

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Wednesday, March 15, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Wight of Hallowell.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

Bill "An act to provide for the representation of the State of Maine at the Lewis & Clark and Jamestown expositions and making appropriation therefor," came from the House having been reported by the committee on federal relations, "ought not to pass," and in the House recommitted to said committee. On motion by Mr. Clark of Hancock the report and accompanying bill were tabled.

Resolve and communication from the Governor of Virginia, accompanying joint resolution of the General Assembly of Virginia relative to an appropriation relating to the Jamestown exposition, came from the House having been reported in that branch "referred to the next Legislature," by the committee on federal relations, and by that branch recommitted to the said committee. On motion by Mr. Clark of Hancock, the resolve and report were tabled.

Bill "an act to amend section 22 of chapter 6 of the Revised Statutes relating to the better arrangement of shelves in polling places" came from the House reported by the committee on legal affairs "ought to pass" in new draft. On motion by Mr. Pierce of Aroostook, the bill and accompanying report were tabled.

Bill "an act to incorporate the Kittery Electric Light Company," came from the House, reported by the committee on judiciary, in new draft, under the same title, and that it ought to pass. On motion by Mr. Simpson of York, the bill and accompanying report were tabled.

House Bills Read and Assigned.

An act authorizing cities and towns to raise money for the extermination of insect pests.

An act to amend section 3 of chapter 92 of the Revised Statutes relating

to mortgages on real estate.

An act to authorize the town of Cornish to remove the bodies of deceased persons.

An act to extend the charter of the Maine and New Hampshire Railroad.

An act concerning Merrill Memorial Library, a free public library in the town of Yarmouth.

An act to incorporate the Union Cemetery Improvement Co.

An act to enable Edwin W. Doyle to maintain the upper dam on Flander's stream in town of Sullivan, Hancock county.

An act to amend the Revised Statutes, chapter 125, section 53, relating to cruelty to animals.

An act to amend section 70, chapter 51, Revised Statutes, relating to ringing of bells and sounding of whistles on steam railroads.

An act to prohibit throwing sawdust, shavings, waste or refuse into Heath brook or its tributaries in the town of Acton, York county.

An act to prevent the throwing of sawdust and other mill waste in Little Madawaska river and its tributaries in Aroostook county.

An act to extend the close time of deer on Swan's Island, Hancock county.

An act to amend chapter 259 of the private and special laws of 1903 relating to the protection of deer on the island of Mt. Desert.

An act regulating the taking of clams in the town of North Haven.

An act additional to chapter 13 of the Revised Statutes, relating to the Penobscot tribe of Indians.

An act to regulate fishing in Sokokis lake, so called, in the town of Limerick, also its tributaries, and in Long and West ponds in Parsonsfield, in the county of York.

An act to amend section 30 of chapter 51 of the Revised Statutes, relating to railroad branch tracks.

An act to amend section 3 of chapter 20 of the Revised Statutes, relating to burying grounds.

An act authorizing the town treasurer of Kittery to expend money left for private lots in cemeteries not incorporated.

An act to amend chapter 184 of the

private and special laws of 1895, entitled "An act to incorporate the Castine Water Company."

An act to regulate the use of the roads of the town of Castine.

An act to prohibit fishing in Breakneck brook and its tributaries, situated partly in the towns of Sebago and Baldwin, county of Cumberland.

An act to amend sections 100, 101 and 102 of chapter 23 of the Revised Statutes, relating to State roads.

An act to incorporate the Milbridge and Cherryfield Street Railway.

An act to amend paragraph 7 of section 4 of chapter 49 of the Revised Statutes of Maine.

An act to prohibit the throwing of sawdust, shavings, waste or refuse into Little Ossipee river, within the limits of the towns of Shapleigh, Newfield, Waterboro, Limerick and Limington, in York county.

An act to incorporate the Monterey Association.

Resolve in favor of I. S. Cote.

Resolve in favor of the town of New Gloucester.

Resolve in favor of State Normal schools.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of the town of Mariaville.

An act to incorporate the State Loan Co.

An act to amend section four of chapter 128 of the Revised Statutes relating to injury to property used for public water supplies.

An act to amend the charter of the Auburn and Turner Railroad Co.

An act to restore the jurisdiction of trial justices in the town of Fayette, in the county of Kennebec.

An act to amend the charter of the Augusta Water District.

An act to change the title of the Wilton Electric Light and Power Co.

An act to prevent the fraudulent issue and use of transfer tickets upon public conveyances.

An act to provide for certain expenses of law terms of the supreme judicial court.

An act authorizing the payment of an annuity by the city of Portland to Lizzie A. Johnson.

An act to establish the Lubec and Machias Railway Co.

An act to amend the charter of the Northeast Harbor Water Company.

An act to extend the charter of the Meduxnekeag Light and Power Company.

An act to amend section 1 of chapter 129 of the Revised Statutes relative to corrupting water used for domestic and other purposes.

An act to authorize the Fort Halifax Power Company to furnish electricity for power purposes.

An act to amend section 7, chapter 128 of the Revised Statutes relating to malicious mischief.

An act to amend section 1 of chapter 166 of the private and special laws of 1887, entitled "An act creating the Fort Fairfield Village Corporation."

An act to authorize Wadsworth and Woodman to take water from Lake Maranacook.

An act to incorporate the Buxton and Hollis Power Company.

An act to amend section 26 of Chapter 135 of the Revised Statutes relating to sentences.

An act to amend section 4 of chapter 155 of the private and special laws of 1901, entitled "An act to incorporate the York Beach Village Corporation."

An act to amend chapter 126 of the Revised Statutes relating to gambling.

An act to amend chapter 153 of the private and special laws of 1879 in regard to building dams and embankments on Swift river in the town of Byron.

An act in relation to insane persons in the State prison and in the county jails, and additional to chapter 138 of the Revised Statutes.

An act to amend section 24, chapter 48, Revised Statutes, relating to real estate investments of savings banks.

An act to incorporate the Skowhegan Village Corporation. On motion by Mr. Bailey of Somerset this bill was tabled.

An act authorizing the Ashland Company to erect dams and make improve-

ments on the tributaries of Upper Aroostook river. On motion by Mr. Stetson of Penobscot this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to incorporate the Bangor Water District. On motion by Mr. Stetson of Penobscot, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to provide blank books and stationery for the municipal court of Newport. On motion by Mr. Stetson of Penobscot, this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to amend chapter 485 of the private and special laws of 1901, establishing a municipal court in the town of Skowhegan. On motion by Mr. Bailey of Somerset this bill was tabled.

An act to amend section 16 of chapter 23 of the private and special laws of 1899, so that the judge of the municipal court of Newport shall receive a fixed salary instead of fees. On motion by Mr. Stetson of Penobscot this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to amend sections 10 and 12 of chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections. On motion by Mr. Staples of Knox this bill was tabled.

An act to amend the charter of the Wilton Water Company. On motion by Mr. Plummer of Androscoggin this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to incorporate the Van Buren Water District. On motion by Mr. Pierce of Aroostook this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to create a bridge commission to investigate the bridges connecting the State of Maine with the state of New Hampshire. On motion by Mr. Pierce of Aroostook this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to incorporate the Hampden Water Company. On motion by Mr. Stetson of Penobscot, this bill took its

second reading under suspension of the rules, and was passed to be engrossed.

An act for the protection of children. On motion by Mr. Clark of Hancock, this bill was tabled.

An act in relation to sentences of municipal police courts and by trial justices. On motion by Mr. Clark of Hancock this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to repeal chapter 623 of the private and special laws of 1893 and chapter 142 of the private and special laws of 1895 amendatory of chapter 623, authorizing the town of Athens, in the county of Somerset, to expend a portion of its school money in Somerset Academy. On motion by Mr. Bailey of Somerset this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to incorporate the Peaks Island Railroad Company. On motion by Mr. Stetson of Penobscot, this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to apportion the expenses of bridges between towns. On motion by Mr. Philoon of Androscoggin this bill took its second reading under suspension of the rules, and was passed to be engrossed.

Resolve in favor of the town of Trescott. On motion by Mr. Shackford of Washington this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to provide for the appointment of a commissioner of highways and for economy in municipal expenditures. On motion by Mr. Staples of Knox this bill was tabled.

Resolve in favor of State School for boys. On motion by Mr. Simpson of York the rules were suspended the bill took its second reading, and was passed to be engrossed.

The PRESIDENT: Will the Senator from York state how much appropriation this carries in the total?

Mr. SIMPSON of York: About \$26,000 additional, for fixing over the main building

An act to amend an act entitled "An act in relation to political caucuses in the City of Bangor."

On motion by Mr. Stetson of Penobscot this bill took its second reading under suspension of the rules, and was passed to be engrossed.

The following bill, Senate document 165 "An act to authorize the Sanford Light and Power Company to increase its capital stock and to acquire and purchase the rights of the Atlantic Shore Line Railway to furnish electric light, heat and power in the town of Sanford," having been passed to be engrossed in the Senate, was sent to the House and House amendment "A" adopted in that branch, and the bill as amended was passed to be engrossed in the House. On motion by Mr. Allen of York the Senate reconsidered the vote whereby the bill was passed to be engrossed, and on his further motion House amendment "A" was adopted in concurrence, and the bill as amended was passed to be engrossed.

Bill, "An act to extend the powers of the Eastern Timber Company," which was passed to be engrossed in the Senate, was returned from the House, House amendment "A" adopted by that branch. On motion by Mr. Allen of York the Senate reconsidered the vote whereby the bill was passed to be engrossed, and on his further motion House amendment "A" was adopted in concurrence, and the bill as amended was passed to be engrossed.

The following bills, petitions and resolves were presented:

Mr. STETSON of Penobscot. Mr. President, I desire to present bill, "An act relating to pensioning members of the police department of the city of Bangor, and I request that the secretary may be instructed to read the bill.

(Reading of the bill by the Secretary.)

Mr. STETSON. I will now move that the bill which has just been read may be received under suspension of the rules. Mr. President, I had the act read because I think it is proper and fitting that any act for which a Senator requests suspension of the rules should be read, so that the Senate may understand the subject matter, although this is a matter pertaining wholly to the city of Bangor.

I hold in my hand a certified vote of the city government of Bangor, urging the passage of this bill. Therefore I have made the motion for its reception under suspension of the rules, and I move that it be received without referring it to a committee.

The motion prevailed. On further motion by the same Senator the bill took its several readings, and was passed to be engrossed.

Mr. Sturgis of Cumberland presented Resolve in favor of the clerk of the Committee on ways and bridges, which was received and referred to the committee on appropriations and financial affairs.

Also resolve in favor of Edward K. Milliken, which was referred to the same committee.

Mr. Putnam of Aroostook presented resolve in favor of the clerk and stenographer to the committee on appropriations and financial affairs, which was referred to the same committee.

Mr. Pierce of Aroostook presented resolve in favor of Thomas Anderson, for services as postmaster to the Senate at the organization of the 70th Legislature, which was referred to the same committee.

Mr. Clark of Hancock presented petition of B. E. Norwood and 50 others in favor of the Milliken bill, which was placed on file.

Mr. Bailey of Somerset presented petition of Rev. W. A. Richmond and 9 others of Bingham, in favor of the Milliken bill, which was placed on file.

Orders.

On motion by Mr. Morse of Waldo it was, Ordered, the House concurring, that the report of the committee on inland fisheries and game "ought to pass" on bill, "An act to amend section 1 of chapter 301 of the private and special laws of 1903, relating to the protection of deer in the counties of Kennebec, Knox, Waldo and Lincoln, be taken from the files and laid before the Senate.

Read and Assigned.

An act to amend chapter 135 of the public laws of 1895 relating to Bath municipal court.

Resolve in favor of George E. Morrison.

Resolve in favor of extra pay to Maine volunteers in the late war with Spain.

Resolve in favor of George G. Weeks.

Resolve in favor of Ida Yeaton, widow of John Yeaton, late of 3d Maine battery. On motion by Mr. Morse of Waldo this resolve took its second reading under suspension of the rules, and was passed to be engrossed.

Reports of Committees.

Mr. Pierce for the committee on legal affairs, on bill, "An act to amend the charter of the Madawaska Log Driving Company, reported same "ought to pass." Report accepted.

Mr. Allen for the committee on judiciary, on bill, "An act relating to a winter speedway on the Kennebec river at Gardiner," reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An act to authorize the town of Mechanic Falls to acquire certain property and rights of the Mechanic Falls Manufacturing Company," reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An act to change the name of the Dover Gas Light 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 relating to the Milo Electric Light and Power Company ratifying and confirming its proceedings," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Potter for the same committee on bill, "An act to amend section 23 of chapter 114 of the Revised Statutes relating to disclosure commissioners," reported same "ought to pass." Report accepted.

Mr. Clark for the same committee on bill, "An act to amend the charter of the Sebago Lake and Songo River Steamboat Company," reported same "ought to pass." Report accepted.

Mr. Pierce for the committee on legal affairs on bill, "An act to amend section 9 of chapter 108 of the Revised Statutes, relating to the service of

minors," reported same "ought to pass." Report accepted.

Mr. Putnam for the committee on appropriations and financial affairs on resolve in favor of M. H. Hodgdon, clerk, stenographer and messenger to the committee on inland fisheries and game, reported same "ought to pass." Report accepted.

Mr. Morse for the committee on insane hospitals on resolve in favor of the Eastern Maine Insane Hospital reported same in new draft under same title, and that it "ought to pass." Report accepted.

The same senator for the same committee on resolve in favor of the Maine Insane Hospital reported same in new draft under same title, and that it "ought to pass." Report accepted.

The committee on insane hospitals on resolve in favor of Eastern Maine insane hospital reported same in new draft under same title, and that it "ought to pass." (Signed) Morrison, Plummer, Hagerthy, Libby, Whitmore, Garcelon, Jordan and Fulton.

Also a minority report that the same "ought not to pass." (Signed) Morse, Randall.

Mr. MORSE of Waldo. Mr. President: I move that the minority report be substituted for the majority report, on the foregoing matter; and I wish to make a few remarks along this line to show my position, which I think, when I explain it to you, will show that I have endeavored to learn something of the matter which is before us.

Mr. STETSON of Penobscot. Mr. President; I rise to a point of order. I wish to ask the gentleman if he wishes to discuss the question at the present time. I have to take the next train, and I am interested in this matter, and I desire to make the motion that pending acceptance of either report, they lie upon the table. I wish to go in a very few moments, and if it is agreeable to the Senator from Waldo I wish he would allow me to make that motion.

Mr. MORSE. Mr. President, I regret very much that I shall be obliged to decline. I have spent almost my entire time on this hospital committee ever since early in this session; and I am prepared to make what few re-

marks I have to make at this time. I am very sorry that the gentleman from Penobscot is obliged to away, and if he does go away I hope he may be able to pair so that it may be evened up. But I am firm in my position in this matter, because I want to get myself out from under this tremendous strain that has been upon me all this time.

Mr. STETSON. Have I a right, Mr. President, to make a motion to lay the matter upon the table?

The PRESIDENT. A motion to lay upon the table takes precedence of the motion of the Senator from Waldo.

Mr. STETSON. I move that the reports be tabled for printing, and that Tuesday of next week be assigned. In support of such motion I desire to say this,—

The President. The motion is not debatable.

The question being put the Chair declared itself in doubt, whereupon the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Ayer, Bailey, Curtis, Gardner, Heselton, Irving, Knowlton, Owen, Plummer, Shackford, Simpson, Staples, Stetson, Sturgis, Tupper, (15) Those voting Nay were Messrs. Allen, Bartlett, Clark, Mills, Morse, Philoon, Pierce, Potter, Putnam: (9).

So the motion prevailed, and the bill and accompanying reports were tabled for printing, and Tuesday of next week assigned for their consideration.

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

The committee on agriculture.

The committee on manufactures.

The committee on telegraphs and telephones.

The committee on State prison.

Passed to be Engrossed.

An Act to authorize the North Brooklyn Wharf Company to extend a wharf into the tide waters of Bluehill bay, North Brooklyn, Hancock county.

An Act to extend the charter of the Tyler-Fogg Trust Company.

An Act to amend Section 3 of Chapter 50 of the private and Special Laws of 1821, as amended by Chapter 161 of the Private and Special Laws of 1848,

as amended by Chapter 171 of the Private and Special Laws of 1862, as amended by Chapter 413 of the Private and Special Laws of 1903, relating to extending the time of controlling the water at the alewife fishery at Damariscotta Mills.

An Act additional to and amendatory of Chapter 29 of the Special Laws of 1887, entitled, An Act to incorporate the Kennebec Light and Heat Company.

An Act to amend Section 2 of Chapter 46 of the Revised Statutes relating to interest on loans on personal property.

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

An Act to authorize and empower the First Baptist church of Hampden to convey certain property to the Maine Baptist Missionary Convention.

An Act to extend the charter of the Hallowell Trust Company.

An Act to amend the charter of the Devine Water Company.

Resolve in favor of Maine State prison.

An Act to incorporate the Midland Power Company.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to close time for smelts.

An Act to amend Chapter 10 of the Revised Statutes relating to the collection of taxes on organized plantations taxed as wild lands.

An Act to incorporate the Searsport Trust Company.

An Act to incorporate the Orono Trust Company.

An Act to incorporate the city of Brunswick.

Passed to be Enacted.

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

An Act regulating the sale of bonds and other obligations on the installment plan for foreign corporations.

An Act to amend Section 19 of Chapter 77 of the Revised Statutes relating to title by descent.

An Act to authorize the Mattawamkeag Lumber Co. to erect and maintain piers and booms in the west

branch of the Mattawamkeag river and in Fish stream.

An Act authorizing the town of Stonington to issue bonds for the purpose of erecting a school building.

An Act to confirm the organization of the Sebec Power Company and amend its charter extending its corporate powers and purposes.

An Act to authorize E. S. Everett and others to erect and maintain a wharf into the tide waters of Casco bay in the town of Freeport.

An Act to amend Section 13 of Chapter 32 of the Revised Statutes relative to the manner of hunting and catching wild hares or rabbits.

An Act for the protection of muskrats in the towns of Hartland, Harmony, Athens and Palmyra in the county of Somerset.

An Act additional to Chapter 93 of the Revised Statutes relating to mechanics aliens.

An Act to amend Chapter 34 of Section 3 of the Revised Statutes relating to notaries public.

An Act to amend Chapter 143 of the Private and Special Laws of 1899 entitled "An Act to incorporate the Lubec Water and Electric Light Co."

An Act to authorize the removal of bodies of deceased persons from the Freedom Cemetery in the town of Freedom.

An Act to amend Chapter 15 of the Revised Statutes relating to the education of youth.

An Act to amend Section 1, Chapter 463 of the Private and Special Laws of 1897, relating to the taking of alewives in Bagaduce river.

An Act to authorize the construction and maintenance of a wharf into the tide waters of Casco bay on the island of Little Chebeague, situated in the town of Cumberland and the city of Portland, Maine.

An Act to enable William G. Baxter to construct and maintain weirs near Whitemore's Cove in the waters of Penobscot bay.

An Act to amend Section 2 of Chapter 406 of the Private and Special Laws of 1850, entitled An Act creating the Norway Village Corporation.

An Act to amend Section 11 of Chapter 116 of the Revised Statutes relating

to compensation of the executive council.

An Act relating to the compensation of trustees, visiting committees and the board of cattle commissioners.

An Act to fix the salary of the Governor.

An Act to incorporate the Foreside Water Co.

An Act relating to plumbers and plumbing.

An Act to regulate the sale and analysis of food.

An Act to legalize and make valid the acts of Phillips Village Corporation.

An Act to extend the charter of the Patten Telegraph and Telephone Co.

An Act to extend and amend the charter of the Waterville and Winslow Bridge Co.

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

An Act to regulate fishing in the south branches of the Sandy river, Franklin county.

An Act for the protection of fish in the tributaries of upper Kezar pond, Oxford county.

An Act to extend the powers of the trustees of Bangor Theological Seminary.

An Act to amend Section 101 of Chapter 4 of the Revised Statutes relating to harbors.

An Act to extend the charter of the Buckfield Water Power and Electric Light Co.

An Act to amend Section 12 of Chapter 140 of the Revised Statutes relating to coroner's inquests.

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

An Act to prohibit the taking of oysters from Dyer's and Sheepscot rivers in the county of Lincoln.

An Act granting permission to John L. Goss to construct and maintain a bridge across Moose Island bar in the town of Stonington.

An Act prohibiting the use of titles ordinarily applied to banks and trust companies by other than duly authorized banking corporations. (Tabled on motion of Mr. Stevens of Portland.)

An Act authorizing the Governor and Council to execute a contract for water for the State Capitol.

An Act to amend Section 16 of Chapter 24 of the Revised Statutes relating to the law of the road. (Tabled on motion of Mr. Hastings of Bethel.)

An Act to extend the charter of the Houlton and Woodstock Electric Railroad Co.

An Act to amend Section 23 of Chapter 83 of the Revised Statutes relating to orders for service.

An Act to amend Section 1 of Chapter 59 of the Revised Statutes by providing for the incorporation of yacht clubs.

An Act to regulate fishing in Mattawamkeag lake.

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 Narraguagus bay.

An Act to amend Chapter 391 of the Private and Special Laws for the year 1903 relating to the Farmers' Telephone Co. enlarging its territory.

An Act to repeal the first clause of sub-division entitled "in Washington county" of Section 1, Chapter 407 of the Private and Special Laws of 1903 entitled "An Act to consolidate and revise certain laws relating to closing certain lakes and ponds to ice fishing.

An Act to authorize the erection of dams, side dams, piers and booms in Higgins stream and Grant brook, in the plantation of Brighton and town of Wellington, and in Buzzell brook in the towns of Wellington and Harmony, and to make improvements in said streams.

An Act to amend Chapter 266 of the Public Laws of 1893 as amended by Chapters 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.

An Act to repeal Chapter 264 of the Laws of 1824, amended by Chapter 459 of the Laws of 1827 and Chapters 253 of the Laws of 1887, relating to the fisheries in the waters of Vinalhaven.

An Act authorizing Samuel Sylvester to build a wharf into the waters of Small Point harbor in the town of Phippsburg, in said State.

An Act to amend Section 8 of Chapter 117 of the Revised Statutes relating to constables.

An Act to authorize the Mainstream Lumber Co. to erect a dam across Mainstream in the town of Harmony.

An Act to amend the Revised Statutes, Chapter 115, Section 48, relating to cruelty to animals.

An Act to amend Chapter 9 of the Revised Statutes, relating to the assessment of taxes on lands in places not incorporated.

An Act to establish the Emerson Lumber Company to erect and maintain dams across the West Branch of the Mattawamkeag river in the town of Island Falls in the county of Aroostook.

An Act to repeal Chapter 415 of the Private and Special Laws of 1903 annexing certain islands in the town of Phippsburg.

An Act to incorporate the North Chesterville Light and Power Co. in the village of North Chesterville in the towns of North Chesterville and Farmington, in the county of Franklin.

An Act to amend Section 10 of Chapter 52 of the Revised Statutes relating to the management and operation of steam railroads.

An Act relating to fishing in Lufkin pond, Franklin county.

An Act to incorporate the Saint Francis Telephone Company.

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

An Act to incorporate the Van Buren Light and Power Co.

An Act to incorporate the Harmony and Wellington Telephone Co.

An Act to regulate the purchase of milk and cream by creameries.

An Act against the wilful destruction of fish in the bays, harbors or rivers of this State.

An Act to amend Section 53 of Chapter 41 of the Revised Statutes relating to a bounty on seals.

An Act to regulate fishing in Chepenticook lake, sometimes called Spednic lake, in the county of Washington.

An Act to extend the charter of the Hancock County Railroad Co.

An Act to extend the charter of the Bluehill Trust and Banking Co.

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

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

An Act to amend Chapter 64 of the Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901, and Chapter 48 of the Private and Special Laws of 1903, relating to the Wilson Stream Dam Company.

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

Resolve in favor of L. M. Staples.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of George N. Drost of Fort Fairfield.

Resolve in favor of the town of Edmunds, in the county of Washington, to aid in building a bridge across tide waters in said town on road leading through the town of Edmunds to Whiting.

Resolve in favor of F. J. Allen of Sanford.

Resolve in favor of the town of Greenbush.

Resolve in favor of I. K. Stetson, Bangor, Maine.

Resolve authorizing a temporary loan for the year 1905.

Resolve authorizing a temporary loan for the year 1906.

Resolve providing for an epidemic or emergency fund.

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

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

Resolve in favor of Moose River plantation.

Resolve in favor of George G. Weeks.

Resolve in favor of Jackman plantation, county of Somerset.

Resolve in favor of Peter M. Nelson, representative of Penobscot tribe of Indians.

Resolve in favor of the Girls Orphanage of the city of Lewiston, under the auspices of the Sisters of Charity.

Resolve in favor of aid in building a highway bridge across the Kennebec river between the towns of Bingham and Concord.

Resolve in favor of the town of Fort Kent, in the county of Aroostook, to assist in building a bridge across Fish river in the town of Fort Kent.

Resolve for the purpose of completing the fish hatchery and feeding station at the Rangeley lakes.

Resolve to authorize the land agent to sell and convey certain lands owned by the State in Caribou, now used as a fish hatchery.

Resolve in favor of L. C. Morse.

Resolve in favor of the town of Chelsea.

Resolve in favor of the Norcross Transportation Company.

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

Resolve in favor of the town of Falmouth.

On motion by Mr. Clark of Hancock bill "An Act to incorporate the Trinitarian parish of Castine and to legalize the doings of said parish as heretofore known under the name of the Trinitarian Society of Castine, Maine," was tabled.

Orders of the Day.

On motion by Mr. Simpson of York, Reports "A," "B" and "C" of the committee on legal affairs on petitions to investigate the non-enforcement of the prohibitory law in Cumberland county were taken from the table. The same senator moved the acceptance of Report "A."

REPORT "A."

The committee on legal affairs to whom were referred petitions praying for the appointment of a special committee to investigate the non-enforcement of the prohibitory law in Cumberland county have had the same under consideration and ask leave to report as follows: That from the evidence presented, the committee find that the sheriff of Cumberland county permits various persons to sell intoxicating liquors in a manner not authorized by law; that this condition of things is open and a matter of common knowledge, and was not in any way controverted at the hearing; that in the opinion of the committee this is a clear violation of duty. In view of the foregoing the committee consider that

further investigation is unnecessary and so recommend.

PIERCE,
MILLS,
OAKES,
HOLMES,
TRACY,
GRAY,
WEATHERBEE.

Mr. CLARK of Hancock: Mr. President: I would like a little time to look these reports over, and move that the reports be tabled.

The PRESIDENT: This is a special assignment for today.

The question being put on the motion of the senator from Hancock, the motion was lost.

The pending question being upon the motion of the senator from York, that Report "A" be accepted—

Mr. STAPLES of Knox: Mr. President: I hold in my hands the three reports. It is unusual, I think, that three reports come from a committee on the same matter. I have never known it in my experience at least as a member of this Senate. This matter was before our committee, and I wish to say in the beginning that I do not believe that either Report "A" or Report "B" should be accepted.

This matter that came up before the legal affairs committee for a commission for the investigation of a better enforcement of the liquor law of the county of Cumberland was threshed out there by the committee, and it did seem to me that there was only one of two things to do, either report the bill or give the petitioners leave to withdraw.

I do not believe that this committee—I do not believe that this Senate, has any right to single out one man in Cumberland county, and put into their report censure of that man. There was no evidence whatever before this committee, Mr. President, that the liquor law in Cumberland county was being violated by the sheriff of that county. There was no evidence whatever; there were only two persons who testified before the committee—Hiram Knowlton and Zenas Thompson of Cumberland county; and when the

question was put to them what they knew about it, they had no evidence to offer before the committee; they had heard it rumored, but they could not point an instance or place where they knew liquor was being sold in Cumberland county, or that Sheriff Pennell had not done his duty in every instance in enforcing the law.

Therefore I say it is wrong to incorporate in the committee's report "A" this clause—"That from the evidence presented the committee finds that the sheriff of Cumberland county permits various persons to sell intoxicating liquors in a manner not authorized by law; that this condition of things is open and a matter of common knowledge." I say it is wrong, and that the only thing for that committee to do was, if they had sufficient evidence before them, to say the matter ought to be investigated. But it is wrong, I submit, Mr. President, to put that clause in the report, to smirch the man, without more evidence than was brought forth in the hearing.

Now if the members of this committee who signed Report "A" that the liquor law was not being enforced by Sheriff Pennell of Cumberland county, then they should have stood up like men and made the report that it ought to be investigated; but without any evidence I say it is wrong to undertake to throw odium upon the distinguished gentleman in this State that Sheriff Pennell is, and to say that he is nullifying the law, without the least particle of evidence to substantiate it.

I do not do this for any other reason than what is right and just. I would not do it as a report from the committee, and for that reason I ask that that report be not accepted. Then we turn over to the next sheet, and we find a very peculiar report, Mr. President—a very peculiar report. And you will pardon me a moment if I read some of it; they say—"That the evidence presented at the hearing was no more than hearsay and common report, and not such as would be legally admissible in judicial proceedings. That so far as we are informed the degree of enforcement in Cumberland county appears not to be materially different from

that in several of the other counties of this State."

Now that is signed by two of my friends, Mr. Baxter and Mr. Reed, and it reminds me—they did not want to sign the majority report; it seems to me they were afraid—they didn't know whose hands they were going to fall into, therefore they undertook to white-wash this matter by signing another report. As I was going to say—it reminds me of the Punch & Judy show—you pull one string and up comes Mr. Punch, and you pull another and up comes Judy. The funniest part of it is to come;—they of course, are Republicans and there happened to be one Democrat on the committee. I said "That sounds very well, I don't know but what I will sign that report." But they replied—"We don't want you to sign the report, as it would look Democratic." I said I would not go to bed with a man who has the itch if I know it, and that I would not sign either of them. They had come to the same conclusion as the others in Report "A," so I recommended that the petitioners have leave to withdraw.

Well, I think that is the only right thing to do, and I believe it now; moreover, I think you of the Senate will sustain me in it as there was nothing in either Reports "A" or "B," those who signed those two reports to believe they were justified in voting "ought to pass" on the bill, where the only fair thing to do was to simply give the petitioners leave to withdraw, as I have in the report signed by myself. I hope, Mr. President, that Report "A" will not be accepted.

Mr. CLARK of Hancock: Mr. President: I asked, a minute ago to lay this matter on the table that the same might be looked into. To my mind it is a very peculiar proceeding. Here is a report which I can hardly understand. It reads very peculiarly when it says:

"That from the evidence presented, the committee find that the sheriff of Cumberland county permits various persons to sell intoxicating liquors in a manner not authorized by law; that this condition of things is open and a matter of common knowledge, and was

not in any way controverted at the hearing; that in the opinion of the committee this is a clear violation of duty. In view of the foregoing the committee consider that further investigation is unnecessary and so recommend."

It seems to me, Gentlemen, that that report contradicts itself. If there has been a petition here to investigate the enforcement of the law, it is our duty to investigate that, and report one way or the other. The committee have investigated and report by a majority report that the Sheriff of Cumberland county is not doing his duty, and that the violation of the liquor law is so open and notorious that no action is necessary. Why, gentlemen, it seems to me, if they had reported to this Legislature that there was no violation of law, then the last part of that report should be added to their report, that 'no further investigation was necessary.' But I stand here today and will not vote to accept the report which shows on its face that an officer is answerable to this Legislature for not faithfully performing his duties. I will not accept the report which practically exonerates him. I do not know why this report was made up in this way, nor do I understand that any gentleman on that committee should be criticized, because we all know they are above criticism; but it does seem to me that before the majority report is accepted, which states that no further investigation should be made, this matter should be thought over and be gone over carefully. We have done things in this Legislature which we have regretted afterwards. I say you will regret action in this matter if that report is accepted, and no further action is taken; because, when a committee reports to this Legislature that a sheriff who can be impeached by this Legislature for violation of the oath of his office, has been notorious in the non-performance of his duty. I as a member of this Legislature refuse to accept that report until I know why it was done. The Constitution provides for impeachment of our sheriffs if they are not doing their duty. This reports that the sheriff is not doing his duty. I ask you, as fellow-Senators why we do not see that he is doing his duty, if the com-

mittee has reported to us that he is not. Report "B" whitewashes it a little more. It says that that finding was made on testimony that would not be admitted in a court of law. Why, gentlemen, all of the testimony before committees in this Legislature is not legal testimony. In the first place witnesses are brought here, as you are all well aware, and brought before committees, without taking oaths, and not one word of their testimony would be received by any court of law. People are allowed to express their opinions, who are not experts. People are allowed to give evidence and hear-say testimony. An attorney comes in without a witness and makes out his statement; and, in fact, the whole proceeding is not such as would be allowed in a court of justice in this State. I say, I refuse to be one of a party who will concur in the acceptance of a report when it has been unanimously—or at least a majority report that the Sheriff has violated his oath.

Mr. PIERCE of Arcostook: Mr. President, I will just briefly state the position of the committee in regard to this matter and perhaps I can meet some of the objections raised by the Senator from Hancock to the report "A." If the members of the Senate will look at the three reports they will see that report "A" is signed by seven members of the Legal Affairs committee, report "B" by two, and report "C" by one; and if you will look at the names upon those reports it will divide itself very readily in your minds, and I think you will readily see that report "A" is signed by men who have no local interest and are unprejudiced members of the committee in regard to such a matter as that. I do not wish to criticize the members who have signed report "B," for they may have good, substantial reasons for signing such a report; and we might expect our friend, the Senator from Knox to sign report "C," and no other report. Now, our committee looked upon it in this light: that they had been asked to look into the matter of violation of duty by the sheriff of Cumberland county; and the report speaks for itself; and if my friend, the Senator from Hancock, will read it carefully; I think he will see

that that committee has found that the sheriff of Cumberland county has allowed the sale of intoxicating liquors within the county, contrary to law; and the committee finds a violation of his duty. Now the committee cannot impeach. It is in the hands of the Legislature. We have presented our finding, and now leave it in the hands of the Legislature to do as it sees fit. We find that it is a matter of common knowledge, so recognized throughout the State, and further investigation was not necessary to our committee, who leave it with the Legislature to do as it sees fit with this question; and I hope, when this vote is taken, the members of the Senate will see fit to adopt report "A."

Mr. POTTER of Cumberland: Mr. President, I did not intend to take any part in this discussion, and I propose now to say only a word.

It appears from Report "A" that the committee was asked to investigate and to ascertain what the facts were. I do not know anything about what evidence was adduced before the committee—whether it was legal evidence, or the kind of evidence which the senator from Hancock says is usually presented at such hearings. I do know that the findings of the committee are in absolute accord with the facts. It is the fact, for instance, that the sheriff of Cumberland county permits some persons to sell intoxicating liquors in a manner not authorized by law. It is a fact that that condition of things in Cumberland county is open and a matter of common knowledge; and I presume it is a fact that it was not controverted at the hearing.

These things are facts, because they have been publicly confessed by the sheriff of Cumberland county. Now, that being so, it is unnecessary for the committee on legal affairs to investigate farther to ascertain facts which are uncontroverted. It is not necessary to investigate farther because the fact is known, and I assume known to the committee by proper evidence.

The facts, then, are found and reported and it is competent for the Legislature to take such action as it deems proper, as the senator from Aroostook suggests. It therefore seems to me en-

tirely proper that Report "A" should be accepted.

The question being put upon the motion of the senator from York, Senator Simpson, that Report "A" be accepted, the motion prevailed, and Report "A" was adopted as the report of the committee.

Mr. GARDNER of Penobscot: Mr. President, With the consent of the senator from Knox regarding special assignment Senate document 187, I wish to take from the table House document 215, relative to a ferry on the Penobscot river between Lincoln and Chester, and therefore move that the same be taken from the table.

The motion prevailed. The report was accepted.

On further motion by the same senator, Senate amendment "A" was adopted. The bill as amended was read and assigned.

On motion by Mr. Tupper of Lincoln House document 361, bill "An Act to amend the Revised Statutes relating to sea and shore fisheries," was taken from the table.

Mr. TUPPER. Mr. President, I wish to offer Senate amendment "A" and to state that the amendment was prepared for myself and the attorney for the commissioner of sea and shore fisheries and that it is satisfactory to all parties interested.

The question being put upon the adoption of Senate amendment "A," the same was adopted. The bill as amended took its second reading and was passed to be engrossed.

Senate document 187, tabled by Senator Staples of Knox, being bill to amend Revised Statutes relative to salary of commissioner of sea and shore fisheries, came up by special assignment, and on motion by Senator Staples the same was taken from the table. That senator thereupon moved that the bill be indefinitely postponed.

Mr. STAPLES: Mr. President, it seems to be in order during this session of the Legislature to raise everyone's salary who wants it raised, and it seems to be my province to stand here and oppose such action, and to get beaten in so doing.

Nevertheless I want to put myself on record as opposing any increase of sal-

ary that is not necessary. I believe a time has come when we have appropriated over two millions of dollars at this session of the Legislature, and that we should call a halt in this matter. It is surprising to look over the record and see the amount of money we have appropriated and see the number of State officials whose salaries have been raised.

We must answer to the taxpayers of this State for the raising of these salaries. I believe in paying anybody and everybody a fair compensation for services rendered, but when you can find 50 or a hundred men who are well qualified to take the position and perform its duties at a thousand dollars, it seems to me to be wrong that we should pay a man \$1500.

Now, I have nothing to say against the commissioner of sea and shore fisheries—that is not my purpose; but he has been in office some time and up to this time he has been content to perform the duties of his office, and I apprehend that he has done it well—for a thousand dollars a year, and that he has been well satisfied at that.

Now, when his duties, as I shall show, are less, today,—or will be for the next year—than they were for the last three or four years, during which he has held the office, I can see no earthly reason why we should pay him the sum of \$1500. There are plenty of men anxious to take that office today for the sum of \$1000, just as competent as the man who holds it today, and who would perform the duties just as well.

We owe a duty to the tax payer. We like to accommodate everybody, but we must call a halt somewhere, and we may as well call it here as anywhere else. What are the facts in regard to this matter? Before this Legislative session one of the great industries of this State, one of the duties required of the commissioner of sea and shore fisheries was that he should make a detailed statement of the capital invested, the number of men employed, the value of the products, and an estimate of the cases of sardines packed. This is one of the largest industries of the State of Maine that took a good deal of his time. That law has been repealed this winter, so he won't have so much to do as he had

last year as commissioner. Why, then, raise his salary to \$1500? The taxpayers are going to say that we have so much money we are raising the salaries of men whose labors are not so great as they were when under the previous salary. I for one am not going to do it—in the interests of the taxpayers of the State of Maine.

There is another matter which is connected with this. We have appropriated at this very session for the protection of lobsters \$5000. This position, as you will see by House document 34, is held by the commissioner's son, who takes his yacht and goes out; but for the last year I think very few seed lobsters were caught; and we have appropriated \$5000, which is a sinecure for that work. That is in the Nickerson family—a son of this commissioner. Besides that he has the manipulation of \$15,000 which is raised for sea and shore fisheries, at his disposal. Not only that; he has besides an expense account of which I apprehend I can find no record as to its application anywhere. I apprehend there is an expense account of \$1200 or \$1400 besides his salary of \$1000, and now comes this proposition to raise his salary to \$1500. There is not a State official in Maine who is not more entitled to an increase of salary than this "sea commissioner;" and for that reason, in behalf of the taxpayers of the State of Maine—as we have already run up to \$2,400,000 in appropriations (or we shall before we get through here) and the revenue of the State of Maine cannot pay half the appropriations voted this year—and this can be demonstrated beyond any question—for that reason, Mr. President, I have moved that the matter be indefinitely postponed.

The question being put upon the motion of the senator from Knox, that the bill be indefinitely postponed, the motion prevailed.

On motion by Mr. Curtis of Cumberland, the following Resolves were placed on file, namely:

Resolve in favor of the town of China.

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 Vassalboro.

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 Phippsburg.

On motion by Mr. Tartre of York, the Senate adjourned to meet on Thursday, March 16, 1905, at 10 o'clock in the forenoon.