

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Thursday, March 16, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Plummer of Hallowell.

The Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

Bill, "An act to amend section 22 of chapter 6 of the Revised Statutes relating to the regulation and conduct of elections," came from the House, report of committee on judiciary "ought to pass," accepted by that branch. On motion of Mr. Gardner of Penobscot the bill and accompanying report were tabled.

Bill, "An act in relation to the South Paris Village Corporation, and to establish a system of municipal lighting," came from the House accompanied by two reports from the committee on legal affairs, as follows: Majority report that the same "ought not to pass," signed Staples, Baxter, Mills, Reed, Tracy and Weatherbee; minority report "ought to pass" signed Pierce, Oakes, Holmes and Gray.

In the House the minority report was substituted for the majority, and in that branch the bill took its several readings, and was passed to be engrossed.

Mr. Pierce of Aroostook moved that the Senate concur with the House in substituting the minority report for the majority report.

Mr. CLARK of Hancock: Mr. President, before this matter has been finally settled I would like to say one word in regard to it. It has been the policy of this Legislature, and especially so this winter, to be more or less governed by majority reports. I think perhaps that is a fairly good policy to pursue in most cases, unless since the report—or even before it—we have some peculiar knowledge that the committee has not.

Now in this matter, this committee have gone over this and undoubtedly weighed it very carefully, and heard the testimony both pro and con, and in a majority report decided that the same "ought not to pass." The facts

as they appeared two years ago before the committee, and which same facts, I understand, appeared this year, are substantially as follows:

The Oxford Light & Water Company, which is composed of Governor Hill, Mr. Macomber of this city, and Mr. Sheppard of Rockland, and some other gentlemen, bought this plant up there of the Wallace Brothers some few years ago, and established this lighting plant up there, together with a street railroad line, which they consolidated with this plant. They paid something like \$135,000 for this property, and bonded it for approximately \$85,000, and floated those bonds as all bonds are floated upon the market.

Shortly after that they made several improvements in the plant, and certain individuals in the town of South Paris bought a small water power upon one of those rivers in the town—a very small power—and paid \$1,000 for it. After they purchased this power, and had it upon their hands, they did not know what to do with it, and so proposed selling it to the town and let the town establish a municipal lighting plant upon this power. They then applied to the Legislature for authority for the town to construct a lighting plant of its own.

Now, it has been the well settled policy of this Legislature for all times, I believe, that when we give a corporation or person the right to establish a lighting or water plant, or any other public corporation a franchise or charter, that they have vested rights in that charter which we shall protect at all times; and the only time we shall not protect them is when they do not serve the public, and do not come up to the standard of satisfactory public service that a corporation should; and it is an implied contract upon our part that so long as you serve the public fairly and faithfully you shall have that franchise unmolested.

But in a great many cases I have known where the public have not been faithfully served; for instance, as before the judiciary committee this winter, which reports a bill this morning of the Castine Water Company that has a charter which has not served the public as it should, but we are giv-

ing the town a new charter with the express provision that the old company have two years in which to complete its work, thus implying and showing that we will protect them from encroachment by new companies at all times.

In this case there was some evidence that there is some defect in this plant, that it was not lighting the way it should be. Since that hearing two years ago the Oxford Light & Power Co. has expended about \$14,000 upon its plant to complete it, and today in addition to the investment they have, they have \$14,000 on which individuals have endorsed notes for the company in order to complete those works.

The people who apply for this charter claim that the town of South Paris could light its own streets cheaper than it could by buying electricity of the Oxford Light & Power Co. The Legislature was satisfied two years ago these were not the true facts, because they were relying expressly upon their water power, and in no way upon steam, to light those streets, and it was proven to the committee that there was not a lighting plant in the State of Maine which relied wholly upon water power to generate electricity for its plant, but would have to put in an auxiliary plant, and it would cost double and treble to light the streets of South Paris.

Now, in addition to that the Oxford Light & Power Co. came in and said to these people, "We will meet you fairly on any equitable grounds in this matter. We will appoint a commission to arbitrate this thing, and they may say what the fair thing to do is. We will sell this plant to you for what it cost, and have a commission appointed to say what the price shall be here, and that commission may be appointed by the chairman of the committee on legal affairs."

That proposition was made two years ago, and I understand the same was made this year. They also offered to sell the plant and take a half interest in it, or in any way to meet these people on equitable terms; and I say that when they are ready to meet on terms of that kind it is our duty to protect vested rights in all cases, for if

we do not it will invalidate these bonds entirely.

Mr. STAPLES of Knox: Mr. President: As a member of the Committee that signed the majority report, I feel that it is my duty to state a few facts in connection with this matter. I have ever been in favor of municipal ownership, upon general principles, and I am today, when the rights of parties already in control can be protected. I understand it is the settled policy of this State that where a corporation has entered in, like an electric light plant, or a water company, and is expending large sums of money in purchasing that plant that this Legislature has never permitted another company to go in unless that new company is willing to assume part of the responsibility of paying a certain proportion of what the old plant cost in the territory designed to be occupied. This matter was thoroughly investigated two years ago before the Legal Affairs committee, and at the hearing at this session of the legislature. The Oxford Company have been in there and expended \$120,000. They undertook to generate their electricity by water power. They found that was not sufficient. The village of South Paris found fault that the light was insufficient, and within the last year the Oxford Light Company has expended \$20,000, for a steam plant which, in the future, will light South Paris all that is needed, and all that will be required. Furthermore, to be fair upon this Oxford Company, it has offered to sell to the South Paris corporation its rights, in South Paris corporation; and if they cannot agree upon a price, to leave it to arbitrators—offered to leave it to the committee on Legal Affairs. Now, Capital is timid. If you are going to say that, if a corporation goes into a city or village, and expends a hundred thousand dollars in an untried experiment as it was with them, there—it never has been very remunerative—if you are going to say to them that another company shall go in there, after the bonds of the Oxford Company have been scattered and is in the hands of innocent holders—if you do that, these bonds cannot be worth, at par, what those men have paid for them. Capital, I say, is timid. If you are going to proceed with that policy in this State, you might as well say to new electric light plants, or

any plants of that kind, keep out. I recollect the first year I was in this Senate, we tried to get municipal ownership in the town of Camden. Some of you here may recollect that, but we never thought of asking for a charter for the town of Camden unless we made provisions to pay the Rockland Water Company that proportion of the expense that they had been to in that part of the territory. The Oxford Company is willing to arbitrate, if they cannot agree upon a price, to sell them that portion of the territory, or the rights they want; and if they cannot agree, to leave it to arbitration. There can be nothing fairer; and the bondholders have some rights. If I purchase bonds of a company in good faith, which has expended a hundred thousand dollars, are you going to give another man a right to come in and say: "We do not care what you have done, we will put in a plant." I have a right to assume that you will protect me when I have invested money in those bonds, in good faith; and for that reason, Mr. President, I hope the minority report will not be accepted.

Mr. PHILOON of Androscoggin: Mr. President: When I learn of any municipality that can unite its sentiment on the motive of municipal ownership, in their electric lighting, or water, or in any other comfort essential to a municipality, and persist as long and as faithfully as has the town of Paris in this matter, and as they are still continuing to do, united and determined, it becomes me to endorse and encourage that sentiment. I wish it could be protected in every municipality in the State where there is a system of lighting or a system of water supply. In my own city we were never satisfactorily supplied with water, until we appealed to the Legislature and asked for a charter, and secured it and established a plant of which we are proud. As I said, when a municipality can unite its energy and sentiment in favor of municipal ownership, it gets my support.

Mr. GARDNER of Penobscot: Mr. President: I wish to say just a word. I am not very familiar with the circumstances here. I am somewhat surprised to see the Senator from Knox champion the cause of capital

against the people. It is evident the people of South Paris believe they are not fairly used by the Company which is furnishing them electric lights. As I understand, by this bill, they offer to purchase of the old company as much of the plant as is in their town—that is, in the town of South Paris; and they ask this Legislature to give them a charter in order that they may light their town properly and efficiently and at a reasonable price; and I think that the gentleman who was on that committee who speaks for this charter will explain that the evidence showed the old company is not furnishing light and power in the town of South Paris at a reasonable price, and that the prices have been jumped up outrageously since it started; and not only is the price exorbitant, but the service rendered is not proper. I have friends who live in Portland who are doing business there; and they claim it is an outrage, and that in running a manufacturing business they cannot depend upon the light this present company gives them; and I believe it is in the interest of fairness, decency and proper legislation to give the town of South Paris an opportunity to furnish their own light and power, when the citizens of that town rise almost en masse and say that they are abused by the old company, and that they are not getting proper service. We want to encourage manufacturing, etc., in their village, to light their houses and public buildings properly; and I hope this Senate will stand by what was the unanimous action of the House. I was in the House when this matter came to a vote, and not a voice was raised against its passage. We have never heard a word against it before, and it seems to me there must be something behind this. In the House not a voice was raised against this charter; and I trust the Senate will support the minority report, and give the people of South Paris the advantages which fairly and honestly belong to them.

Mr. PIERCE of Aroostook: Mr. President: I will briefly try to outline to the members of the Senate the condition of affairs which is brought to your attention this morning. Let me, as a member of the legal affairs com-

mittee who signed the report that the people of South Paris should be given the privilege of doing their own municipal lighting, say: That this bill, or charter, or act has been explained in part, but not in whole. Two years ago the same matter came before the committee on legal affairs and was discussed at great length, and the committee while, as a whole, feeling that South Paris should have a right to do its own lighting were a little timid about asking the Legislature to "revoke" as some of them said, the charter rights of the Oxford Light and Power Company; and desired to give the old company a chance to try for the next two years, if possible to satisfy the needs of the people of that village. This was done, and the matter was referred to the next Legislature—this present one. The same matter came up again; the same people appeared for and against, and a stronger case was presented to the committee of this session by far than was presented two years ago. The lights have been poorer, and the conditions could not be met whereby the people of South Paris could get sufficient lights; and now they have come before us, asking the privilege—not of taking anything away from anybody, but of getting that which belongs to them, the right to do their own municipal lighting, which is the right of every municipality.

Now as to the history of this company, that you may not be led to a wrong conclusion from the premises. A number of years ago the Wallaces obtained a charter from the Legislature for a light and power company located in the town of Norway; they asked at that time the right and privilege to control the furnishing of light and water to the village of South Paris. South Paris came to the Legislature objecting, and had an article inserted in their charter that that should not interfere with the village of South Paris doing its own municipal lighting. Nothing was done with that charter. Later on they organized under the general law covering all this ground. Then after that they came to the Legislature to have their acts of organization confirmed and extended, and at that time South Paris objected to having anything in that charter

which would prevent its village from doing its own municipal lighting.

But in the meantime a law had been passed which gave corporations organizing under the general law exclusive powers over the ground covered by their charter of organization, and the South Paris Village Corporation only succeeded in having this clause inserted in the bill, that whatever rights were had by the Oxford Light and Power Co. should not interfere with any rights which the South Paris Village Corporation might have.

It had none; it gave them no relief whatever.

Now then, further, the Oxford Light & Power Co. went on and built and maintained their power house, after finding that the water supply was not sufficient to do the necessary lighting and furnishing of power in the villages of Norway and South Paris. They had found that the water supply was insufficient to supply the needs of the business which they had built up.

They had in the past made an arrangement for the furnishing of light to the village of South Paris at what was considered a fair and reasonable rate; and it was, I admit, for good and sufficient lighting, but the people of South Paris were not satisfied with the lighting; they felt it was insufficient, and they objected. But year after year the contracts were renewed at the old price of \$35 a year for the arc light, running until 12 o'clock on the dark of the moon, which was a high price for such service and 75 cents a month, or \$12 a year for incandescent lighting under the same service.

This ran along until a little more than two years ago, when the same service of arc lights jumped to \$55 a year, the same insufficient lighting with which the village corporation had become dissatisfied and they refused to take any more light at that rate.

Now then, there is where we come in. I say that we cannot, or the people of South Paris village cannot afford to pay \$55 a year for the poor light of that system. They will refuse to do it, and now ask the privilege of having the right to light their own streets and do their own commercial lighting.

The village of South Paris lies adja-

cent to Norway. All of that which is done in South Paris at the present time is the bringing in of some of the lights for commercial purposes. They have in addition to their original plant an electric railway, for which this company is furnishing the power. They are also now selling power, or have been until recently, to a shoe factory, and to the pumping station; and to show at the present time that this company is unable to meet the requirements upon its power they have been obliged within the last few months to cut off the power to the shoe factory and pumping station. So at present they are unable to furnish sufficient power to light the streets of South Paris, and do the other lighting sufficient for their plant.

Now to get at the other reason we are asking for this. In the first place, we would not come in here and ask the Legislature to take away the powers of this Oxford Light & Power Co. if it would do them any material damage. I agree with those who have spoken on this subject that it is not good policy to injure invested capital; but if you will look carefully into this you will see it will not in any way injure vested capital in that locality.

It is said they have expended \$130,000 on this plant. This company bought of the Wallaces their rights and privileges and paid for it in bonds at an exorbitant figure. Now, the Wallaces are not going to be injured, provided this matter is carried, because they took that privilege and right knowing the objections which the South Paris people had, and consequently they took it and must abide by the consequences.

Furthermore the State gives them this privilege; they took it away from South Paris; the Wallaces have received an exorbitant price for it in bonds. If the bonds are reduced, which I claim they will not be, then who shall suffer?—only those who have had exceptional privileges, and have been well repaid for them. Now, that takes care of the Wallaces.

Now upon other matters,—upon the railroad there has been issued a certain amount of bonds, but the railroad is a paying investment, and will continue so to do. That will take care of itself.

Then, further, the people of South Paris have prepared themselves to supply their village with electric lights. Ten of their patriotic citizens bought a water power four miles above Paris village for a thousand dollars, which is sufficient to light the village of South Paris and do its commercial lighting. This they are ready to turn over to the citizens, not for a profit, but at cost, that a municipal lighting plant may be established in order that they may have their own service under their own control. This they are prepared to do, and ready to see it is installed at once. They do not wish to take away anything from the old company, but they are willing to pay the old company for all the property that lies within their town.

Those who have spoken before me have said that the Oxford Light & Power Company have offered to be fair, and offered to compromise. What is that offer? Here is a plant worth \$130,000 located over in the town of Norway, with only about \$2500 worth of property located in South Paris. Now they say you may have it—you may take the whole plant—we will sell it, or you may leave it to arbitration to decide what it is worth.

Gentlemen of the Senate, if you will look over the several water districts along this river, and see what the State was obliged to pay to the corporations, and then look at this little village of South Paris, and ask them to pay not only what these people claim it is worth, but also the value of this franchise, which they claim is more than the value of the property itself. And this, too, located in a town not their own, over which they would have no right of control in the way of taxation. That is a very fair proposition; don't you think so?

Now, further. The South Paris village people offer to take over the property, leaving it to arbitration to say how much it shall be worth, and will pay for all this property that lies in the village of South Paris if the Oxford Light & Power Co. wishes to sell. Or if they do not wish to sell, they are willing that this company should continue to do commercial lighting in South Paris, but they want the privi-

ege of doing what they can themselves.

They say it will reduce the value of the bonds of this company. I say it will not, gentlemen; I say if you have studied this question as I have—if you have heard the arguments presented on both sides, if you had known the conditions there, you could not but see that this removal of the franchise and rights of that company over this little village, which in to does not yield more than \$1600 a year to that company, while they are cut out at the present time from supplying power to ten times that amount in the village of Norway, which is much nearer the plant, because they have not sufficient power. Will you say they are losing any of their revenue because this \$1600 is taken away from them? The trouble is they are not able to supply sufficient lights at the present time. They are broken down, and are trying to carry over 500-horse-power on a 400 engine, and they cannot supply sufficient power. The trouble is they have not given what is right, just and fair to the people of South Paris, and consequently the people there are asking what is right and fair, which you must see is for the good of the whole country. If any corporation can by its franchise rights bar out the rights of the individual, or of the municipality, we are giving away too much; and while I would not for a moment advocate it as a good business principle, or as a good principle for the State to take away that which it has granted in good faith, I say that when that company to which these extraordinary powers have been granted fails to come up and use these people fair and square, over whom their power has been placed, I say the State has come short of its duty, unless it replaces, as far as in its power, that franchise right it has taken away.

I ask you, gentlemen and members of the Senate, to vote to give to this village corporation the rights which the State has taken away from it; and in so doing you will in no way impair the rights, powers and privileges of the present Oxford Light & Power Co.

The Yeas and nays were called for by Senator Pledge, and the same were ordered.

The PRESIDENT: The question is

upon the motion of the Senator from Aroostook that the Senate concur with the House in substituting the minority for the majority report:

The question being put, the vote was had and declared to be as follows: Those voting yea were Messrs. Allen, Bailey, Bartlett, Furbish, Gardner, Irving, Knowlton, Owen, Philoon, Pierce, Pike, Plummer, Putnam, Shackford, Simpson, Sturgis, Tupper (17). Those voting nay were Messrs. Ayer, Brown, Clark, Heselton, Mills, Morse, Potter, Staples, Stetson, Tartre (10). So the motion prevailed, and the minority report was substituted for the majority report. The bill took its first reading.

Mr. Gardner of Penobscot, moved that the rules be suspended, and that the bill take its second reading and pass to be engrossed.

Mr. CLARK: Mr. President: I do not see that there is any object in rail-roading this bill. It seems to me that it would better take its usual course.

Mr. GARDNER: The motion is made simply to expedite business. It does not make any difference, however. If the senator from Hancock is serious in his objection, I will withdraw my motion.

The question was put on the motion of the senator from Penobscot, Senator Gardner; and the Chair declaring itself in doubt on a viva voce vote, a rising vote was taken, 19 senators voting in favor, of the motion, and seven voting against the same. So the motion prevailed, and the bill took its second reading under suspension of the rules, and was passed to be engrossed.

House Bills Read and Assigned.

An Act to close the tributaries of Big Concord pond in the town of Woodstock, Oxford county.

An Act to prevent the throwing of sawdust and other mill waste into little Madawaska river and its tributaries in Aroostook county. (House amendment A adopted in concurrence.)

An Act to make valid the municipal elections of the city of Eastport in Washington county. Received in concurrence and also in concurrence the same received its two several readings under suspension of the rules, and was passed to be engrossed.

The following bills, petitions and resolves were presented:

By Mr. Pierce of Aroostook: Resolve in favor of G. W. Irving, chairman of the committee on education. Referred to the committee on appropriations and financial affairs.

By Mr. Simpson of York: Petition of B. M. Whitman and six others in favor of the proper labelling of proprietary medicines. Placed on file.

Orders.

On motion by Mr. Morse of Waldo, it was: Ordered, the House concurring, that the bill entitled "An Act for the protection of fish in Dead, Bailey and Levansaler brooks in the town of Brooks, Waldo county," which was referred to the committee on inland fisheries and game, be recalled, as that committee has made its final report, and that the matter be referred to the commissioners on inland fisheries and game, as the matter properly comes under their jurisdiction.

On motion by Mr. Gardner of Penobscot, the Senate reconsidered the vote whereby it passed to be engrossed bill "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 1903, relating to extending the time of controlling the water at the alewife fishery at Damariscotta Mills. On further motion by the same senator, the bill was tabled.

Mr. Brown of Kennebec, presented resolve in favor of C. O. Purinton, secretary of the committee on agriculture. The same was referred to the committee on appropriations and financial affairs.

Read and Assigned.

An Act to change the name of the Dover Gaslight Company.

An Act authorizing the town of Mechanic Falls to acquire certain property and rights of the Mechanic Falls Manufacturing Company. On motion by Mr. Philoon of Androscoggin, this bill took its second reading under suspension of the rules and was passed to be engrossed.

An Act relating to a winter speedway on the Kennebec river at Gardiner. This bill took its second reading under suspension of the rules, and was passed to be engrossed.

An Act to amend Section 9 of Chapter 108 of the Revised Statutes, relating to the service of venires.

An Act to amend the charter of the Sebago Lake, Songo River and Bay of Naples Steamboat Company.

An Act relating to the Milo Electric Light and Power Company, ratifying and confirming its proceedings. On motion by Mr. Owen of Piscataquis, this bill took its second reading, under suspension of the rules and was passed to be engrossed.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes relating to disclosure commissioners.

Resolve in favor of M. H. Hodgdon, clerk, messenger and stenographer to the committee on inland fisheries and game.

Resolve in favor of Eastern Maine Insane hospital.

Resolve in favor of the Maine Insane hospital.

Reports of Committees.

Mr. Allen, for the committee on judiciary, on bill, "An Act to reimburse the town of Chelsea for pauper supplies," reported same in new draft, under title of "An Act to reimburse the town of Chelsea," and that it ought to pass. Report accepted.

Mr. Heselton, for the committee on commerce, submitted the final report of said committee, that they had acted on all matters referred to them. Report accepted.

Mr. Morse, for the committee on military affairs, submitted the final report of said committee, that they had acted on all matters referred to them. Report accepted.

The same senator for the committee on pensions, submitted the final report of that committee that they had acted upon all matters referred to them. Report accepted.

Passed to be Engrossed.

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.

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 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 Co."

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 incorporate the Millbridge 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.

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 4 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 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 1 of Chapter 128 of the Revised Statutes relating to malicious mischief.

An Act to amend Section 1 of Chapter 186 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 Maranocook.

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 on 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 amend Sections 100, 101 and 102 of Chapter 27 of the Revised Statutes relating to State roads. On motion by Mr. Clark of Hancock, this bill was tabled, pending its passage to be engrossed.

An Act to incorporate the Monterey Association. On motion by Mr. Staples of Knox, this bill was tabled, and tomorrow assigned for its consideration.

Passed to be Enacted.

An Act to amend Section 93 of Chap-

ter 4 of the Revised Statutes relating to town and city by-laws and ordinances.

An Act to prohibit the hunting of ducks and other waterfowl in Merry-meeting bay, Eastern river and Kennebec river below Gardiner and Randolph bridge by the use of steam, naphtha and gasoline boats.

An Act to amend that portion of Section 3 of Chapter 407 of the Private and Special Laws of 1903 relating to the time and number of fish that can be taken in the streams lying wholly or partly in the towns of Freeman and Salem.

An Act to permit ice fishing in Fourth, Buttermilk and Little Benson ponds in Piscataquis county during the month of February.

An Act to prohibit fishing at all times in the tributaries of Squa Pan lake in Aroostook county.

An Act providing for open season on white perch in Lake St. George, Waldo county.

An Act to assist in building a free bridge across Sheepscot river between the towns of Wiscasset and Edgecomb.

An Act to authorize the Farmington Village corporation to take water for municipal and domestic purposes.

An Act to incorporate the Fidelity Trust Company of Portland, Me.

An Act to incorporate the Jackman Water Company.

An Act to incorporate the Hastings Park Improvement Company.

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

An Act to incorporate the Union Light and Power Company.

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

Finally Passed.

Resolve in favor of Maine School for the Deaf.

Orders of the Day.

On motion by Mr. Gardner of Penobscot, bill to extend the close time on caribou, Senate Document 217, was taken from the table. The bill was read and assigned.

On motion by Mr. Staples of Knox,

House Document No. 312, bill relating to trustee process, was taken from the table. On the same senator's motion, the bill was assigned for tomorrow for consideration.

On motion by Mr. Clark of Hancock, the Senate voted to reconsider the vote whereby Senate Document No. 187, "An Act to amend Paragraph 20 of Section 1 of Chapter 116 of the Revised Statutes, relating to the salary of the commissioner of sea and shore fisheries," was indefinitely postponed. The pending question being upon the motion to indefinitely postpone.

Mr. STAPLES of Knox: Mr. President: I hope that motion will prevail. As I said yesterday—I do not care to repeat it to the Senate—I believe the salary of \$1000 which the fish commissioner has been receiving for the last number of years is ample and sufficient for the amount of labor performed. The committee on sea and shore fisheries have taken from his labors, this year, and for the future by abolishing a part of the work required of him, as I said yesterday, so that upon the salary of \$1500, which this bill would give him today, he would not have so much to do as he had two or three years ago, or last year.

I have no fault to find with Mr. Nickerson, who is my friend, about his way of doing business, but I do say at this time that we would not be justified in raising the salary of the commissioner to \$1500, when we are taking away from him a part of the labor that he has been required to do in previous years. There are a plenty of good men just as capable as Mr. Nickerson, who would be glad to take the position at \$1000 a year.

Besides that, Mr. Nickerson has a son who runs a yacht and collects seed lobsters under an appropriation of this Legislature of \$5000; and Mr. Nickerson besides that has an expense account of \$12,000, which is added to the \$1000 of salary; and he has the manipulation also of \$15,000, being an appropriation for that department—besides other fees which he receives in pursuance of the duties of his office.

Mr. President, it is not a time when we should raise salaries. We have

been raising them on about every State officer this year, and if he is entitled to have his salary raised, then every other man in the State of Maine. I am willing every man should be paid a fair compensation for his services, but when he was willing to take the position year after year for \$1000, and you have taken from him a part of his duties, then to raise his salary to \$1500 seems to me to be an outrage upon the taxpayers of this State.

Mr. STETSON of Penobscot: Mr. President, As a member of the committee on salaries, I simply wish to say to the senators that I was not here yesterday when the matter was under discussion, and although I have not much to say, I wish to say a few words in regard to the hearing before that committee. Mr. Nickerson appeared before that committee and stated that his time was practically occupied during the whole year, that his duties were large, that they were important, that he had the management of large sums of money, spent to great advantage to the State, particularly to the shore counties. The committee after carefully investigating the matter realized that it was an important office, and we felt that the head of that office should receive a salary commensurate to the position and in keeping with the salaries of other department officials. There is no other department official who receives under \$1500 a year and we thought it only justice to that department that he should receive that amount, and the unanimous report of the committee was that the salary should be \$1500 and I trust the motion of the senator from Knox will not prevail.

The question being put upon the motion of the Senator from Knox that the bill be indefinitely postponed, the yeas and nays were called for and ordered, and the vote being had, resulted as follows. Those voting yea were Messrs. Gardner, Philoon, Putnam, Shackford, Staples, Tarter, Tupper (7). Those voting nay were Messrs. Ayer, Bartlett, Brown, Clark, Curtis, Furbish, Heselson, Knowlton, Mills, Morse, Owen, Pierce, Pike, Plummer, Potter, Simpson, Stetson (17). So the motion was lost.

The bill took its second reading, and was passed to be engrossed.

The majority report "ought not to pass" and minority report "ought not to pass" on bill to annex to Roque Bluffs certain islands forming a part of the town of Jonesport, came up by special assignment. On motion by Mr. Shackford of Washington, the bill and accompanying report were taken from the table.

The same senator thereupon moved that the minority report be substituted for the majority report.

The PRESIDENT: In order that the Senate may know the fact, the Chair will state that the majority report "ought not to pass" is signed by Messrs Ayer, Swazey, Curtis, Clark, Hill, Thompson and Witherspoon. The minority report "ought not to pass" is signed by Messrs. Shackford and A. A. Shaw.

Mr. SHACKFORD of Washington: Mr. President and Gentlemen of the Senate, I wish to make a statement of facts in regard to this bill and why I oppose the passage of the same. Will try and not take any more of your time than I can help. There is a petition goes with this bill which I will read. Jonesport was set off from the town of Jonesboro in 1832, Feb. 3, 73 years ago last month. At the time the town was incorporated all the islands that were formerly a part of Jonesport were set off to the town of Jonesport, and among the islands was the island now known as Gardner's island, one of the easternmost of the group which consists of about 1300 acres of land, and has belonged to Jonesport up to the present time, although it has changed ownership several times.

In 1891 the town of Roque Bluffs was set off from the town of Jonesboro. This part of the town of Jonesboro before Roque Bluffs was set off, was the nearest land to Gardner's island in that town, and holding the same position as regards location that Roque Bluffs holds at present, and in the 59 years before Roque Bluffs was set off Jonesboro never made any claim to the possession of this island.

In the year 1891, when an attempt

was made by the town of Roque Bluffs to have this Gardner's island set off from Jonesport and annexed to Roque Bluffs. That is when the town was incorporated. It came before the Legislature in 1897 and was referred to the next Legislature. It was brought up again in 1899 and was reported by the committee "ought not to pass."

Mr. HESELTON of Kennebec: Will the senator from Washington allow me to ask who it was that brought this matter up in 1897 and 1899?

Mr. SHACKFORD: It was brought up by a petition as it is at this time; by a petition of the inhabitants of Roque Bluff to have this annexation.

Mr. HESELTON: Not by petition of the inhabitants of Roque Island.

Mr. SHACKFORD: There are no inhabitants. There is a caretaker there, hired by Mr. Gardner, who is the owner of the island.

Mr. HESELTON: Excuse me, I wanted to understand the matter.

Mr. SHACKFORD: Now, this year a petition signed by the inhabitants of Roque Bluffs and by non-resident tax payers at Roque Bluffs came before this Legislature accompanied by a bill to have this island, together with other small islands, belonging to Jonesport, set off from Jonesport and annexed to Roque Bluffs. Now, the people who petitioned for this property to be taken from one town and given to another are all residents of Roque Bluffs or non-resident tax payers in that town, all of whom would be benefited if this bill should pass, and this property be taken from Jonesport and given to Roque Bluffs.

The valuation of the town of Roque Bluffs in 1890 by the Maine Register was \$13,000; in 1900 it was \$28,187, an increase in value of 56 per cent in 10 probably in the same proportion years. Since that time the town has continued to increase in value, probably in the same proportion. There has been a fish curing establishment carried on by the senator from Washington in connection with others, and there is a boat building plant that builds boats and auxiliary launches for the sardine business, together with many new weirs which have been built within five

years. The town has no debt and no paupers, and is altogether flourishing. Jonesport has a debt of \$7653.33.

Now this island, Gardner's Island, is from one-half to two-thirds of a mile from the main land of Jonesport, and it is two miles from Mr. Gardner's cottage, thence by team to Jonesport village is four and three-fourths miles. From the above cottage to Machies via Roque Bluffs, where anyone would have to go to trade (as there are no stores at Roque Bluffs) the distance is about 10 miles. The distance to Jonesport village by water, where Mr. Gardner goes most of the time in his steam yacht to get his supplies which are sent from Boston, is 4 3-4 miles. The distance to Machias by water is 13 miles.

There are several other small islands included in this bill which they ask to be annexed to Roque Bluffs, which are inhabited by 25 or 30 fishermen part of the year, engaged in catching lobsters, digging clams and tending fish weirs. These fishermen all belong to Jonesport. Jonesport fishermen own all of four weirs at these islands except one-fourth of one weir. The fact that Jonesport fishermen own weirs now built (and there are chances for other weirs to be built) it would be a very great disadvantage to Jonesport people if they were non-residents, Roque Bluffs having voted at town meeting not to grant weir licenses to non-residents.

The total value of the islands owned by the Gardners, including cottage and stock, is \$16,080; tax value of the other islands asked for in this bill \$195.00. Now, one-half of the small islands owned by Mr. Thompson of Roque Bluffs, member of the committee on towns, was sold for \$200.00. The tax value assessed on this island was \$40 by the town of Jonesport. There has been no change in the valuation of Gardner's Island from 1898 to 1903; 1903 to 1904, decrease in valuation of the cottage and the old homestead of Geo. A. Gardner, 14 2-7 per cent.

Mr. Gardner has not petitioned to the Legislature nor in any way made known that he wished his property to be set off from Jonesport and joined

to the town of Roque Bluffs. I have a letter written by Mr. Gardner to Mr. E. B. Sawyer of Jonesport, since the Legislature was in session, which I will read to you. (Read Mr. Gardner's letter.)

The only reason I see why this island should be taken away from the town of Jonesport and given to the town of Roque Bluffs is because the inhabitants of Roque Bluffs and non-resident tax payers want it. It would reduce their tax rate one-half, and no doubt would be desirable for them to have. I cannot make it appear in any other way except they wish to obtain a valuable property from another town without having any claim to it whatever or giving anything in return. Now, I wish to say a word in justice to myself about the hearing before the committee. Two of the members of the committee on towns the day this hearing was had, the senator from Kennebec and the senator from Cumberland, two gentlemen whom I hold in the highest esteem, were called away and were not present when the evidence was given in behalf of the remonstrances, and I do not think anyone can judge a case impartially when they hear only one side of the evidence. I think they would have signed the minority report if they had heard the other side, providing the appropriations are the same as last year will be three per cent., while that of Roque Bluffs would be only .014 if the island is taken from Jonesport and given to Roque Bluffs.

If this island goes to Roque Bluffs 75 per cent. of the tax of Roque Bluffs would be paid by non-residents, who would almost be released of taxation by reason of the low rate.

The town of Jonesport paid to the school on Gardner's Island \$95.00 last year. Total amount expended by Roque Bluffs was \$160.00.

Now, gentlemen, you will hear considerable said about the channel to the sea to the west of the island being the main ship channel and being buoyed out. Now the channel that is navigable to the east of the island between the island and the town of Roque Bluffs is deeper and wider than the

channel that leads to the city of Philadelphia in Delaware bay from the ocean, and some of our largest battle-ships have been built by the Cramp Shipbuilding Co. of Philadelphia.

The least water by chart at low water in the east channel is 21 feet; rise of tides, 12 feet, 3 1-2 inches, mean tide, making 33 feet depth at high water, which is water enough to float any ship in our navy and I think any ship afloat.

And now, gentlemen, I leave the matter in your hands. I thank you for your courtesy and attention given to me in this matter, and I hope you may decide to accept the report ought not to pass. I will say, gentlemen, I have no personal interests in this matter whatever. It is only because I think it is right and just that I signed the minority report and have done what I have.

Mr. HESELTON. I would like to ask the Senator from Washington one question. Will the Senator state to the Senate who were the remonstrants against this addition of Roque Island to Roque Bluffs.

Mr. SHACKFORD. I did not want to go into that, but as you request it I will say that this bill originally called for more property, more islands than it does at present. I understand when they came to find out about these Islands, one of them wished to be annexed. It had 150 inhabitants, had several paupers, and one insane person, and there were roads to build, etc; and the expense of this other island was a little more than what the income was, and for that reason the bill was changed. I will read the remonstrance here from some of the Heirs of Colonel Peabody—Francis A. Peabody, and T. K. Lothrop, who were non-residents, people who owned some of the islands in the first petition to be set off.

(Reads the remonstrance.)

Mr. HESELTON. What I particularly wished to make my inquiry about was this, do the citizens of Jonesport remonstrate against the annexation of Roque Island to Roque Bluffs.

Mr. SHACKFORD. I do not know as they do. They make a remonstrance generally in regard to Gardiner's Island.

(The Senator reads remonstrance signed by Frank Wallace and 33 others of the town of Jonesport.)

Mr. STAPLES of Knox. Is it not a fact that the people of Jonesport oppose this?

Mr. SHACKFORD. There is no question about it; they do. They have been here several times, and some of them are here now. It was the unanimous vote of the town that they should oppose it.

Mr. HESELTON. The citizens of Jonesport are not anxious to let Roque Island get away from their township?

Mr. SHACKFORD. They are very much opposed to it.

Mr. PIKE of Washington. Did I understand you to say there were no stores at Roque Bluff.

Mr. SHACKFORD. That is what I understand.

Mr. PIKE. I have been there, and there are stores there. Do I understand you to say the owner of Roque Island has never petitioned this Legislature.

Mr. SHACKFORD. I don't say he never did. He has not in this case.

Mr. PIKE. But always before, and the reason they turned him down before was because he was not a citizen of this State.

Mr. SHACKFORD. I am not aware of that fact. All the information I got was at the hearing.

Mr. PIKE. I understand you to say that Roque Bluffs was ten miles from the railroad.

Mr. SHACKFORD. I don't think I mentioned the railroad at all in anything I said here today—not to my knowledge.

Mr. AYER of Kennebec.

Mr. President:

First, I wish to say that I have no personal interest in this subject whatever, other than to defend the action of the majority.

The committee on towns gave the question of annexing Roque Island to the town of Roque Bluff, an ample hearing, and after discussing the subject (and I will say here that from observation it looks as if the discussion was not altogether confined to members of the Committee or Legislature) were unable to agree, and have two reports—one, ought to pass, being signed by seven members—the other, ought

not to pass, by two, the tenth member of the committee not taking part on account of illness.

It was brought out at the hearing that Chandler's river running between Roque Bluff and Jonesport, and that part particularly between Jonesport and Roque Island, on account of being buoyed and acknowledged as the Ship Channel, is the natural division between Jonesport and Roque Island, and the majority of the committee, think therefore, should be the dividing line. It was found that the island in question is equally distant from Jonesport and Roque Bluff, that the owner and only inhabitant of the island goes to Roque Bluff for supplies, mail, etc.; that his preference for Roque Bluff, is clearly shown by the interest he has taken in that town's affairs, and the liberal way he has treated the people of the town.

The question of taxes (the rate being about the same in both towns) and schools entered but little into the question. The matter of valuation as assessed by Jonesport, namely, sixteen thousand dollars (\$16,000.) did somewhat, but the committee feel that on account of the very prosperous condition of Jonesport, its population being about 2000, its valuation \$448,872, as compared with Roque Bluff, population being on than 200, valuation \$28,187, that the passage of an act as recommended by the majority, would not work a hardship or injustice.

In questions of this kind it is clearly established by the assessment and the distribution of State school funds that it is plainly the duty of the larger and more prosperous cities and towns to help the less prosperous.

For the reasons, as stated, which, taken into consideration with facts known and statements made outside, were sufficient we think, to warrant the majority report.

Perhaps I ought to stop here, but I am going to venture in saying further, that there was one thing that I could not understand, and that was, why the owner of Roque Island did not appear before the committee—I made such a statement, and some days afterwards I answered a call on the phone—the party stated that his name was Gardner, that he was the owner of Roque Island, and asked if he could make a statement in regard to his position in the matter of annexation; I replied that I should prefer not, but if he was willing that I should ask one or two questions and state the replies to the

committee, that I would do so, his answer was that he would be glad to have me. I asked him if he wanted Roque Island annexed to Roque Bluff; his reply was, "I do most earnestly and emphatically." I then asked why he was not present at the hearing before the committee; he replied that he had been represented at former hearings and furnished funds necessary to have counsel and witnesses before the committees of previous Legislatures, that the people of Jonesport, with a preponderance of wealth, influence and numbers had, as he expressed it, "easily and quickly squelched me;" that after each petition his taxes had been raised and that in a way he had otherwise been made uncomfortable—in the language of the street he had been "phased," and concluded that the right of petition by a non-resident, although he was a large property owner, had practically been denied, and that further effort on his part was useless.

Whether his conclusion was right or not, I regret that any gentleman a non-resident who has interests in this State, should feel that because he is such, it would prejudice his standing before any legislative committee in the consideration of a proper petition that he might see fit to address to it.

From some things that have taken place in connection with this proposition, I almost feel that there were grounds for his conclusion. Fifteen minutes after the committees had been announced in this Senate a man from Portland, an extreme section, an acquaintance of mine, came to me and stated that the annexation of Roque Island to Roque Bluff, would be wrong, and hoped that I should look upon it in that light. More or less of that kind of information has been given to members of this committee, continually, since, and this subject generally and generously discussed by the third house at every opportunity.

I must confess, from the reasons, as stated, that I do not wonder that Mr. Gardner, expressed himself as being "phased," and asked other people, natives of the State, to petition in his stead.

I thank you for your attention, and trust that you will endorse the report of the majority of the committee.

Mr. SHACKFORD: Mr. President, may I ask the senator from Kennebec a question? Will you please tell me when this interview by telephone took place? Have you the date of it?

Mr. AYER: Yes, it was two weeks ago last Wednesday.

Mr. CURTIS of Cumberland: Mr. President, in this matter I assure you it is not from any personal reason or motive and outside of the interests I have in the dignity of the committee, I have no special desire to rise at this time in support and in behalf of the majority report of the committee on towns, of which I have the honor to be a member.

I do not feel that it is incumbent upon me to take part in debating on the many local matters that are being continually reported to us by our various committees. Unless the matters are of vital im-

portance to the State or of a special interest to my constituency, I feel in a measure that they are no special business of mine. I much prefer that the reports of these various committees should speak for themselves, feeling as I do that the members thereof after threshing out the evidence, are in much better position to vote intelligently on the matter than I could without the facts at hand.

In this matter of Roque Bluffs there have been many peculiar and disagreeable conditions and circumstances, otherwise my voice would not be heard in the matter. There have been many pitfalls and quicksands for the committee to pass over and on which originally it was my intention to extend my remarks, but on further consideration, I have come to the conclusion that the least said the better.

I have no desire to consume your time by going into the many details and intricacies on the question, and I will touch but lightly on them. Suffice almost it is to say that the committee gave a fair, square and impartial hearing, complete in every detail, and the outcome of which is that they have brought to this body for your honorable consideration a majority as well as a minority report, based upon, built upon and arrived at after careful and faithful consideration of all phases of the proposition, and with all the light and intelligence at their command.

The question has been asked repeatedly why should Jonesport give up this island to Roque Bluffs, and by the same token I also ask why should Jonesport not give up this island or why has Roque Bluffs not as much right to this island as Jonesport? I might also ask why do the larger towns and cities of this State contribute and contribute willingly to the mill tax to help support the schools in the smaller towns of the State. There are many whys and wherefores and I presume there may be many answers. I reply that it is all in the eternal fitness of things. Individuals, towns, cities, counties, states and even countries should help each other when occasion calls for it, as also legislative bodies in my opinion should help their committees when opportunity affords.

I will only say that I believe the geographical positions, all conditions and the convenience of all concerned are strongly and remarkably in favor of granting the prayer and request of the inhabitants of the town of Roque Bluffs. I consider their request entirely within bounds and not at all unreasonable.

This island is directly adjacent to the main land of the town of Roque Bluffs and there is no question in my mind that in the first instance this island should have been a part of the town of Roque Bluffs.

Jonesport has many islands. Roque Bluffs has none, and it surely does not seem to me a hardship that Jonesport should be asked to give up this island to her neighboring town out of the many she now has. On the contrary she should be glad to.

The owner of this island was not present at the hearing owing to good and sufficient reasons which he has. I am confident and I know that he is not only

desirous but is anxious that this set-off should take place. When this matter came up before a previous Legislature he appeared before the committee and paid all the expenses of witnesses, etc., and I know also that he would have been here in this case had he thought there was any probability of this proposition being consummated.

I have no wish to be unfair, and while I believe that the majority report of this committee should prevail, I concede that the rights of the minority should be respected. Now, gentlemen, I know not what action you will take on the majority report of this committee. Flag it if you will, but I know that whatever action you do take it would be on the side of right and justice based on the firm desire to uphold the dignity of your committee and respect for their report, as well as the merits of the bill. We want only a fair and square vote and I do not for a minute feel that we shall get anything else, and in closing will say that I hope the minority report of this committee will prevail.

Mr. PIKE of Washington: Mr. President, I would say that I am part owner in a fish stand located at Roque Bluffs, which is a smoking herring stand. I have never been there but once in my life, which was last season. I would say that there is a nice little village at Roque Bluffs, with a number of stores and a telephone line. As I understand it is the natural way which the people of Roque Island use—a natural highway to the main land from Roque Island to Roque Bluffs. It is miles nearer the train through that town. The mail for Roque Island all comes to Roque Bluffs, and the ship channel is buoyed out by the government, and geographically the natural conditions generally, as I say, would naturally give the islands to the town of Roque Bluffs.

In reference to the owner of Roque Island petitioning the Legislature: As I understand in this previous legislation he has always led the petitions, but I am informed that the reason why he has been turned down by previous Legislatures is they have always used the argument he was a non-resident of the State, and therefore had no rights before this Legislature in a petition to set off islands from one town to another. And for that reason I understand he has kept off from the present petition, and has allowed the local people there to fight the thing out themselves.

With regard to the weirs located in the town of Roque Island, owned by citizens of Jonesport, as to its being any great hardship to them, they have license to build those weirs and hold them, and it makes no difference to them whatever. It was claimed yesterday that there are \$350,000 in weirs in Washington county, which pay no taxes whatever, and are not assessed in any town. As far as that goes it would make no difference whether the island goes to Roque Bluffs or Jonesport. I would simply say that I hope my colleague's motion will not prevail.

Mr. SHACKFORD: Mr. President, I

would like to ask the senator from Kennebec a question. Was it two weeks ago yesterday he was at the telephone? That would be the first day of March.

Mr. AYER: It was the day we held our town meeting. You can get it from the record.

Mr. SHACKFORD: Two weeks ago yesterday was the first day of March.

Mr. AYER: It might have been the second.

Mr. SHACKFORD: Mr. President, I wish to read to you a sworn statement from a gentleman who has interviewed Mr. Gardner on the third day of March. That would be Friday, I think, after the gentleman states that he had telephoned Mr. Gardner, and heard him through the telephone.

Mr. AYER: Mr. Gardner telephoned to me. I did not telephone to Mr. Gardner.

Mr. SHACKFORD: I stand corrected. I will read the statement as follows:

"March 3, 1905, at 11 A. M., I called at the office of Geo. A. Gardner, No. 22 Congress St., Room 1, and had a talk with him relating to the setting off of Roque Island. He stated that he had repeatedly been requested to ask the Legislature to set off the islands, but that he had flatly refused and that he had also been asked to contribute to the bills, and he had also refused; that he had never given one cent, and that he would not. I told him that Mr. Thompson of Roque Bluffs (a member of the town committee), after the hearing was over, at the time they voted on this question, made the statement that Mr. Gardner wished to be set off but that he did not dare to so declare for in years past when he had, that Jonesport advanced his taxes in proportion to the active part that he had taken.

"Mr. Gardner said, 'That statement is not so, I do not even know this Mr. Thompson.' He also stated that he never had anything to do with paying the taxes, except on his cottage, until 1903, that he paid them since. 'Mr. Long, who used to live on the island, paid me \$10 per year rent so he would not be considered a squatter and also paid the taxes and when Christmas came I always made him a present of \$50.'

"He stated that he wrote Mr. Sawyer of Jonesport, last January, stating that he remained neutral and that he would not take any part for or against the set-off, that he still remained the same. He said the chairman of the committee called him and asked if he would like to be set off, that he answered his question but that it was not to be used to influence the Legislature in their decision, that they could settle the matter to suit themselves.

"I told Mr. Gardner that I had brought the town books from 1890, that being one year before Roque Bluffs was set off from Jonesboro, to him for examination so he could see that the valuation of our whole town did not change until 1897, that I was prepared to prove to him by our records, which I then had in his office, that we had advanced the valuation of our citizens from 50 to 195 per cent. and all non-resident tax payers 60 to 66 2-3 per cent., except him, and his valuation had only

been advanced 30 per cent.; that in the year 1898 we had advanced the valuation of our resident tax payers from 5 to 12 per cent., and had not changed that of Geo. A. Gardner. There was no advance again or any change until 1904, then Jonesport decreased the valuation on his cottage \$1000 or 14 2-7 per cent., while we had not decreased the valuation of our own resident tax payers one cent.

"Mr. Gardner then stated that he had no grievances, that he was and always had been satisfied with the way Jonesport had used him, and that no one had ever heard him say otherwise."

(Signed) GEO. F. MANSFIELD,
Chairman Selectmen Town of Jonesport,
State of Maine,
Washington, ss.

Subscribed and sworn to by the said George F. Mansfield this 4th day of March, 1905.

(Signed) E. B. SAWYER,
Notary Public.

(Seal)

Now, gentlemen, in regard to this town. It is a small town. Poor towns give to the large ones. There is a debt in Jonesport. I understand there is none at Roque Bluffs. Jonesport has four in the Insane asylum, and one that is taken care of at home. The debt of Jonesport in 1904 was \$6533.33. They had an epidemic there of smallpox last year which, I think, was in the town several months, and they paid out on account of it \$1100, making a total of \$7653.33.

I leave the matter in your hands, gentlemen, for you to decide.

The question being put upon the motion of the senator from Washington to substitute the minority report for the majority report, the yeas and nays were called for and ordered. The vote being had, resulted as follows: Those voting Yea were Messrs. Allen, Bartlett, Clark, Heselton, Irving, Knowlton, Mills, Morse, Pierce, Shackford, Simpson, Staples, Tartre, Tupper (14). Those voting Nay were Messrs. Ayer, Bailey, Brown, Curtis, Gardner, Owen, Pike, Potter, Stetson, Sturgis (10).

Mr. PLUMMER: Mr. President, I am paired with Senator Philoon. If he were here he would vote Yea. I vote Nay.

So the motion prevailed, and the minority report was substituted for the majority report.

On motion by Mr. Potter of Cumberland, Senate document 141, "Report of the committee on State printing on bill to amend Revised Statutes relating to State printing," was taken from the table. On further motion by the same senator the report of the committee was accepted.

Mr. STETSON of Penobscot: Mr. President, pending the first reading of the bill, I desire to offer an amendment, and I move the adoption of Senate amendment A as follows: Amend by inserting after the word "annual" in the 17th line of page 2, the words "the report of the University of Maine 1500 copies annually, and report of the Maine Agricultural Station 1900 copies annually."

Mr. President, I admire the persistency of the honorable senator from Cum-

berland when he brings back to the attention of the Senate the question we discussed fully only a few days ago, where this same matter was brought up, by putting a rider on a small appropriation for the University of Maine, that rider covering essentially that the printing for the University of Maine should be taken from that appropriation and not charged under the law as other institutions and departments of the State.

He has redrafted the Act, which provides for the volume of printing for the various departments and institutions of the State, and has in some measure changed the volume of printing for these various departments. He has covered all the various institutions and departments in his new bill except the University of Maine, which he has left out—bringing back identically the same question for your discussion which we settled a few days ago by a vote of 19 to 7. This puts back in the bill the printing for the University of Maine, and I move you the acceptance of amendment A.

Mr. POTTER of Cumberland: Mr. President, I do not exactly know what the senator from Penobscot means by saying that I have brought this matter back here to the Senate. A unanimous report of the committee on State printing was made here and preceded the discussion of two weeks ago; so that this proposition contained in this bill was here before the Senate before the debate took place in which the senator from Penobscot and myself participated. I do not intend to make another speech on this matter, but I do intend, very briefly, to call the attention of the Senate to a few figures which I have unearthed with some difficulty since the debate of two weeks ago. I suggested not long ago to the senator from Penobscot that he agree with me in supporting the report of the committee, and that I agree with him in supporting a resolve appropriating from the general printing appropriation a sufficient and reasonable sum for the printing of the university for two years.

The senator from Penobscot informed me that the proposition was not satisfactory to the university, and was declined. Now, I think I know why it was declined. In the first place it is because the university does not want to lose the improper recognition which was given it 10 years ago in the present statute, in which the university is classed with the executive departments of the State government and with the purely and strictly State institutions. The senator from Penobscot does not want to give that up. He does not want either that the University of Maine shall be tied down by definite appropriations any more than he can help.

Now, just a few words as to the working of this interesting plan during the year 1904. Section 23 of Chapter 3 authorizes the printing of 1500 reports of the University of Maine as a maximum. The precise number to be printed is to be determined by the Governor and Council, but 1500 is the maximum. The other printing authorized for the university comes in by implication and inference, and some think, by a strained inference, and is

presumably minor or miscellaneous printing. The report of the trustees of the university, of which 1500 is the maximum that may be printed if the Governor says so, is the main thing. Everything else is incidental. Now, during the year 1904 the university, without any authority from the Governor and Council, in violation of law, went up to the limit of 1500 reports printed, and also added 1000 reports in addition, which may have been the report of the Experiment Station, to which the senator from Penobscot refers in his amendment, and the total expense for the State of Maine for 1904 for those reports which were the main thing authorized by statute, and the only thing expressly authorized by the statute, the total was \$827.53. I now call the attention of the Senate to the aggregate of the minor or miscellaneous printing which the State would naturally expect would be a smaller amount than the total for the main thing; and the first thing I find is 3000 catalogues, known as the long catalogue, amounting to \$451, 2000 short catalogues, amounting to \$189. These items amounting to \$640, and I also find 151,000 bulletins issued by the university and by the Experiment Station at an expense to the State of about \$2100, and odds and ends amounting to \$100 more in round numbers, making the precise total cost to the State for the university printing for 1904, \$2652.28.

Now I can perfectly understand how the university desires to hold on to that "snap," but the question which occurs to me is, Where the State of Maine comes in? And I inquire of the senator from Penobscot, On what reasonable grounds, from the point of view of the State, the total appropriation for the university should not be limited to a fixed and definite sum of money.

Mr. STETSON: I will answer that the appropriations that have been made to the University of Maine were made with the understanding that the laws are as they are on the statute books, which provide for the printing to be done outside the appropriation, and the amount of the appropriation was made by the committees with a competent understanding of the laws of the State.

Mr. POTTER: The senator has evaded my general question as I supposed he would. I think it was Napoleon who said that right was on the side of the heaviest battalions. I am inclined to think the senator from Penobscot may be right in that sense, but that he is right in any other sense I deny—but I will not take the time of the Senate further.

The PRESIDENT: The Chair would like to know if the senator from Cumberland's position is that the university ought to pay for its printing out of its own appropriation, and not out of the appropriation for printing?

Mr. POTTER: My general position is that there should be an appropriation, special or general, from the State, which should include all demands of the university on the State, its printing as much as anything else. And my proposition to the senator a few days ago which he declined was that he include for this year and next year an appropriation for a reason-

able sum—a definite figure—out of the general printing appropriation to cover reasonable printing for the two years.

Mr. STETSON: I would kindly ask the senator from Cumberland to explain his position. My position was that the appropriation for printing should not come out of the definite appropriation made for tuition and instruction.

The question being upon the adoption of Senate amendment "A" the vote was taken, resulting in the acceptance of the amendment.

Thereupon the bill was received for its second reading, and assigned for consideration tomorrow at 10 o'clock.

On motion of Mr. Clark of Hancock, House document 139, bill to incorporate the Trinitarian Parish of Castine, was taken from the table. On further motion by the same senator Senate document "A" was adopted; and the bill as amended was passed to be engrossed.

On motion by the same senator, House document 127, bill to provide for representation of State of Maine at the Lewis and Clark and Jamestown Expositions, were taken from the table, and on further motion by the same senator were recommitted to the committee on federal relations.

On motion by the same senator, resolve and communication from the governor of Virginia, relative to representation of the State of Maine at the Jamestown Exposition, was taken from the table, and on further motion by the same senator was recommitted to the committee on federal relations.

Report of the committee on legislative hearings, reporting bill advertising hearings before legislative committees, was taken from the table on motion by Mr. Clark of Hancock, the same being an order by special assignment.

Mr. CLARK of Hancock: Mr. President, this matter was tabled on motion by Senator Shaw of Sagadahoc, who telephoned me asking if I would not have it put over until he could be present.

On motion by the same senator the report and bill were tabled.

The joint order passed by the Senate, March 15, as follows—"Ordered, the House concurring, that the report of the committee on inland fisheries and game 'ought not to pass' on bill, 'An Act to amend Section 1, Chapter 201, 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.'" was returned from the House, that branch having concurred in the passage of the order.

On motion by Mr. Morse of Waldo, the Senate reconsidered the vote whereby the report of the committee "ought not to pass" on the foregoing matter was accepted. On further motion by the same senator the bill was substituted for the report. The bill thereupon took its first reading, and on further motion by the same senator took its second reading under suspension of the rules, and was passed to be engrossed.

The PRESIDENT: The Chair would in-

quire of the senator from Waldo if the action just taken is agreed to by all of the delegations interested.

Mr. MORSE: It was, Mr. President, and I would like to make a word of explanation. Hearings in this matter were advertised, and it was agreed that the matter should be referred to the committee on inland fisheries and game. No one appeared at the hearing, and the committee consequently had a right to assume that the county delegations could not agree, and hence they acted as they did.

Mr. PHILOON of Androscoggin: Mr. President, I have tried frequently as you know to have House bill No. 332, which was tabled by Senator Clark on the 19th of March, taken from the table; and I would inquire if the senator is willing that the matter should be taken from the table and considered at this time.

Mr. CLARK of Hancock: I will say, Mr. President, that I have been unable to look into the matter, or even to see the bill, and I would like an opportunity to look into it, as it carries \$20,000.

Mr. PHILOON: Will the senator assign a day for its consideration?

House document 332 was assigned for special consideration for Tuesday of next week.

On motion by Mr. Irving of Aroostook, the Senate adjourned to meet on Friday, March 17, 1905, at 10 o'clock in the forenoon.