose if the county attorney of Kennebec county does not do his duty, he being elected by the people, that they will not look out for that matter? And so of every county attorney throughout the length and breadth of the State; there are no better men who ever went into a grand jury room than the 16 county attorneys of the State of Maine.

I know of no sheriff throughout the length and breadth of the State today but what is honest in his duty to enforce the prohibitory liquor law, as they are to enforce every other statute upon our books.

It is said that those whom the gods wish to destroy they first make mad. I think that the people are getting mad. I don't mean the mass of the people; I mean the leaders of the Republican party, if you please, Mr. Senator from Hancock; I mean the mass of all parties are honest; I mean the mass of Republicans are just as honest as the Democrats, and everybody knows they are. Hence I make no aspersion against the honesty of any man. I do criticise the leaders of the party who will vote, I have no doubt, in favor of the Sturgis bill, when deep down in their consciences they know it is wrong in principle, and will have no effect except to extort money from the people of the State of Maine.

Now, there is another thing. The object of the Sturgis bill, they will tell us, is a better enforcement of the prohibitory liquor law. Now let us be honest about this. You have 16 sheriffs and 16 county attorneys and 128 deputy sheriffs throughout the State. Have you undertaken to try the laws already on the statute books? Look at Section 63 of Chapter 29 today. If anybody thinks that a certain person is selling liquor he may go to a police officer or to the municipal court and make oath to it; and then if that judge or city marshal does not enforce the law he is subject to a fine of \$30. Have you, any of you, tried that law? Haven't you enough law on the statute books today? You know that we have. Then why come in here as this time when we have guarded the statute in every way possible? You have 300 men in the State of Maine today who by their bounden duty and oath as officers of the law are

sworn to enforce the prohibitory liquor law.

Now I have something to say in regard to expense. If you could do away with the sale of liquor in this State, if you could convince me that you would not have to pass the Sturgis bill, and no liquor would be sold here, nor any come in during the next three years, I would vote with you in regard to that matter. I feel it deeply. I believe that we have a duty which we owe to ourselves and to our fellow men. Humanity demands that the government shall be conducted for the best interests of the common people; to uplift and upbuild should be the desire of everybody. You have tried 50 years to upbuild and uplift with the present laws; you have tried to do away with the sale of intoxicating liquors, and today it is being sold as freely, I submit, in the State of Maine as it was 25 years ago, with all the machinery you have.

Then what is the trouble? It is the hypocrisy of the people. They do not believe in it. That is the trouble. When every man shall believe in the enforcement of this law then you will have it enforced, and you can pile up the Sturgis bill and the Oakes bill, with all their machinery, as you please, and until public sentiment desires enforcement you can not have enforcement. And that is what I find fault with. And I tell you, sir, that if you pass this bill today here in this Senate, and it is passed through the House and becomes a law, then it is a nullification of the prohibitory law on your statute book, and you will not have it enforced in the next five years so well as it has been in the past three; because when you put a law on the statute book that the people do not want, they will not respect it.

How do you suppose it is going to work, Mr. President? Somebody comes up from my county or yours and says to the Governor or the commissioners "the sheriff of my county is not enforcing the law." Then the commissioner goes down there, or sends a couple of deputies—sort of carpet-baggers we might call them—to take the machinery out of the sheriff's hands, and out of the hands of the county attorney. Do you suppose you will get any enforcement in that way? Wouldn't it be a dead letter on the statute book, because the people would be disgusted with it, because we already have on the books all

the law we need? If every man in the State should say—we will work shoulder to shoulder to put down the sale of liquor, I have no doubt that if you and I would make complaints, and fulfill the law on the statute books now, there would be no liquor sold except that imported here by the express companies and money order offices which are reaping a harvest on the liquor they import, and making drunkards every day.

Now the matter of expense is something that overburdens the taxpayers of the State. There is some expense, though it would be nothing compared with wiping the liquor traffic out, I admit; because a plan that would sweep the liquor from the State of Maine, when you create something to take a man's appetite away from him and lead him up to the higher life, whether it be \$50,000 or \$100,000, does not count for a moment, for accomplishing that would more than overbalance all the expense you would incur. But you cannot do it.

My opinion is this: If you pass this bill over the Oakes bill it would be a dead letter on the statute books, and the people would rise up en masse against it, because they believe it to be an encroachment upon their rights, which belong to them under the constitution of the State.

But the matter of expense is considerable. We find in this bill in the first place three commissioners, appointed two of one party, and one of the next party in power who has the largest number of votes, at a salary of \$1500. That makes \$4500 for salaries. Then we will put the expenses a matter of \$1200 more, making \$3300; making \$3100, the expense of the three commissioners and their expense account per year. Clerk-hire and office we will put at \$3000 a year. That will add up to \$11,100. Then comes the worst part of it in this bill—that they may appoint as many deputies as they please! There is no limit in this bill; in fact the bill leaves the power with the commissioners; it does not say how long they shall hold office; there is no tenure of office connected with the bill whatsoever. But he may send up in Aroostook county, if some complaint comes from anybody, and I apprehend that the deputies will like to travel over this State. They may send up there as many deputies as they please, or to any other county.

Suppose they appoint 32—but the bill says they may appoint as many as they please, to go all over the State and supersede the duties of the county attorney and the sheriff. Do not you suppose there will be friction there at once between the officers when the carpet-baggers are sent down there? Do you think the taxpayers of the State of Maine will uphold you in that? I believe today, if we had the referendum—if they understood the monstrosity of that Sturgis bill, they would bury it so deep that the God of an outraged nation would never resurrect it. (Laughter.) Talk about the people in favor of the Sturgis bill. I know better, because I have talked with the people all over the State. The taxpayers are opposed to it, and the best temperance people of the State. It is not the best temperance men and women that parade themselves before the public and sign petitions, but it is the conservative men and women, who look at the matter—not from the standpoint of bigotry or ignorance, but from the standpoint of humanity, and for the elevation of mankind. (At this point Senator Pike of Washington was called to the Chair.)

As I have said, there is no limit to this bill. These commissioners may appoint as many deputies as they think is necessary, and everybody will want office then. You know how that is. And you will be perambulating over this State with 75 or 100 liquor deputies at the expense of the taxpayers, when you have the very law on your books today, to do just what they want them to do—no more, no less. And you will have no better enforcement of this law which you are going to crowd down the throats of the people. You will pay out some \$10,000 or \$15,000 at the expense of the poor taxpayer, and I protest against it. I say it is a conservative estimate that if you pass this Sturgis bill today, it must be at an expense of at least \$5000 a year to our taxpayers. Figure it and see the chance there is in this matter, and I say to you you cannot spend less than \$5000. Will you get any benefit from it? No; because it is against human nature.

When I was county attorney of Knox county, if these commissioners should

have sent down a deputy when I believed I was doing my duty, I would have kicked—and I think every county attorney in the State would.

That is not the worst part of it. Some crank may notify the Governor that the county attorney is not doing his duty. The law says he may ask him why, and if not satisfactory he may appoint a man down in my or your county to take the place of the officer the people have elected. Do you think the people will put up with that?—when we take away from them the vested rights given them, and decide as to whether their elected man is faithful or unfaithful in the performance of his duty?

Now I am glad that there is one consolation for me today, that if the Sturgis bill passes I want to see the Governor appoint three commissioners and deputies in every county in the State, and it will be the means of wiping this monstrosity—this hypercritical statute—off from the books? Now I will qualify that. I do it because I believe, under my God, that it is for the best interests of the people of the State. I am honest in it, as I am in anything I ever uttered.

And yet it is not an easy matter to enforce the liquor law of the State of Maine. You have tried it for 50 years, have spent thousands and thousands of dollars, you have created perjurers all over the State all these years, but haven't accomplished anything. There is more liquor drank here, today, than there was 10 or 15 years ago. That is why I would be glad to see it wiped off the statute book; not that I want free rum, but if we must have the curse among us, let us regulate it in the best possible way, as 40 states in this Union are doing.

Now I do not know what the feeling of the Senate is. I know there is a frenzy going over the State today about prohibition. We must be conservative. I desire to be so; I have as much at stake in the future of the State as anybody else. I will do as much for the upbuilding of humanity in the moral and temperance sense as any other man; but I say to you I have seen so much of the hypocrisy that has been controlling this liquor law

that I am thoroughly disgusted with it—because I have seen loved ones go down to perdition under its baleful influence.

I have no doubt the women who have been foremost in promoting these petitions are honest in what they have done, and that they believe the prohibitory law prohibits, but they are mistaken; they have no knowledge of the internal workings of this ineffective statute upon our books.

Now, Mr. President, this is an important matter. If the friends of temperance want the prohibitory law to remain on the statute book, then you want to pass this bill, because if you do you will make it so ridiculous through the State of Maine that you cannot have it enforced.

Great questions progress by agitation. I know the sentiment of the people today. Men are riding to office politically upon this hobby of temperance, when in fact they care no more about it than they do about holy water. But it is a habit with them, and that is another reason why I am disgusted. Take it out of politics. Are you willing to go home, fellow senators, and say we have voted for the Sturgis bill, which may carry with it an expenditure of \$100,000? That is the maximum, but the minimum will be not less than \$50,000. Are you going home and tell your people that you have settled upon them a law that cannot be enforced, and which does not add anything to what is already on the statute books?

I see my friend over there, the father of the Oakes bill. What did that do? Why, you have passed a law already in addition to Section 29 of the statutes, that if the county sheriff does not enforce the law you can indict him. What, for heaven's sake, do you want more than that?

The time has gone by when men will receive the plaudits of their fellows for going someone else "one better" on the prohibitory law. That seems to be the size of it!

I take my chances in my county as a temperance man advocating for every temperance man and taxpayer in that district that I am diametrically opposed to this measure, and they believe I am honest in what I say.

Now, my friends, I will not detain you but a moment longer. There is one consolation to me in this matter. I know that this bill may pass. Pass it, my friends, pass it! Appoint your deputies throughout the state—and I say, there is one consolation to me,—while I shall hate to part with many of you, the place which knows you will know you no more! (laughter)

You can fool the people a part of the time, but, as Abraham Lincoln said, you cannot fool them all the time. You have fooled them for 30 years, but you cannot fool them any longer. When Abraham Lincoln and Wendell Phillips first started their crusade against slavery in this country they met with a cool reception, but they went on agitating and agitating, with Garrison and those others, until in 1865 Lincoln struck the manacles from 3,000,000 human beings. That was going on through the history of years, the clock in the chamber of the Almighty kept on ticking, ticking, until by and by it struck the hour, and slavery was wiped out of this country. That same clock is ticking today in the chamber of the Almighty, and by and by it will strike the hour when the rights of the people will be maintained.

I believe this bill strikes at the very vital forces of the inherent rights of the common people. Let every county elect its own officers, and they are amenable to the voters of that county; and if the people do not want them they will turn them out.

I was early imbued with the doctrine promulgated by Stephen Douglas, who said in Illinois: "We manage our own affairs in our own way, and all we ask of you down in Maine is to mind your own business." All that Knox county asks is that we may enforce our own laws, and we do not elect officers who will do anything else. And if you send an officer from Kennebec or anywhere else he will get a mighty cool reception. We will enforce our own laws, and all we ask of you is to mind your own business.

Mr. STURGIS of Cumberland: Mr. President. We have had under discussion here resubmission and the vote of the Senate showed only three

members in favor of resubmission. I think that that was as large a proportion as the people of this State who are in favor of resubmission. Now, if the people do not want resubmission, it is evident that they want the law, because if they do not want the law, they would want resubmission, in order to make a change. If the people of the State want the law, evidently they want it enforced, and there is no question but what, in certain sections of this State the law, at this time is not enforced, and at various times during the last 50 years there have been sections of the State at all times in which it has not been enforced. The Senator from Knox is very much in favor of temperance. He is a strong advocate of temperance, but he does not believe in prohibition. He believes in taking away from the young people a chance to get liquor, but he wants a place where they can have as many as the local element may desire to make.

So far as the matter of the prohibitory law, in its workings is concerned, he knows and everyone knows that there have always been times when the local officials have not enforced the law. He says it is a reflection upon the officers elected in any county, to appoint a Commission who may do their duty for them. Is it a reflection upon a man who does not do his duty to be held up to the people of the State as an inefficient officer—a man who is willfully neglecting his duty? If it is, it seems to me he ought to be reflected on in that manner. His whole argument is an argument in favor of local option. He believes in local option. His argument against this bill is an argument against the enforcement of the law, and is an argument for local option. That is what we are having in this State at the present time in certain sections, and we always have had it in certain sections, but it is illegal local option. He does not want to take away from the people the rights given them under the constitution to do what? to let the local element nullify the State law. Does the constitution give them any such rights? The law is made by the people of the State for all the people of the State.

He says he does not want us to come down to Knox county or Cumberland county, or any other county to see that the law is enforced, of the people down there don't want it enforced, and he says they have a right to govern themselves. They have no right to nullify a State law, and he knows it, and there is no one but knows it.

The fact of the case is that in certain sections, men are at times elected who fail to perform the duties of their offices fully, and to properly prosecute violations of the laws. Some may say they do it because local sentiment is against it. That does not make any difference. Local sentiment has nothing to do with the sentiment of a State law. Such a law is made for all the people; and while those people in that section may be opposed to it; and while the Senator from Knox county may be in favor of local option, local option is not the law. There is a law against the manufacture and sale of intoxicating liquors in the State of Maine, and it should bear alike upon all the people of the State, in every section, as much upon Knox county as upon any other, in spite of the fact that the Senator from Knox is in favor of local option. He has, at this time a specialized local option in his county, but it is an illegal local option. He goes into States where they are for high license and local option, and then he comes down into his own county and finds twenty-five young men around a hotel—

Mr. STAPLES: It is not in my county, but in your county.

The CHAIR: The Senator will please not interrupt.

Mr. STURGIS: I guess that is right. That shows their necessity for the better enforcement of the law; and if the local officers who have been elected to enforce the law do not see fit to do so, should not power be given to central officials so that they may enforce the State law. Is it an unreasonable thing to ask that, if local officials who have been elected to enforce the law, and then wilfully or because of their incompetency, fail to do so, that the Chief Executive of the State should be given power to see that that law is enforced?

Is that unreasonable? It seems to me a very reasonable proposition. It is a State law and the Chief Executive of the State should have the power to see it enforced. The Senator says the people have a right, if they know anybody is selling liquor, to go to the municipal officers and complain, and if they do not properly enforce the law they are fined \$20. They will go and complain, possibly; and the man against whom the complaint is made have notice as soon as anybody else, and he would not, perhaps be caught; but, so far as that goes, even if he were caught, it is not the duty of the people. It says: They may go, not: They shall go. He says it is the duty of the people to go and complain. It is not true. It is the duty of the officials who are elected to enforce the laws, and they are paid for it. The people simply may go and do that. Now the people have a living to earn for themselves and their families, and they cannot spend all their time in chasing around and in making officials who have been elected to perform certain duties, perform them. If they are as honest as he wishes us to believe, it would not be necessary. The Senator wants to know if anything is complained of against any county attorney. The general public have complained. It is a matter of open notoriety. The papers speak of it—everybody knows about it— that in certain sections at certain times, there is not a proper enforcement of the law. He says that if these officials undertake to go into a country and enforce the law, there will be friction with the local officials. If there were some criminals the local officers could not catch, and the Commission and its deputies went in and seized them, and caught people they could not get, would there be any need for friction? If they were doing all they could do and somebody came in to assist them, would there be any need for friction? Not any. The trouble is that in many cases they are not doing all that could be done. Some County Attorneys have objected to this bill. The County Attorney of Kennebec appeared against the bill. Within a very few days after I introduced the bill, the County Attorney of Kennebec County, and the Sheriff of Cumberland County were seated in two chairs in the Sup-

erintendent's office and holding a conference, and I came along and said: "When I see you people in a corner, I believe there is something doing." Pennell says: "They are trying to get me in a corner." I thought that might be true. From that day to this the County Attorney of Kennebec has been very industriously working against this bill. They say and there is not a doubt about it, that \$2000 has been sent to defeat this bill. The Senator from Knox says that if we had this law on the Statute books we would not get as good enforcement as we are getting now. Do you suppose they would have this lobby here from day to day and week to week. Do you suppose the County Attorney of Kennebec county would feel that he was liable to have his character reflected upon if this bill passed, if he was properly enforcing the law. Three places are running openly in Hallowell, and in the city of Augusta. I called his attention to some of the Hallowell places myself, in this chamber, and told him if he was as industriously prosecuting the violators of the law, as he was working against the Sturgis bill, there would not be any need of assistance over his county from the men appointed by the Governor of this State. It is a fact that the largest lobby has been at work here that has been at work for years on a bill of this kind; and if this was not of some good, and if there was not a probability that it would stop open saloons, and to a certain extent stop the illegal sale of liquor in the State of Maine, they would not put out their money here and endeavor to lobby an attempt to defeat this bill. There is no question about it. They are not the men to throw away money; and they do not pay fifteen or twenty thousand dollars in Cumberland county with the intention of electing a particular man for sheriff, unless they think they are going to get privileges later. They do not send thousand dollar checks to Lewiston to elect a Sheriff unless they expect to get some benefit. They do not build three thousand dollar bars in the DeWitt House unless they expect to use them, and they are now putting a three thousand dollar bar into the DeWitt House.

The senator from Knox says if the law

passes, the law won't be as well enforced as before. In my opinion, if this bill fails to pass, Maine will be wider open than ever before; and the people interested in the selling of liquor—the rum vote—know it. The local officials will see that this matter has been before the Legislature, and the Republican party in its platform pledges itself for the enforcement of this law. It was found that the Governor did not have sufficient power to enforce the law—that he could demand of the sheriff the enforcement of the law, and that was as far as his power went, which was null and void, and we all know it. A measure of this kind being introduced, and being turned down by the Legislature, would give the local officials an opportunity to say that the Republican party did not believe in enforcement of the law, and the people who came here as representatives and senators believe in local option—illegal local option—that they believe in leaving it to the people in certain sections to say when public sentiment in certain sections demands enforcement of the law, and then the local officials would enforce it. They would rule that public sentiment in their actions was not in favor of enforcing the law, and they would make arrangements with Jones' brewery and various other people for regulating the matter. The senator from Knox believes in regulating this business, of course. The Pennell plan in Cumberland county is his system of regulation. They would put in a system of regulation of the traffic, and instead of having a chance, as the senator said the other day, to prosecute one liquor agency for selling a minor liquor, they would have a chance to prosecute a hundred places for selling minors liquor. Local sentiment being against enforcement, they would not take it up and the State of Maine would not be in favor of prosecuting. Local sentiment believes in local option, no matter what the State law might be. The senator from Knox says that this bill is going to cost at least, in his opinion, \$50,000. The commissioners receive a salary of \$15,000 a year and actual expenses. That would be \$45,000 for the commissioners, and their actual expenses. If they do not have much to do their actual expenses would not be much; and as they won't be able to get

more than their actual expenses, they will not occupy time in trips unless there is a necessity for it. We provide further that if there is nothing for them to do—“Whenever in the judgment of the Governor the commission is no longer necessary, he is hereby authorized to remove from office all members of said commission, and the commission shall be thereby suspended, until such time as he deems its services are again required. Under that provision, if the commission is not necessary, the Governor need not keep it, if it is created. It is not necessary. He can remove the members and stop the expense. It will be a money-making law for the State, for if they prosecute, they will get one-half of the fines; and if the county attorneys fail to do their duty in connection with the sheriffs, all fines would go to the State. The State can enforce this law just as cheaply as the counties can enforce it; so that, so far as expense is concerned, it will never exceed \$7000 a year, even if the commission were kept in office and did not have any work to do. So far as deputy commissioners are concerned, the senator goes on to estimate how many will be appointed, and how much their salaries will be, and he makes up a very large amount. The law says that for their services they shall be paid \$3 a day and actual expenses occasioned by the performance of such duty. It says also, that it shall be the duty of said deputies to exercise all the powers herein conferred, when, where and as directed by the commission. They are not going to run around unless there is something for them to do in the opinion of the commission. So far as Cumberland county is concerned—and I take that because I know more about it than any other county, perhaps—the committee of which the senator is a member were presented with a list of 53 names—we located 53 saloons that were doing business wide open which any man could visit. It would not take a great many commissioners or deputies to get these men before the court down there in a very short time, and if they made a persistent effort, I think they would be able to close all those open saloons. Nobody is so foolish as to believe that any law can entirely stop the use of liquor in the State of Maine, and there is no reasonable man who can argue that

the law as it stands at the present time will close every open saloon in the State of Maine. The law should bear alike upon all the people in the State of Maine; and there is no reason why a man should be sent to jail or fined in one county for selling rum and be allowed to sell under the direction of the sheriff in another county. It is wrong. Such enforcement is unjust and unequal; and if the local sentiment does not desire that the law be enforced impartially and fairly upon all the people of the State, then the central officials should step in and see that it is; and that is what this bill provides for.

Now, so far as the political aspect of this thing is concerned, it is my opinion that the passage of this bill will take the matter entirely from local politics, for the reason that the people who desire certain privileges in regard to the sale of liquor put large amounts of money into a campaign to elect a man who will agree, or who they believe will grant them the privileges which they desire. There is also another element of voters who, themselves or their friends, will vote for a man whom they believe will grant them certain privileges. No one questions that. I think the senator from Knox will admit that is true. Now, if they cannot grant anybody special privileges, in my opinion they cannot under this bill, because if they do not enforce the law the central officials will enforce it—consequently any agreement as to special privileges which they might have agreed to grant will become null and void; and the people who are to pay money, knowing that, will refuse to pay the money. They will not give up their \$15,000 or \$20,000 in the county unless they believe they are to get something back for it; and knowing that they cannot get anything back, they will refuse to pay. It will be the same for the man who votes, for that reason, that he knows it makes no difference which way he votes, if they cannot grant him special privileges. If he himself does not enforce the law, someone will enforce it for him. Some have said this meant only State officials. It does not. It means if the officials for the county do not do their duty, some way may be provided whereby that duty may be performed. It means that the Governor of the State, representing the Republican party, which in every

platform, county and State, agreed to enforce this particular law, shall be given power to see that the promises of the party are carried out. It is unnecessary for me to say more on this matter, because the matter has been well discussed among the senators; and I have no doubt, as Senator Mills said, that every senator's mind is made up as to how he will vote; but unless the people want the present form of illegal local option to continue, they will vote for the Sturgis bill, which will place in the hands of the Governor the power whereby he may see that the law is enforced fairly and impartially in every section of the State.

Mr. STAPLES: Mr. President, I wish to correct the senator. In the first place he would have this Senate understand that some county had raised a fund of \$5000 to have a lobby here upon this matter. It is the first I ever heard of it in my life; and I say to this Senate that as far as I have any knowledge—and I think I would have known it if it had been so—that there is not one dollar or one man upon the floor of this Senate, or this House, that has been importuned by anybody in the interest of opposition to this bill—not one. Now, in regard to Cumberland county, I differ with him. There were not placed before the committee 51 places where liquor was sold openly by anybody. In behalf of Sheriff Pennell I wish to say that his record for the two years he was in office showed more prosecutions and convictions for liquor selling than did Pearson under the prohibitory law.

Mr. STURGIS: Mr. President, replying to the last senator, I would suppose that where deer were plenty a man going out with a gun would be able to get more than he would if they were scarce. It is a fact that, while the sale of liquor was not entirely stopped under Sheriff Pearson in Cumberland county, many were driven out, and there were no places, at least to my knowledge, and it was the general supposition of the people in the county that there were no places running openly. At the present time, with the large number of places running there, and with 179 United States licenses held in the city of Portland, it is not very surprising that Sheriff Pennell has been able to get, without distressing the rumsellers there,

more convictions than Sheriff Pearson did.

(The President here resumed the chair).

The question being put upon the motion of the senator from Hancock that Report A. of the committee be adopted, that the bill ought to pass; the Yeas and Nays having been called for and ordered, the vote resulted as follows:

Those voting Yea were: Messrs. Allen, Ayer, Bailey, Bartlett, Brown, Clark, Furbish, Gardner, Heselton, Irving, Knowlton, Mills, Morse, Owen, Pierce, Pike, Plummer, Potter, Putnam, Shackford, Simpson, Stetson, Sturgis (23). Those voting Nay were: Messrs. Curtis, Philoon, Shaw, Staples, Tartre (5).

So the motion prevailed, and the report "ought to pass" was accepted. The bill as amended was read and assigned.

Mr. Simpson for the committee on sea and shore fisheries, on bill "An Act for the encouragement, development and conservation of the shore fisheries industries."

The PRESIDENT: The Chair wishes to take this opportunity to say that, on the vote on resubmission, Senator Heselton of Kennebec, telephoned through his attendant that he should vote against resubmission. A statement was made to the contrary effect by the Chair at the time the vote was taken, Senator Heselton being ill. The Chair makes this statement by way of correction.

On motion by Mr. Stetson of Penobscot, the Senate adjourned to meet on Thursday, March 9, 1905, at 10 o'clock in the forenoon.