

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Wednesday, March 22, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Joscelyn of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

An act to abolish the common council of the city of Augusta and otherwise to amend the charter of said city. (In new draft.) Reported to the House by the committee on judiciary "ought to pass" House amendment A adopted in the House. On motion by Mr. Gardner of Penobscot the bill and accompanying amendment were tabled, pending the acceptance of the amendment in concurrence.

An act to amend section 73 of chapter 10 of the Revised Statutes relating to collection of taxes. On motion by Mr. Staples of Knox this bill was tabled together with House amendment A adopted by the House, pending the adoption of the amendment in concurrence.

Resolve to amend chapter 194 of the resolves of 1893, relating to industrial exhibits. (In new draft.) Had its first reading, and, on motion by Mr. Staples of Knox tabled and tomorrow assigned for its consideration.

An act providing for a bounty on bears in Franklin county. On motion by Mr. Furbish of Franklin this bill took its second reading under suspension of the rules, and was passed to be engrossed.

Bill, an act to amend an act entitled an act to set off a part of Plantation No. 7 and annex it to the town of Gouldsboro, of the private and special laws of 1895, relating to the adjustment of valuation. This bill received in the House, under suspension of the rules, read three times and passed to be engrossed without reference to a committee. House amendment A adopted in the House. On motion by Mr. Staples of Knox, the bill was tabled.

Bill an act to amend an act approved March 15, entitled an act to amend chapter 9 of the Revised Statutes relating to assessment of taxes on lands in unincorporated places. Received in the

House under suspension of the rules, read three times and passed to be engrossed without reference to a committee. On motion by Mr. Gardner of Penobscot, the bill was tabled.

Resolve in favor of Moses Moon a Civil War veteran. Received in the House, had its several readings and passed to be engrossed without reference to a committee. On motion by Mr. Plummer of Androscoggin, tabled for printing.

House document 477, "An act to amend section 22 of chapter 6 of the Revised Statutes relating to the regulation and conduct of elections," This bill was passed to be engrossed by the Senate as amended, and went to the House, and in the House the Senate amendment was amended. House amendment adopted in the Senate by concurrence. As amended the bill was passed to be engrossed.

An act to amend section 1 of chapter 301 of the private and special laws in 1903, relating to the protection of deer in the counties of Kennebec, Knox, Waldo and Lincoln. In the House, House amendment A was adopted. In the Senate the vote whereby the bill was passed to be engrossed was reconsidered. House amendment was adopted in concurrence. The Chair called the attention of the Senate to the fact that the title should be amended, and on motion by Mr. Morse of Waldo the bill was tabled.

Bill "An act in relation to the taxation of mortgages on real estate," which was passed by the Senate, went to the House, and the minority report "ought not to pass" was accepted in that branch.

Mr. GARDNER of Penobscot: Mr. President, I do not wish to occupy the time of the Senate but a few moments, and I hope the Senate will bear with me. This measure is introduced largely at the suggestion of members in the House who voted against the bill which the committee on taxation reported. There has been a new bill drafted, which I hold in my hand, 1,500 copies of which have been printed, and which will be distributed; and I am going to ask the Senators here to reconsider our motion whereby we

passed this matter to be engrossed, get it back here together with the committee report, lay it on the table, and submit this printed bill to the Senate until tomorrow morning, in order that they may read it.

The suggestion in this bill is that it is practically the Massachusetts law revised according to our statutes, so that the mortgagor and mortgagee will be taxed on the land according to their interest, and the borrower of money will pay on his equity only. It also provides that the mortgagee's interest in real estate shall be taxed as real estate in the town where the land lies. It also provides that this shall affect no savings bank, trust company, insurance company or building and loan association, who pay a franchise tax.

It also provides that this act shall not apply to existing mortgages, and that this act shall not take effect until January 1, 1906.

The substance of it is that we shall do away with double taxation, and that the mortgagor and mortgagee shall pay according to their interest in the particular piece of property, and pay where the land lies.

I will say that in explanation that the result of this law will probably be that there will be one tax on the land paid by the mortgagor, and that we shall do away with double taxation. The mortgagee will be assisted, and will be called on to pay for his interest, and the mortgagor for his equity. It will certainly be fair and right, and I ask the Senate to reconsider the vote whereby we passed this to be engrossed and lay the matter on the table, and I will submit this printed bill for your consideration, and then it will be for the Senate to digest it, and if they see fit, to consider it.

Mr. POTTER of Cumberland: Just one word. I voted last week when this proposition was submitted to the Senate by the Senator from Penobscot against the motion which prevailed here. The proposition which the Senator now makes is an improvement on that one to my mind, and I hope very much that his motion will now prevail.

Mr. PUTNAM of Aroostook: Mr. President, I move that we recede from

our former position, and that we accept the majority report of this committee and concur with the House.

Mr. GARDNER: I trust the Senate will stand by their original action on the subject matter, and that at least the privilege shall be granted here that we start with that committee report, and lay this document on the table and allow the Senators to look this over.

I am making no argument on the subject matter; I say here is something of vast importance to the people of the State; the subject matter has been thoroughly threshed out; I see no objection to allowing this matter to be reconsidered, and that it lie on the table until at least the Senator from Aroostook, who, I assume, has not even read the bill, shall be given an opportunity to examine it. I trust my motion to reconsider our vote will be considered.

The PRESIDENT: The Senator from Penobscot has moved to reconsider the vote whereby the bill was passed to be engrossed. The Senator from Aroostook has moved to recede and concur. The motion of the Senator from Aroostook takes the precedence.

Mr. GARDNER: I trust the Senate will not recede and concur until they have had an opportunity to look into this matter.

Mr. PUTNAM: I will say just a word in relation to this matter. This bill, as near as I can discover from what the Senator from Penobscot has said, is very near the original bill. Now, after the committee has turned that down he comes in and tries to substitute at this time this present bill, and he offers it in the form of an amendment.

I trust that my motion will prevail.

Mr. GARDNER: The Senator from Aroostook is entirely wrong. This proposition was not turned down by the committee on taxation. I think the Senator from Oxford will bear me out that the reason why we allowed the substitution which went before the Senate and House was because at that time we had serious doubts about the machinery of evading or getting away from double taxation.

This bill has been carefully drafted, and does away with these technical objections. I don't propose to argue this matter, but I do ask the Senate to reconsider the vote in order that they may have an opportunity to read this bill, and I hope the motion of the Senator from Aroostook will not prevail.

The question being put, upon the motion by the Senator from Aroostook, Senator Putnam, that the Senate recede and concur. The motion was last, 6 voting in the affirmative and 15 in the negative.

On motion by Mr. Gardner of Penobscot the Senate voted to reconsider the vote whereby the bill was passed to be engrossed. On further motion by Mr. Gardner the bill, together with an amendment offered by the same senator, was tabled, and tomorrow assigned for special consideration.

Bill "An act recognizing the Pepperell Manufacturing Company as a corporation legally organized, and granting to it additional powers." This bill came from the House, that branch having indefinitely postponed the same. On motion by Mr. Simpson of York, the bill was tabled.

On bill "An Act relative to moving buildings through the streets, the Chair appointed as conferees on the part of the Senate Messrs. Staples, Clark and Philoon.

Bill relating to Monterey Association, which was passed to be engrossed by the House, indefinitely postponed in the Senate, and reconsideration of that vote refused, comes back from the House, that branch insisting upon its action, and appointing conferees on the part of the House. On motion by Mr. Staples of Knox the Senate voted to adhere.

The following petitions were received and placed on file:

Ry Mr. Sturgis of Cumberland petition of Acorn Grange, 118 for the referendum.

Also petition of Crooked River Grange, 32 for same.

Also petition of H. T. Choate and others of Fairfield Grange for same.

Mr. Owen of Piscataquis presented bill "An Act relating to the Northern Gas and Electric Company, ratifying and confirming its organization, and on that senator's motion the same was received, and without reference to a committee took its two several readings under suspension of the rules, and was passed to be engrossed.

Mr. Heselton of Kennebec presented a bill, "An Act to incorporate the Augusta Board of Trade," and on motion by that senator the same was received and without reference to a committee had its two several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Gardner of Penobscot it was ordered, the House concurring, that bill entitled "An Act to amend Section 43 of Chapter 6 of the Revised Statutes relating to the rejection of other than official ballots at elections, which was ordered placed on file, be taken from the files, and be referred to the Committee on Legal Affairs.

Bill "An Act to establish the Lincoln county municipal court," came up on first reading. On motion by Mr. Potter of Cumberland the bill was amended by Senate amendment A, and on motion by Mr. Tupper of Lincoln the rules were suspended, and the bill took its second reading and was passed to be engrossed.

Resolve in favor of clerk to the Committee on Temperance came up on first reading, and under suspension of the rules took its second reading, and was passed to be engrossed.

Resolve in favor of the clerk of the Committee on Telegraphs, Telephones, Pensions, State Prison, and Manufactures, came up on its first reading, and under suspension of the rules took its second reading, and was passed to be engrossed.

Reports of Committees.

Mr. Allen for the Committee on Judiciary on bill "An Act relating to corporations, as to the payment of franchise tax," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Simpson for the Committee on Appropriations and Financial Affairs, on Resolve in favor of Albert M. Buck,

messenger to the President of the Senate, reported same "ought to pass." Report accepted.

Mr. Pike for the same Committee on Resolve in favor of William C. Marshall reported same "ought not to pass." Report accepted.

Mr. Potter for the Committee on Judiciary, on Order of the Legislature relating to the expediency of enacting a general law classifying municipal and police courts of the State, etc., reported that same be referred to the next Legislature. Report accepted.

The joint standing Committee on Judiciary submitted its final report, and the same was accepted.

An Act to amend Sections 116 and 117 of Chapter 6 of the Revised Statutes relating to caucuses in cities of over 35,000 inhabitants took its second reading, and was passed to be engrossed.

Passed to be Enacted.

An Act to prevent the pollution of the waters of Carleton pond.

An Act to empower the county of Arcostook to purchase and acquire title to lands adapted to agricultural purposes in said county.

An Act relating to the description of unincorporated townships and public lands for the purpose of valuation and assessment.

An Act to incorporate the Waterville Gas and Electric Co.

An Act to amend Section 2 of Chapter 117 of the Revised Statutes in relation to fees of trial justices in the trial of an issue in a criminal case.

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 relating to extending the time of controlling the water at the alewife fishery at Damariscotta Mills.

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

An Act to amend the city charter and city ordinances of the city of Gardiner in relation to the election of the city marshal and the street commissioner.

An Act to amend Section 23 of Chap-

ter 114 of the Revised Statutes relating to disclosure commissioners.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes relating to relief of poor debtors.

An Act to amend Chapter 213 of the Private and Special Laws of 1903, authorizing the county commissioners of Cumberland county to erect a county building in Portland.

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

An Act to amend Section 10 of Chapter 5 and Section 12 of Chapter 6 of the Revised Statutes relating to the regulation and conduct of elections.

An Act relating to Milo Electric Light and Power Company, ratifying and confirming its proceedings.

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

An Act to extend the close time on caribou and amend Chapter 32 of the Revised Statutes, relating to inland fisheries and game.

An Act to amend Sections 24 and 25 of Chapter 3 of the Revised Statutes relating to State printing.

Finally Passed.

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

Resolve in favor of the clerk and stenographer and the messenger to the judiciary committee.

Resolve in favor of the clerk and stenographer and the messenger to the legal affairs committee.

Resolve of the Legislature of Maine requesting the repeal by Congress of Section 20 of title 33 of the Revised Statutes of the United States, admitting certain lumber manufactured in New Brunswick into the ports of the United States free of duty.

Resolve in favor of the inmates of the Maine Insane hospital at Augusta.

Resolve relating to the documentary history of Maine.

Resolve in favor of George M. Barrows, chairman of the committee on State School for Boys.

Resolve in favor of S. T. Kimball for services of clerk and messenger to committee on railroads and expresses.

Resolve in favor of C. Bradstreet,

clerk to the banking committee.

Resolve in favor of Charles Knowlton.

Resolve in favor of William B. Webb.

Resolve in favor of the city of Lewiston.

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

Resolve in favor of George G. Weeks.

Resolve in favor of George E. Morrison.

Resolve in favor of the city of Rockland, Maine.

Resolve in favor of Joseph Archambault.

Resolve laying a tax on counties of the State for the years 1905 and 1906.

Resolve in favor of the clerk and stenographer of the Committee on Interior Waters.

Resolve in favor of Henry B. Conway.

On motion of Mr. Heselton of Kennebec, Resolve in favor of a feeding station for the Sebago Lake fish hatchery, was tabled and assigned for tomorrow morning.

Orders of the Day.

On motion by Mr. Staples of Knox, House document 563, being "An Act to amend an act entitled An Act to set off a part of Plantation No. 7, and annex it to the town of Gouldsboro, of the Private and Special Laws of 1905, relating to the adjustment of their valuation, was taken from the table, and on further motion by the same senator, Senate amendment A was adopted, and the bill took its first reading. On further motion by the same Senator the bill took its second reading under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Gardner of Penobscot, House document 569, relating to assessment of taxes on land in unincorporated places, was taken from the table. On motion by the same Senator this bill took its second reading under suspension of the rules, and was passed to be engrossed.

On further motion by the same Senator bill relating to the taxation of mortgages on real estate was taken from the table, and an amendment to

the same submitted by the same Senator, who moved its adoption; and pending that motion, on motion by the same Senator, the bill was tabled and assigned for tomorrow morning.

On motion of Mr. Pierce of Aroostook, Senate document 146 was taken from the table, and an amendment offered by the same Senator, and pending its acceptance, on his further motion, the bill was tabled, and assigned for tomorrow morning.

On motion by Mr. Gardner of Penobscot, House document 557, being bill for better protection of lobsters, assigned for today, was taken from the table.

Mr. GARDNER of Penobscot. Mr. President, my contention yesterday, which the Senate upheld by a narrow majority, was that this matter be laid on the table for consideration today.

I now wish to state to the Senate that after investigation I find that while in the main my contention that lobsters are high, and that we do not get any inland, the claims of the opposition that this matter will be injurious to the fishermen appeals to me, and I have no desire at this time to urge the passage of a bill which did not go before a committee and have a proper hearing. Consequently I shall withdraw my strenuous efforts in behalf of the bill, and leave it to those more particularly interested to take such action as they may deem necessary.

On motion by Mr. Staples of Knox, the bill was indefinitely postponed.

Mr. MILLS of Hancock. Mr. President. I trust that the motion will prevail. I know that this morning there is a great deal of business and some very important matters to come up, and I do not desire to take the time of the Senate in discussing a bill, the fate of which I trust is already settled.

However, it seems only fair that the fishermen who never have had a chance to utter a word for or against this measure should be represented, and I beg to assure you I will only take a few minutes of your time in representing the opposition of the lobster fishermen on this matter.

Perhaps if I read some of the telegrams forwarded to me and to my honorable neighbor from Washington county, that will express their opinions

pretty accurately. Here is one addressed to myself:

"Should the lobster bill become a law it must be the ruination and almost the starvation of almost two hundred fishermen. It must not pass the Senate. Appeal to the Governor for the protection of our fishermen, and do not allow such an outrageous bill to become a law and disgrace the lawmakers of the State of Maine. (Signed) Fishermen of Stonington."

"Do all you can to prevent the passing of the lobster bill. (Signed) Charles L. Knowlton, Stephen E. Allen and 200 others."

"To Hon. E. W. Shackford: Kill the new lobster bill if possible. (Signed) B. L. Coffin and others." "Do everything possible to defeat the anti-shipping lobster bill." "Do everything possible to defeat the lobster bill."

And then, Mr. President and Gentlemen, there are 500 signatures to these remonstrances which have been sent in here during the past two days against the passage of this bill.

Now in these two days I have looked into this matter a little, and I have tried to find out something about the authors of this bill, and I have been unable to find any man who is willing to father the measure; no man is willing to be responsible for its being introduced into the House, so far as my investigations go. It has no father. Like "Topsy," in the greatest American novel, it was "never born but simply "grewed."

Last Saturday the House of Representatives had a short recess. Immediately after that recess this bill was called up and had its three several readings and was passed to be engrossed, and was sent to this chamber. It appears from what I am able to learn that during that short intermission the method of the birth of this bill, and the method of its whole growth was planned—conceived by a few men in the House, when only 30 members were present. It was a thrilling and wonderful conception of the fertile minds of a few brilliant—one or more brilliant—members of the other branch of this Legislature.

Now, what does it mean? Very briefly let me tell you. I wish for only a moment or two of your time.

In this lobster industry more than 2000 gentlemen, the bill will be defeated, and

people are engaged along the coast of Maine. During the year 1904 more than \$1,000,000 was brought into this State directly from foreign markets,—from Boston and New York, chiefly through the catching of lobsters. This substantial income was carried directly to the fishermen. It was not like many other industries; it didn't come in a round-about way, but this income to the State of Maine came from Massachusetts and New York, and the large cities in other states, and went straightway to the fishermen, and into their pockets, and helped to support their families.

If this bill is passed, Mr. President and Senators, it would throw these lobster fishermen out of business during six months of the year; during April, May, June, July, August and September the lobster fishermen along the coast of Maine would be practically out of business.

The bill reads from the 1st of June, but as a matter of fact lobsters caught in April and May are not shipped until June and July. This bill would prevent their being shipped then, and consequently fishing would have to stop the 1st of April or thereabouts. As a matter of fact the markets of our states are open to lobsters from Nova Scotia during the months of April and May, and during that time the price of lobsters is very low. It is impracticable for our buyers to ship lobsters while they are being brought in from Nova Scotia. They buy them of the fishermen, put them into the pounds, and keep them until the price goes up in June and July, when the Nova Scotia lobsters are cut off from the market, and then ship them to Boston and New York; and if this bill were passed they would be absolutely prohibited from buying in April and May.

Now it would be just as reasonable to pass a bill preventing the shipment of eggs during the months of summer—just as reasonable exactly, and what would the farmers in Oxford county say, where I understand this bill originated, if such a bill as that went through this Legislature?

As there are many other matters to discuss this morning, and as I am not in very good condition for speaking, I trust,

that the motion to indefinitely postpone will prevail.

On motion by Mr. Irving of Aroostook, the vote whereby House document 552, "An Act to amend chapter 24 of the Revised Statutes, relating to registering and regulating the speed of automobiles and motor vehicles, and for licensing the operators thereof," was passed to be engrossed, was reconsidered.

The same Senator thereupon moved that the bill be indefinitely postponed.

Mr. IRVING of Aroostook. Mr. President, in explanation of why I make this motion I wish as briefly as possible to say that I assume the attitude of citizens of this State, as well as the attitude of members of this chamber, and of this Legislature, is that the automobile as a means of travel has the same right as any other form of locomotion, with this exception—that certain laws and regulations be placed about them to guard the safety of the public.

In the Acts of the last Legislature certain regulations and restrictions were placed upon the statute book of our State. As I understand the law now existing—and I understand it from the very standpoint of the operator of an automobile who realizes that he is confronted by the penalty of a fine or imprisonment if he violates that law. I assume my understanding on this point may be as clear as that of a man who may be practising at the bar. The law provides, and is concurrent with the city and village ordinances, that automobiles shall be reduced in speed to a certain limit per mile. That takes care of the congested traffic of the cities and towns. I understand that in the country a provision is made whereby a person driving his team, or riding in a carriage, whether the driver of the team or not—by the raising of the hand may compel the driver of an automobile to bring his machine to an absolute standstill, and remain in that position until all danger from fright to the team has passed.

I submit, gentlemen, are not automobile operators sufficiently restricted, and the safety of the public properly cared for?

The point upon which this bill comes is upon the matter of registration. What does it mean? It means simply this. The

matter of registration does not prevent the violation of the law, but the matter of registration, and the law compelling the carrying in a conspicuous position of a certain number, which lead to the registration, and which may lead to the detection or recognition of a violation of the law, is all that registration can amount to as to guarding the safety of the public against accidents from automobiles?

I wish to state here and now that I am more than willing—I am even anxious as an automobile owner—to register, not every automobile that I may have in my possession, but to register myself and an automobile as an operator. I am willing to pay the amount laid down in this or any other bill for that purpose; but I want this registration and the restrictions to be laid down by the proper parties, and to emanate from the proper source. I am willing to bow to the will of this Legislature in any enactment which may affect my privileges, but I resent the necessity of going to any one individual and leaving it to his discretion as to what restrictions there may be that relate to that registration.

Let me read from the bill,—“The application shall, in addition to such other particulars as may be required by said secretary,”—you understand that you are to apply to the secretary of State for the registration of your automobile and yourself as an operator—“contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars.”

I submit, gentlemen, that while it is proper that we should apply to the secretary of State for registration of our automobiles or motor vehicles, it is eminently proper that this Legislature should dictate the terms and conditions under which that registration is granted, and that we be not subject to the will or wish of the secretary of State.

I submit again that this matter of registering in the secretary of State's office the nature of your machine, the make of

your machine, the number thereof, and all those conditions, is superfluous, and of no importance whatever.

I do notice that they omit in this compilation of conditions and restrictions as to the kind of gasoline and the amount of odor that may be allowed to come from the machine, but this can be taken care of in the article which provides that such other particulars as may be required by the secretary of State shall be furnished; so that we may not be able to escape even from that.

Now are these conditions necessary in the judgment of the framers of this bill? Let us see,—Section 18. "Every manufacturer of or dealer in automobiles or motor vehicles, may instead of registering each automobile or motor vehicle owned or controlled by him, make application upon a blank provided by said secretary of State for a general distinguishing number," etc.

For this consideration, which on the face of it contradicts the fact that they believe it was necessary for this long description to be incorporated in the records of the State, they say you may eliminate all this for a further consideration of \$10, license-fee.

Now a point there. I condemn this as a discrimination against parties. I submit, gentlemen, is it fair that a dealer in automobiles should be taxed \$10 a year for the sole sake of another dealer in carriages who is allowed to sell without a tax? It appeals to me as class legislation in that section of the bill. Now, again, these are of minor importance. The question of license comes in—license to the operator.

This bill provides, if I understand it—and I confess I do not—I do not believe the framers of the bill fully understand it—but as far as I am able to understand this bill, this provides that if you, fellow senators, should chance to have in your family two or three who are capable of operating an automobile, you must take out a license for each one and every member of your family that may operate it; else you are liable to a fine of \$50 or imprisonment. I submit it to you, gentlemen, as to its being a fair proposition.

Now as to this matter of taking out a license it is provided in Section 19 of this bill that application shall be made upon

blanks prepared by the secretary of State for this purpose, and the license issued shall be in such form, and contain such provisions, as the secretary of State may determine.

Gentlemen, you who may own a good team, and I have no doubt that many of you own good teams,—do you wish to be put into the position that if you are going from Bangor to Aroostook through that long stretch of beautiful wooded road, where you may travel from day to day, unless you meet someone who is making the trip as you are, and making it looking over the beauties of that wooded country of Aroostook—remember that you will meet no teams—do you wish to be put in the position of submitting to the power given into one man's hands to restrict the speed of your horse through that woodland along those level roads? I ask you, gentlemen, to support me in my endeavor to defeat any effort on the part of any individual or class of individuals in this State, who would seek to prevent you and me from increasing the power upon our machines when coming upon these long stretches where no one can be in danger, and there can be no possible damage to any individual.

Now there is still another objectionable feature to this bill. The bill says that this applicant must submit to the secretary of State evidence of qualification to drive an automobile. I wonder how many men in the State today, who are owners of automobiles, can submit convincing evidence to an expert of their qualifications to run an automobile. And even if they could submit such evidence, the question is for the Legislature and not for the secretary of State. The man who is an expert in the matter of the manipulation of an automobile should be an expert engineer.

There is still another objectionable feature to this bill. "Automobiles or motor vehicles owned by non-residents of this State, driven by persons licensed in this or some other state may be operated on roads and highways of this State," etc., without taking out a license in this State. Is not that legislation against legislation in the State of Maine as to those owning automobiles. Is not that giving Maine, Massachusetts and New Hampshire the right to come up behind you and I on this stretch of road which I have referred

to, and of so many other roads which extend through our State, in direct violation of the law as applied to us because we are restricted on our country roads. Is it fair legislation? Or is it discrimination against the citizens of this State?

There is still another thing which they have incorporated here,—that the secretary of State under the provisions of the preceding sections shall not prevent the licensing of persons for riding, if they are accompanied by a licensed operator. Had not that been in this bill I should have been afraid to have gotten into an automobile to ride with anyone, for fear that in his special license permission had not been given to him to take someone to ride who was not licensed as a chauffeur. I am glad it is in. It seems to be the only section in that entire bill, from the enacting clause to the last article, that gives to the automobile owner any protection—any of the benefits that come from the ownership of an automobile; and it leaves to him but one thing to do, to keep his automobile, if, under the passage of that law, anyone should object to it.

Now, gentlemen, I hope that the motion to indefinitely postpone this bill will be sustained.

Mr. POTTER of Cumberland: Mr. President, I have not been fortunate enough to hear all the senator from Aroostook has said, although I am a near neighbor of his. If I had heard all he said it might not have been necessary for me to reply in detail to it.

Two years ago a request came to the last Legislature to regulate the matter of automobiles, and the brief and simple statute which is now on the books was passed to meet that demand.

At the present session of the Legislature an order was introduced in the House asking for same legislation in respect to automobiles for the better protection of the rural districts, and that order was referred to the judiciary committee and was considered; and the committee also had before it a bill from the House asking for registration, and the bill before the Senate is the result of that order and that bill.

The theory of the committee was that the automobile has the right to use the highways of the State, subject to reason-

able and proper regulations. It seems to be the opinion of some members of the Legislature that the existing law did not give sufficient protection to the public. A registration bill was asked for, and the present bill included a registration feature and also a license feature; and the provisions to which the senator from Aroostook objects are the ones taken from the law of Massachusetts, and the law of Vermont, and the law of New Hampshire,—a brief summary of some of the provisions of the laws of those three states in respect to registration.

Now registration must be made by some official, and it is provided in this bill, as in the Massachusetts, Vermont, and New Hampshire statutes, that registration shall be through the office of the secretary of State. That provision, I understand, has worked well in the other states, and matters of detail can safely be left to such an office as that of the secretary of State. And so in the matter of licensing.

If it is the opinion of the Senate that there is no demand for further regulation of the automobile, then I imagine the judiciary committee won't be very insistent upon this bill. If the gentleman from Aroostook thinks, and a majority of this body considers the present law sufficient let it stand. I am not the father of this law. I happened to be on the sub-committee which framed it, but the members of the House did the bulk of the work.

I thought I heard the Senator object to the provision in Section 21 in regard to automobiles owned out of the State. The registration bill that came from the House had no provision whatever in regard to non-resident owners of automobiles. It was thought proper that there should be some restrictions upon them; it was thought if the owner of an automobile was registered in his own state—required by his own state to exhibit a number, it would be sufficient in this State. The purpose of registration is identification of the machine, nothing more. That is accomplished by our bill, and not by the original bill.

It does not discriminate against the resident owner. I am not familiar enough with the bill to go further, but I do know it was carefully drawn by mem-

bers on the part of the House, and it is a summary of provisions borrowed from laws that have worked well in other New England states.

Mr. IRVING. I wish to call the attention of the senators to the fact that if the rural districts are protected under the general law what better protection they have than by simply raising their hand, by which they compel the driver of an automobile to bring it to a stand and keep it there until the danger is past.

Now it has been said the point is simply a matter of identification; and I may state that I am in favor of registration, but of identifying—not the automobile but the owner of it, so that if damage is done redress may be had.

Mr. PLUMMER of Androscoggin: Mr. President, I certainly hope that this bill will not be indefinitely postponed. In the words of the senator from Knox, I hope the "inherent rights of the people" will be respected here.

They have come here asking for this bill, but I hope the owner of the horse has some rights here; I believe the man who owns a horse has some rights. I want you to understand that you do not have time to put your hand up sometimes; they will run over you before you have an opportunity to put your hand up.

While a great many, and I may say most owners of automobiles do respect a team and are very careful, a great many do not.

I do not own an automobile, and do not ever expect to. I do own a cheap horse, and have a wife and three girls who drive it. What is the result now? They do not dare to go out. I have a safe horse, but when one of those reckless fellows comes along they are likely to get tipped out, as many have in the State of Maine.

Therefore I hope, gentlemen, that the bill will not be indefinitely postponed.

The question being put, and a rising vote had, five Senators voted in the affirmative, and fifteen in the negative, and the motion to indefinitely postpone was lost. On motion by Mr. Potter of Cumberland, the bill was passed to be engrossed.

The PRESIDENT: The Chair wishes to lay before the Senate the action of the House in regard to the Bangor Hospital appropriation which was yesterday killed in the Senate. The House

has passed the Resolve, and the matter has now come back to the Senate for action. The Chair recognizes the Senator from Waldo.

On motion by Mr. Morse of Waldo, the Senate voted to adhere.

The senator from Waldo thereupon moved to reconsider the vote whereby the Senate voted to adhere.

Mr. STETSON of Penobscot: Mr. President, may I ask what the pending motion is before the question is put?

The PRESIDENT: The pending motion is a motion to reconsider the motion to adhere, the senator from Waldo having moved to adhere, and the motion having prevailed, and the Chair has already announced the vote.

Mr. STETSON: I did not hear it.

The PRESIDENT: Did the senator really not understand the question?

Mr. STETSON: I did not.

The PRESIDENT: I think the expression of the Senate should be fairly understood.

Mr. STETSON: As a matter of courtesy I think I have a right to understand the pending motion, as I was on my feet before the Chair finally declared the vote.

The PRESIDENT: The senator from Waldo moves to reconsider the motion to adhere.

The question being put the motion prevailed.

The PRESIDENT: The pending question is now upon the motion of the senator from Waldo to adhere.

Mr. STETSON: I move that the Senate insist, and that a committee of conference be appointed.

The question being put, upon the motion to insist, the Yeas and Nays were called for but a sufficient number failed to vote, and the Yeas and Nays were refused.

The question being put, a division was called for and had, 13 senators voting in the affirmative, and 11 in the negative, and the motion to insist prevailed.

On motion of Mr. Sturgis of Cumberland, the Senate voted to reconsider the vote whereby the Senate indefinitely postponed Resolve in favor of Widows Island. The pending question was upon the indefinite postponement of the bill.

Mr. STURGIS of Cumberland: Mr. President, upon that question I desire to say a few words. This matter, like many other matters which come before the Legislature at the close of the session, has received but little consideration—not that consideration is really due the matter. I thought yesterday that when the Senate voted to indefinitely postpone this resolve but few members of the Senate had any real knowledge of Widows Island, and what the intent of the resolve was.

Widows Island was decided to the

State of Maine by the U. S. government under an Act of Congress approved March 2, 1903. It was secured through the efforts of Congressman Littlefield, and was accepted by the State of Maine in the special Act of 1903, Chapter 333.

(The senator thereupon read the act referred to.)

I have here a copy of the deed.

(The senator also then read the indenture.)

Now we accepted that gift from the U. S. government two years ago, and it was supposed that at this session of the Legislature something would be done. The government appointed two members of the Council to go and look the island over and see what the State of Maine could do with it. The U. S. government built the building on the island for a Marine hospital, to be used for sailors and marines of the war with Spain; but as that war came to a very sudden end it was never used at all, and when the property was given to Maine the furniture was removed.

The property consists of an island of about six acres, and there is a substantial wharf, at which landings may be made by steamers from half to full tide. The building is of brick, with slate roof, three stories high, and built as the U. S. government builds all its buildings. The floors are of hard pine; there is an artesian well on the island, with a gasolene engine for pumping purposes. Everything is there except the furniture necessary to make it habitable.

Now, if the State of Maine does not very soon use this property it will revert to the United States. The building was constructed at an expense—as I think—of about \$75,000. The island is 12 miles from Rockland, and is said by those who have visited it to be one of the best situated for certain purposes, which I shall mention later on, on the coast.

When the committee of the Council went there and looked the matter over they found a care-taker who had been paid by the U. S. government some \$300 a year, and they secured his services for \$300 per year, and he has since been looking after the property. They paid him for two years of care-taking.

We hear a great deal about the congested condition of our Insane asylums at Augusta and Bangor. The committee

of the Governor and Council, who went there to look the matter over, thought it would be an admirable place for convalescing patients of the two Insane Hospitals, where they might be taken for the summer. They had the members of the board and the trustees—with the exception of one member—come down there and examine the property, and I think they all endorsed the proposition to use this island as a summer home for convalescing patients of the Insane Hospitals, where easy cases from Bangor and from Augusta might be brought.

In the trustees' report I will read you the section with reference to Widows Island. (Senator reads from report.)

Yesterday we passed a bill which authorized the improvement of the Arsenal near the Hospital buildings here for the insane, which in all probability will be completed in the early fall. From now until that time—within a short time when the summer season is open—75 patients can be accommodated at Widows Island in the building by simply buying furniture for it. One of the doctors can be taken from one of the hospitals to attend the patients, with no increase of expense to the State, except the bare furnishing of the building, and those furnishings can later be utilized at the Arsenal building here, or in the new wing at Bangor, which probably will be built some time.

Now I agree that the insane should receive the best treatment possible, and it is the opinion of the people who conduct this Hospital across the river that the trip to the seashore is beneficial, and two or three times in the season they do take certain of the convalescing ones to the seashore by the aid of what is called the Coburn fund. If one day is beneficial, with the excitement of that day's travel, a season down there would be of very great benefit to a certain class of patients; and if they did not stay there the whole season certain of the patients could be transferred there for from three to six weeks at a time, and others enjoy the privilege later.

It seems to me that the action of the Senate was unwise and unjust in indefinitely postponing this resolve, which, as I understand, provides an appropriation of \$6000 for furnishing this building. It would be by no means wasted, because

it can be used in another building which may be later constructed to take care of the congested condition of the two hospitals. The Arsenal cannot be made ready before fall, and during the meantime the advantages of Widows Island would be decidedly beneficial to the two hospitals, and it seems to me it would be a wise investment of the \$6000. It is a valuable property, worth from \$75,000 to \$100,000, and I hope the motion to indefinitely postpone will not prevail.

Mr. MORSE of Waldo: Mr. President, there are some matters connected with this property down there that I fear the senator from Cumberland does not fully understand, and I would like to talk the matter over with him; and in the meantime would move that the matter lie upon the table.

The motion prevailed.

On motion by Mr. Clark of Hancock, the report of the committee on judiciary, majority "ought not to pass," minority "ought to pass in new draft," on "Resolve proposing amendment to the constitution establishing the people's veto," was taken from the table. The same senator moved to substitute the minority report for the majority report.

Mr. CLARK of Hancock: Mr. President, this is the bill, which has been styled the Initiative and Referendum. It contains two sections which cover approximately about one sheet of the size I hold in my hand. In addition thereto there is some other printed matter, but that pertains only to how the constitution shall be changed.

As you all know, in the changing of the constitution it is necessary that some resolve shall be enacted in the mode of presenting it to the voters in the next election, in order that they may vote on it; because this resolve has not only to pass this Legislature, but has to be voted on by the people before the constitution can be amended.

And the last section beyond Section 17 provides a method of carrying that resolve into effect. So I say that Sections 16 and 17 of Senate document 244 is the Initiative and Referendum.

Now without reading it over in detail I will simply explain what it means. It means simply that the initiative is to initiative. Ten per cent. of the voters of the State of Maine which is approximately 10,000 voters petition this Legislature asking us to pass a law. We pass that

law as they ask it by a majority of this Legislature, as we would be bound to do. That law does not become a law until 90 days after the adjournment of this Legislature, and in the meantime if the people of this State care to vote on it it is submitted to them for their approval; and if they approve it by a majority of the voters of this State it then becomes a law. That is the Initiative; they initiate that law.

The Referendum is simply this. No act of the Legislature takes effect until 90 days after we adjourn this Legislature. In the meantime if there is a petition of ten per cent. of the people filed in the Secretary of State's office, asking that that law be referred to them, the secretary prepares the necessary blanks, and at the next election that law is referred to the people; and then if they vote that that law shall be a law, it becomes so by a majority vote.

That is the referendum, and that, gentlemen, is the whole of this bill—with one exception, which is that any Act of this Legislature passed by a two-thirds majority of both branches is not subject to the referendum, and can become a law without the people's approval.

Now in addition to that I shall propose an amendment to this law when the proper time comes, which was in the original draft. This bill went before the judiciary committee and was cut down, so to speak, and this law grew out of it, which is not the law presented by the petitioner. But in that law in cases of emergency appropriation we could pass a law by a majority vote of both branches, and provide what emergency matters were.

It strikes me as wise legislation that that provision should be enacted into this law, and the proposers of this bill are perfectly willing it should go in. I shall offer it at the proper time, and there is one change in the law, which is merely clerical, which I shall also suggest at the proper time.

Now, in the first place, it seems to me that this is a perfectly safe provision for us to pass here today, because we are not changing the constitution of our State, or changing any existing laws in one respect. We are simply passing an Act which will allow the people at the next election to pass upon this and say

whether they care for such a change or not.

We are not arbitrarily forcing that upon them in any shape or manner, but leaving it to them to say whether they want such a law or not; and I ask you, fellow senators, if that is not a perfectly fair proposition at the outset on this referendum,—leaving it to them to say whether they will adopt or reject it by a majority vote of the people of this State.

Now this is not new legislation in the United States. South Dakota has this law today, and one or two other Western States, and the commonwealth of Massachusetts is today considering a bill drawn upon the same lines. It is no innovation with us, because there has not been legislation for a great many years in Maine but what we are constantly passing bills with the referendum upon them.

For example, the bill abolishing the common council of the city of Portland, passed this Legislature with the referendum attached to it after a hot debate, in which my friend from Portland championed the cause of the people.

So, it seems to me, it is not an innovation in the Legislature of this State. The judiciary committee have this winter passed several Acts with the referendum attached to them, leaving it to a certain locality whether a certain Act shall become a law or not; so I say it is not an innovation with us here.

Why, when greater New York adopted its charter, it was done under the referendum from the Legislature, and it is a common thing for the legislatures of many of the states. It is a perfectly safe proposition to leave a matter of this kind for the people to vote on.

This law originally came from Switzerland, where they have conducted their government under it for a great many generations, and in that country it has never been taken advantage of except in a few cases. In South Dakota, where they have had the law for eight years, there have been only two cases where a matter has been referred to the people, and in some other states it has been only rarely called for. And if it becomes a law in this state I have faith that it will not be used except in extreme cases.

There has been and there is today strong influences in the hall of this Legislature working against this measure of

the people. In the first place, gentlemen, I will tell you who ask for this legislation. It is not a small handful of people; it is not asked as class legislation; it comes here on the petitions of the Federation of Labor for the entire State of Maine—upon the endorsement of the Civic League, and of the Grangers. There has been presented to this Legislature this term petitions with the names of 16,000 individuals of our State, asking that we pass this law that they may vote upon it.

I ask you if that is not a fair representation of the people of our State who ask for this law. The only people opposed to this legislation are the great corporations of this State, and I am surprised that after all the legislation that has been granted to them during this session of the Legislature—and I think quite a little has been granted to them—that they should come in here and oppose the common people in their endeavor to get equality with all men; and that is all they ask, the right of suffrage.

In the lobbies of this Legislature and in the hotels this has been styled every kind of legislation possible, although the same people have gone out of here with legislation that they never could have got if the referendum had been attached to it. I ask you, gentlemen, why they are opposed to it? Because they know that a hundred bills we have passed in this Legislature would never have stood the test had the bright light of day been turned upon them, and they had been compelled to be accountable to the people for such legislation.

I ask you, fellow senators, if you think the wild lands of this State would have been given away for a mess of pottage if you could have had the referendum to see what the prices of those lands should have been? I ask you if the great water rights of this State would have been under the control of the Legislature, and given away, if they could have been disposed of under the referendum? I ask you if the thousand and one bills, similar to the porcupine act, could have passed under a referendum. I ask you if many of the things we have voted for today—if we would not have been more careful if we thought the subject matter of them had got to go before the people? I do not wish to say that I impugn any

senator's motives in opposing legislation. What has been done in the hurly-burly of swift legislation this morning, when matters came in here without reference to a committee, and the President upon asking if any man in the Legislature knew about this or that found us sitting here as dumb as anybody could be—yet we voted away somebody's rights as likely as not. It is apathy on our part and not intentional wrong, that so many of these matters get through this legislature.

Now, as I say, it will make us more cautious, it will make us more careful in what we are doing in matters of this kind.

And again, it will strike the greatest blow to the lobby that has ever been struck; and while I do not intentionally mean them any harm, I say that legislation that goes through here without being lobby-ridden is safer than legislation that has passed three branches of this Legislature. And that is why we find certain people who say they are not appearing here as lobbyists, but they have employed a new term,—“I am appearing here as a citizen.” All the important lawyers have appeared here in this manner in their private, individual capacity—as citizens and not lobbyists,—a term which originated with the eminent Judge Foster of Portland; and it took so well the rest of the lobby adopted it.

Do you suppose the people's rights on the insurance matter would have been given away ten years ago by the Legislature of the State if that had to be referred to the people? Do you suppose they would have given away the dearest right we have in this grand old State, which is that of trial by jury? and even the members who gave it away knew not what they did, because they have told me so, several of them,—some of the brightest minds in this State, members of this Legislature, tell me they never knew that the thing passed. Do you suppose that right would have been given away if attached to it was the referendum?

In Massachusetts they are considering this very same act we have before us. Gov. Douglas, who was elected in a Republican state by a big Democratic majority in a year when a Republican had a right to be elected—in a year in which almost everything went Republican—Gov.

Douglas, who poses as the friend of the common people, was elected, and this is what he says to the people of Massachusetts on the referendum: “It is a common complaint that our legislatures are not always responsive to the people's will, and it would be quite within the principles of a Democratic government that by convenient means the will of the people be made effective when legislative measures prove unsatisfactory. Such measures have always been put to the test elsewhere with results uniformly good, and it is difficult to see what objection there can be to such granting of power over their legislation. As the members of the Legislature are representative of the people they should not object if their constituents be given the power to reverse or approve their acts. If the objection be made that the people cannot be trusted, such an objection is a denial of the success of popular government, as shown by the history of town meetings for more than two centuries.”

Now this is no innovation. This same principle has built up New England. This same principle has influenced 400 towns in the State of Maine today.

You, sirs, who do not live in the cities, but like myself live in a town where we have a municipal government and a board of selectmen, will admit the value of the New England town meeting. In the town of which I am a citizen we have that old town meeting, which meets and continues for four or five days sometimes, and we appropriate anywhere from \$150,000 to \$200,000 under this same government that I am advocating here.

Any ten people of the State of Maine can compel the selectmen to put an article in the warrant, asking for an appropriation or any other matter that they see fit, and the selectmen are obliged to do it. That is a much lower per cent. than this bill provides for, which is ten per cent. of all the voters; while the statute provides that ten voters can compel the insertion of an article in a warrant for anything they desire, and it is compulsory upon the selectmen to insert such an article.

There is your initiative, such as we have in this draft. When that matter comes up in a town meeting it is referred to the people by a popular vote, and there

is your referendum—and exactly as you have it in that bill.

I know that the people, whenever a constitutional amendment is proposed are slow to adopt it. I myself would not jump in haphazard to change our form of government if I did not deem it was wise. Our forefathers in framing that constitution undoubtedly had exceptional wisdom, and in the framing of that they drafted such a law as they thought would meet the exigencies of most any case; and foreseeing that as time went on, and as different conditions came up in the country it might be necessary to change or modify that form of government in our constitution, they provided what I shall read to you:—"All power is inherent in the people"—the genial senator from Knox is certainly familiar with that—"all free government is founded on their authority, and instituted for their benefit. They have, therefore, an inalienable and indefeasible right to institute government, and to alter, reform, or totally change the same when their safety and happiness require it."

So I say, in that one provision they foresaw that such changes as this might be necessary in the future, and provided for it.

Now we have made the most wonderful strides in most everything since that constitution went into effect. Why, the men who framed that constitution could not see the great developments that were coming for this generation; they could not see the wonderful developments of electricity, or the advancement to be made in every element of progress,—history, literature, science, art, materia medica—everything!—or the changes made in government in order to meet those requirements. They could not see the organization of million dollar corporations. They could not see that in every Legislature there was to be a lobby that was to control legislation in a great many cases; and for that reason they could not provide for the exigencies of the present time. These are new conditions which confront us, that it is necessary for us as a people, guarding and looking after the rights of our fellow citizens—it is absolutely necessary for us to meet these new conditions and theories.

Gentlemen, we have all of us read Lawson's "Frenzied Finance" and the

denunciations he has made of the different corporations, and we believe them. And I say to you if half of the accusations made in those articles are true, is it not necessary to have some form of government to check and throttle their various schemes?

Now it has been said to me by a great many people through this Legislature and in Augusta this winter,—“Who is asking for this Legislation?” I have told who it was. It is the common people of the State of Maine,—the people who, when election-day comes, we are all of us glad to see,—the people who hold the destiny of this State within the hollow of their hands, and the people we have got to recognize. When 16,000 people ask to have a matter submitted to them, to see whether they will pass it or not, and you subvert this Legislature and say them nay, we are disregarding the rights of the common people who sent us here; because in the State of Maine we have no aristocracy—we have the common people, and those are the ones we should legislate for, because the other class will care for themselves.

This, gentlemen, does not in any way provide that any provision of the constitution can be submitted to the people. It only provides that acts of the Legislature shall be submitted to the people, and therefore there is no danger of the resubmission of the liquor law to the people under this provision.

We have got to go a step farther with another provision for the resubmission of constitutional questions to them, so I say you are perfectly safe in adopting this matter.

Now it seems to me from what I have learned this winter in regard to these matters and petitions that we have arrived at the point in our history when it is necessary to stop and consider, and take soundings, or else we may fast drift upon the shoals that other great republics have drifted upon when they have not heeded the voice of the common people. We may drift where Russia is today in its disregard of the common people of that nation.

Do you not think it is safe, fellow senators to allow the people to say whether they shall have a law or not,—the common people who work, and who by the sweat of their brow get their own daily

bread; for I assure you that the humble day laborer who works with his hands has a soul within him, and is entitled to the same privileges as the great captains of industry, who have been the light and the wonder of the world.

On the other hand, there has been no occupation or mechanical labor so exacting that does not employ the exercise of appreciation, reflection, memory and judgment.

On motion by Mr. Heselton of Kennebec, the Senate here took a recess until 2 o'clock P. M.

Afternoon Session.

Wednesday, March 22, 1905.

On motion by Mr. Clark of Hancock, bill "An Act to authorize the town of Castine, county of Hancock, to construct for itself, persons and corporations a system of water works within said town," under suspension of the rules took its second reading, and was passed to be engrossed.

Mr. Allen of York moved to reconsider the vote to adhere to its action on the Monterey bill, so called. The motion was lost, seven senators voting in opposition to the motion and five in favor thereof.

The debate with reference to the Referendum was here resumed:

Mr. POTTER of Cumberland: Mr. President, I listened with a great deal of interest this morning to the indictment of the Legislature by the senator from Hancock, but I do not feel it necessary to attempt a reply to his entire argument, or to take much of the time of the Senate.

When the senator from Kennebec said yesterday that the negotiable instruments bill was the most important measure before the Legislature he forgot that this referendum scheme was coming up today. What he said about the importance of the negotiable instruments bill is true of this resolve. It is far and away the most important measure of the session. It proposes not only to amend the constitution of the State, but it proposes to do so in several very fundamental and important respects.

It proposes, in the first place, to give to the people an absolute veto on every act of the Legislature not passed by a two-thirds vote. It proposes, in the next place, to give to the people the right to initiate legislation, and to enact legislation independently of the Legislature, and in spite of the Legislature.

The senator from Knox proposed early yesterday to the negotiable instruments

in the session to abolish the office of liquor commissioner. The committee of which my friend from Kennebec is chairman, proposed to abolish the office of State printer. It is reserved to the Senator from Hancock in the last three or four days of the session to abolish the functions of the Legislature.

Now, the referendum as applied to special legislation we are familiar with, and we are in favor of it. For instance, my own town, the largest town in the State, thinks it wants to become one of the smallest cities of the State. A special act has been passed here giving Brunswick a city charter. It is to have an opportunity to say whether it wants it or not. That is all right. That application of the doctrine of the referendum is familiar to us, but apply it to general legislation is a different proposition, and for one I am opposed to it on general grounds.

I do not think it necessary, as the senator from Hancock thinks it necessary, to change our form of government, and go across the ocean to the republic of Switzerland to find a model, or even to go to the Democratic governor of Massachusetts. The present method of making the laws, which has been good enough for our fathers and forefathers for 125 years, is good enough for us. I believe in the principle and in the practice of representative government. I believe that a Legislature representing all parts of the State, and coming here to compare views, exchange information, give hearings, and for arguing the thing pro and con—assuming that the Legislature is only an average body of men—I say they are better qualified to make the laws of the State than the people are, separated and scattered in their homes.

Now, I say on general grounds, without taking the time of the Senate to develop that proposition any further, that I prefer the old to the present system. The burden is very strongly on those who would pass it; senators should be satisfied of the necessity of the change before voting for it.

So much for the general grounds of opposition to the doctrine of the referendum as applied to general legislation, but I have a special objection to this bill. It is the objection which the senator from Kennebec urged with great force

act, and I told the senator from Kennebec that in my judgment no man who had not sufficiently considered the negotiable instruments act ought to vote against it. What is true of that is true of this.

This is not a proposition to tinker the statutes. I have sometimes thought we have done more of that this winter than we ought to have done—at a session following a session revising the statutes! I have sometimes thought we ought to have left the body of the statute somewhat as it was two years ago.

This is a proposition to change the constitution of the State. It comes here reported from the committee by an adverse vote of that committee, and the proposition is made to substitute the minority report three days before the Legislature is to adjourn—on this bill which is before us, and which has been printed, and which we have had an opportunity to consider how long?—not over four days, including Sunday. That is the proposition which the senator from Hancock asks this body to adopt, a proposition to make a new constitution, or change the old one in fundamental respects.

The senator from Kennebec suggested yesterday that possibly I could not pass an examination on the contents of negotiable instruments. I am afraid that is so. I doubt if I could have stood a cross-examination on it; and I wonder how many members of the Senate are familiar with this proposition—sufficiently familiar with it to try to make it a law.

I notice this morning on my desk an anonymous circular asking the Senate some questions about this. I should not consider that an anonymous circular was worth answering if the senator from Hancock had not made it a part of his argument this morning, and as underlying this question. I propose to give my answer from my point of view, which may not be the point of view of any other senator here.

This is the question proposed this morning by the senator from Hancock,—Do you think it will be right to deny the people an opportunity to decide for themselves whether or not they shall have the referendum? The senator from Hancock says we are not making this a law; we are simply moving this thing along so that the people can vote on it.

Now, my answer is this, which, as I

say, may not be the point of view of any other senator here. The constitution, providing for its own amendment, says: "Whenever two-thirds of both Houses deem it necessary." The members of the Legislature are not merely to pass the proposition along because they think correctly or mistakenly that the people want to vote on it. We are here to express our own judgment. The process of constitutional amendment, Mr. President, should be slow. Between the constitution of this State and any change in it there ought to be the independent judgment of the Legislature and the independent judgment of the people. We are to decide whether in our judgment the constitution of the State should be changed. I refuse for one to vote for any amendment to the constitution because of any real or supposed popular demand that the amendment be submitted to the people. I deny the proposition that the people want this amendment. I deny the proposition of law that they are entitled to it if they do want it, unless the Legislature thinks so. As I have said, whether we go slowly or rapidly in tinkering the statutes we ought to go slowly in changing the fundamental law of the State.

If this referendum business is demanded it will come. The people are the source of power, and the people will change this constitution if they want it changed when they get ready to change it. It is better that the change in the constitution should come slowly than that there should be a mistake in it. It is better that we should exercise our own independent judgment than that we should merely pass the proposition along for popular approval or disapproval.

I would consider with great care the popular view if I knew what the popular view was. Having done that I would decide on my own judgment whether to submit the amendment to the people or not. That is the method provided for in the constitution itself, and there is the sound reason of public policy back of it; and when the Senate comes this afternoon to vote on this proposition I hope each senator will vote to express his real judgment upon it, and not in response to any popular demand which may or may not exist.

Just one thing further. Because this proposition is one to amend the consti-

tution of the State it requires a two-thirds vote. It cannot pass this Senate or the House without a two-thirds vote of each branch. I imagine, Mr. President, without knowing much about it that that rule may not apply to preliminary votes; that is, to pass it to be engrossed—that the majority may be sufficient for that; but when it comes to its final passage then the resolve requires a two-thirds vote.

Now I hope and believe that it will not be necessary to invoke that rule. I hope and believe that a majority of this body will turn this new-fangled notion—because it is a new-fangled notion in this part of the country—down until the necessity for it is further demonstrated.

Mr. HESELTON of Kennebec: Mr. President, I must have made a different kind of speech yesterday than I anticipated to have secured from my friend, the senator from Cumberland, so many remarks in connection with the bill that is presented here today.

He says, and I agree with him, that this measure is the most important measure that is before the Legislature at the present time. I do not know but it supersedes and exceeds the importance of the measure in regard to negotiable instruments, but the difference between these two measures is this: The other that was before the Legislature, and which the committee, of which the senator from Cumberland is one of the most distinguished members, reported unanimously in favor of yesterday—had no referendum attached to it. There was no opportunity for the people of this State to say whether that measure, which carried with it the overturning of all business relations of the State in respect to negotiable instruments, should be looked into by the people, and by them, after consideration, be accepted or rejected but its practical operation was by one fell swoop of this Legislature to wipe out existing conditions.

Now, this measure comes in a different guise, in a different form. It says this,—if we present it to the people, the people who have delegated to us the power to come here and make laws—that people will consider it, and if they wish adopt it or reject it.

I know of no better way to ascertain

the wil of the people than to present the public measures that we pass here to them, and after due discussion and deliberation on the stump and in the newspapers of the State, ask them whether they want the measure or not. It seems to me that represents the true form of Democratic government.

Now, the senator from Cumberland says that the legislators coming here from all parts of the State are better qualified to legislate than the people scattered in various parts of the State. I think that that is an assumption of fact which is not borne out by the principles of our government.

We come here to represent the people of our sections of the State. I am here as one of the representatives of the county of Kennebec; I am not here to set up my wisdom above the wisdom of the people; I am here simply to reflect if I can the wishes of the people. If the laws that I pass, or assist in passing, are good laws I am willing for my constituents to say whether they think they are good laws or bad laws.

Now, that is all this referendum measure carries with it. Why, in 1879 we had an election which was called the campaign of education. It was about the financial question that was then involved. We went out to the people, and we talked to the people upon that subject. We did not think that they were so much inferior to us that they could not understand that subject, and that their judgment would not be the correct judgment.

Then, when the tariff question came up in our elections of a few years ago we went before the people again on the stump, and asked them to consider the complex question of the tariff law; and when they had considered it voted upon the question. We now believe that their judgment was the best that could have been rendered at that time, and it has since proved to be correct.

Then later when the question of a gold standard was raised we went before the people and talked to them about that, and we asked them to give their votes and sustain the gold standard. They did so, and it has proven a successful measure in this country. And do we now want to say that our constituents were wise only in one way in selecting us to come here and make laws for them af-

ter submitting such important questions to them in the past and approving of their wisdom expressed by their votes on these subjects? It seems to me that is an absurd proposition. They want us to here enact measures because they have confidence in us, and should we not have the same confidence in them, to say if these measures are wise support them, if unwise reject them by turning them back to them and letting them consider them and vote upon them.

As the senator from Hancock said this morning, measures are coming in here every day of this Legislature about which none of us know anything; they are creeping in here, and measures are being enacted that none of us will recognize when we read the volume that reports the laws of 1906 and I say it is wise to have an opportunity for the people as well as for ourselves to look over such work, and if that work shows wisdom on our part let them approve of it; if it is unwise let them do what they should to condemn it.

Now, as the senator from Cumberland says, this is a measure that reaches out to all the enactments of the Legislature. If the senator from Hancock passes his amendment to this measure it does not reach out to all Legislature enactments; it reaches out to all measures except those of appropriations and emergency. Is not that right, Mr. Senator?

Mr. CLARK: It is true.

Mr. HESELTON: Then all the other measures should go before the people and be considered by them. Why, gentlemen, as a matter of fact, Legislatures in the past have done what?—they have surrendered franchises to individuals and corporation franchises to corporations. In my own city I can speak from personal experience; we surrendered to a few men the privilege of taking over a franchise which in the end when we reclaimed that property took more than \$200,000 out of our community and that too when the franchise of the property did not represent one dollar of invested capital for the original incorporators. Now if the people had had an opportunity to consider that franchise act when it had been passed here, inadvertently, without due consideration, what do you think?—would not they have protected themselves?

The senator from Cumberland is about to take part in a measure similar to that, and he cannot save the citizens of his community from paying an exorbitant price for what:—for the franchise that was surrendered a few people—the right to deliver water to the citizens of Brunswick, and the citizens of Brunswick will pay that price for a franchise that never cost the promoters a cent, but which belonged to the people; the illustration might be carried on ad infinitum.

We have a few more franchises left in this State which will be sought for by individuals, and if we have this referendum measure the question of the surrender of those franchises could go before the people and be considered and be decided by them who are the parties most interested.

Why, I say this is one of the best measures, if not the most important measure that has been presented to the Legislature, because it gives the people a chance to return in a certain way to the old open town meeting; and the town meeting of New England, and the little red schoolhouse of New England, are the two factors that have made New England what it is.

I had no desire to speak upon this question. It seemed to me it would address itself to the judgment of the senators here without discussion; and I only offer these few points in the full belief that this is the best measure that has been presented here this session. I have simply one more suggestion and then I am done.

How will the senator from Cumberland ascertain the will of the people if 16,000 petitioners does not demonstrate to him that there is a desire for this measure? How will he ascertain the people's wishes if he stifles it here this proposed amendment? How will he find out what the people want? How will he represent the good people of Cumberland county, if he does not give them a chance to express themselves at the ballot box upon this measure? If he can answer me I would like to have him do so. If we can submit to the people, with confidence in their judgment, such complex questions as those of finance and tariff; can we doubt their ability to comprehend and decide aright this question? This is the only question really involved today, whether

we are willing the people should decide whether they will receive the acts of the Legislature or not. If after discussion and reflection a majority of our voters say they do wish for the right I believe we take no chances in giving to them that privilege.

Mr. STAPLES of Knox: Mr. President. I agree with the senator from Cumberland, with the senator from Hancock, and also with the senator from Kennebec, that this is one of the most important measures that has been before this Legislature. And I could not help thinking of the words which express my feelings at this time,—the words of John Adams, "Sink or swim, live or die, survive or perish, I give my heart and my hand to this measure!" That was for the Declaration of Independence, and in those same burning words I may state I am for the referendum, because it represents the voice of the people of this country.

I cannot but heed the views of 16,000 petitioners as they come up here from the different walks of life. They are not alone of the Federation of Labor or the Civic League, but of the sterling element of the State of Maine, which demands at our hands simply the right to vote upon all public measures that interest them and interest us.

The same spirit should be kept alive that gave us the victory at Yorktown and at Bunker Hill. It is the spirit which imbues the common people that makes this government so great and glorious. That same spirit animating the history of the late rebellion gave us the victory and placed our flag high upon the ramparts. It was that spirit which we inherited from our forefathers, that has been handed down through the generations, which gave us what the people said we should have—liberty in this land of ours. And it will be a sorry day for us when we stifle that patriotism which took hold of this people way back in '76, and which was again so beautified and glorified in the days of '61.

Let us keep alive that glad spirit of the people, because it was their blood which has given us this grand liberty, and made it possible for us to be here in a free country like this today.

I cannot but believe that the 16,000 people from the different sections of the State should be heeded. They are asking

cannot gainsay that the corporations of this country have taken control of it, and that the common citizen is beginning to feel that he has no rights which the corporation is bound to respect.

Give them the right to pass upon all great measures, and you will pass the responsibility upon the common man to make good his citizenship, and it will make him feel that he is a true American.

I am in favor of the referendum because it gives to the people the right to step on the great corporations. Therefore give them the right; put the responsibility upon them, and I tell you we shall never regret it. We can trust the common people in this matter. If we have the referendum we shall have it in 400 towns in the State of Maine. We always have had it in most matters, and it is the best element in the American form of government today. Without the people's voice to settle these matters I tell you we would soon drift into anarchy.

On this the people must be heard. Sixteen thousand petitioners have come here asking us to give them the referendum. We can trust them to vote upon it on all measures, wisely, and they will feel a responsibility they do not feel at the present time.

There is something more to it. The Legislature will be more careful what bills they pass when they know the people have a right to vote upon that legislation.

And it will do another thing, which is a most pernicious thing, and which has surrounded this Legislature and every other for the last fifteen years—it will do away with the lobby that comes here and undertakes to control the legislation of the State. They will have to go home and stay there, because legislators will be careful what kind of votes they cast, because they know that then it will be referred to the people.

Let us refer it to the people; that is all we ask for in this case! 16,000 people have come here voluntarily asking as American citizens that they shall have the right to pass upon the legislation we have in this State; and I hope, Mr. President, that the voice of the people will be heard, and if we accomplish that we shall have done our duty to them.

Mr. ALLEN of York: Mr. President, I did not think of saying a word on this subject matter until late, but I want to say at the outset that if there has been one bill that has been before the Legislature which I have studied more than another it is this Senate document 24.

I have studied it carefully with a view of thinking out in my mind the effect if this bill was passed and finally became a law. When I began to inquire as to the source of the bill, as to whether any great number of people from my section of the State were desirous of legislation in this direction, I failed to find any demand from my section.

Now, if the gentlemen who have preceded me in favor of the minority report make special reference to the claim of 16,000 in favor of this bill by petitions, I would say that I think something like 60,000 were in evidence favoring the resubmission bill, which is a constitutional amendment; and yet this Legislature and the previous Legislature declined to grant resubmission, because there was no demand for it. This Legislature and previous Legislatures have always granted the passage of bills when the public have demanded it, and the referendum will probably be no exception. In the bill before us, because it is a change of fundamental law I do not think there is any popular demand for it at this time; and that is my position in opposing the bill.

Mr. HESELTON: I would like to ask the Senator from York if he meant what he said, that there were 60,000 men who asked for the resubmission of the prohibitory law?

Mr. ALLEN: I think I am right.

Mr. HESELTON: I think the Senator refers to an argument made in the House that 60,000 democrats had voted on one side of the question.

Mr. STAPLES or Knox: I wish there were 60,000, but I guess there were not quite that.

Mr. MILLS of Hancock: Mr. President and Senators, I am fully aware that a very able discussion has already been made, and I am just as well aware that I cannot from my knowledge add anything more to what has been said in the line of legal arguments or logical debate; but the fact that only 16,000 people have asked for this referendum is somewhat of a misrepresentation.

Sixteen thousand have signed the petitions, asking for this resolve to go through this Legislature. Those petitions represent 25,000 members of the Civic League of this State, and the character and quality of the men who make up the Civic League is not open to question; and I am sure the members of this Senate will attribute enough to the judgment and discretion of those men to know what they are asking for. 25,000 Grangers are represented on these petitions. To be sure not all that number have signed the papers, but the number of endorsements coming from the different Granges represent fully 25,000 members of that noble organization. Or rather,—50,000 Grangers is the correct number, and 25,000 members of the Federation of Labor; making in all 100,000 men—100,000 people who favor and have petitioned for this resolve to go through this Legislature.

There is just one point more that I want to bring to your attention. It has been set out here that it is late in the session; that we have only had four days to consider this proposition.

Why, it appears to me, fellow Senators, that it has been under consideration ever since this Legislature convened here. It seems to me it has been a question which has been agitated more strenuously than any other matter.

Furthermore a principle is involved in this question, and when any question comes up in which a principle is involved it does not require very much consideration on my part to decide which way my vote shall go, provided the principle is as clean-cut and well-defined as it is here. The principle is whether or not we shall take one step more in the line of democratic form of government.

In the past every war which we have fought, every drop of blood which has been shed, and every act which we have done as a Government, has simply taken us one step nearer to the consummation of the perfect democracy, and this is right in line with our best history; this is right in line with all the important action we have taken in the past as a nation;—and it seems to me, Mr. President, that the measure ought to pass this Senate at this time, and I trust it will prevail.

The question being put, the Yeas and

Nays were called for and ordered, and the vote being had on the motion to substitute the minority report for the majority report, resulted as follows: Those voting Yea were Messrs. Bailey, Brown, Clark, Curtis, Heselton, Mills, Morse, Owen, Philoan, Staples, Sturgis, Tartre (12). Those voting Nay were Messrs. Allen, Ayer, Bartlett, Furbish, Irving, Knowlton, Plummer, Potter, Shackford, Simpson, Stetson (1). The following pair was announced—Pike with Gardner.

So the motion prevailed, and the minority report was substituted for the majority. The bill then took its first reading, and on motion by Mr. Clark of Hancock, took its second reading under suspension of the rules, and was passed to be engrossed.

Mr. Fierce for the committee on legal affairs, on bill "An Act to abolish the office of public printer," reported that the special committee on State printing, having reported fully upon the subject matter of the above entitled act, no action is necessary by this committee. Report accepted.

The joint standing committee on legal affairs submitted its final report, which was accepted.

The President appointed on the part of the Senate as conferees on the resolve relating to the Insane hospital—Messrs. Morse, Pike and Brown.

On motion by Mr. Heselton of Kennebec, House document 521, being bill to abolish the common council of Augusta, was taken from the table; and on further motion by the same senator House amendment A was adopted in concurrence. On his further motion the rules were suspended, and the bill took its second reading and was passed to be engrossed.

On motion by Mr. Sturgis of Cumberland, House document 418, "Resolve to amend Chapter 194 of the Resolves of 1893, relating to industrial exhibits," was taken from the table. Mr. Morse of Waldo, moved suspension of the rules, and that the Resolve take its second reading at the present time.

Mr. STAPLES of Knox: Mr. President, My experience with appropriations for industrial matters has been such that I feel not in favor of making an appropriation for any industrial matter. Two years ago when we made an appropriation of \$40,000 for the St. Louis Exposition, what did it amount to? We appropriate a great deal of money here, and it seems to me a waste of money to appropriate on this matter \$1500, and I hope the matter will be indefinitely postponed.

Mr. MORSE of Waldo: Mr. President and Gentlemen of the Senate, I suppose it is very plain to the members of this Senate why the Senator from Knox should oppose a measure of this kind. Some of these appropri-

tions amounting to hundreds of thousands of dollars he does not object to, but if an appropriation carries \$200 he sees it with magnified vision. The facts are simply these: This resolve is to increase the stipend of the Maine State Agricultural Society, one of the grandest industrial institutions in the State of Maine, and perhaps one of the oldest. There is no citizen of Maine that does not take some pride in the Maine State Fair. We have received an annual stipend in years past of \$1000. The Maine State Fair is from \$2200 to \$3000 in debt. As you will remember the Central Maine Fair was down here and they have taken \$4000 to Waterville, and I am in favor of it. It is money to be taken out of the treasury of the State of Maine, and to be paid back to the farming industries of the whole State. It is to foster and encourage those industries that this money is appropriated. This matter has for one reason and another, on personal grounds, been hung up in the House. One gentleman thought the trustees were getting too much pay. Another man had some personal interest, and he said he had a chance to knife it, and he wasn't going to let that chance go by. So that both this resolve and the Central Maine Fair resolve were delayed, but have moved along almost unanimously in the House, and come through without a scratch, and they stand today as originally proposed. I suggest that we have fooled with these matters enough. This is a matter that appeals directly to you, and it appeals to every farming industry in the State of Maine; and shall we bicker over this matter in the last days of the session. I do not think we should. Mr. President, I hope the Senator will withdraw his pretensions.

Mr. STAPLES: No.

Mr. MORSE: We will see.

Mr. STAPLES: Mr. President, I am not visionary as to these appropriations. The people are not visionary, either. I deny that this \$1500 is going to benefit the agricultural interests of this State. I insist that it will help the officers of that association who are taking it out of the people without any just return. I have not opposed mat-

ters here which I believed for the interests of the people. I was not visionary when I opposed the appropriation of \$40,000, and if my eyesight is good today the only thing I saw that went out there was a log cabin for the \$40,000. This \$1500 is not demanded by the farmers of this State. It comes with bad grace from the Senator from Waldo to say that I am inconsistent when I vote for the \$120,000 for the institution at Bangor, which the people are clamoring for, and which the suffering of our State demands. I am not visionary when I vote for the new wing at the Bangor hospital, or against the damp cells of the gunpowder receptacle across the river. I am in favor of appropriations for legitimate purposes. So long as I have been in this State I have never raised my voice against the agricultural interests of the State or for humanity and so long as I am able to open my mouth I never will.

Mr. MORSE of Waldo: Mr. President, I am glad to hear from the Senator from Knox, and I am also pleased to know that he has no fear of gunpowder; but I do not notice any Grand Army button. I think, perhaps, at the time when they wanted men, the gentleman was perhaps applying himself to the law instead of the musket. I like to hear men talk that way, first rate! It does not apply to the question today. Here is an institution giving the grandest exhibition in the State unable to receive from the entrance money a sufficient sum to meet expenditures and pay their premiums. I am one of the trustees, and have been for several years, and consequently I feel that I can speak with some knowledge of the matter. This fair has been running for nearly forty years, and has never raised its entrance fee of fifty cents. Everybody receives just consideration there, and everybody receives their premiums if they can receive gate money enough to pay them. The patrons of the fair have been so well satisfied with the conduct of the officers of the fair that they have not even murmured because they were unable to pay their premiums on account of rainy days. In 1901 we could not

pay our premiums. We did not pay them in 1902. We made money enough so that we paid them in part, as we did in 1902. In 1903 we paid our premiums and \$2000 on the debt. In 1904 it rained, and we went in debt \$2000, so we stand precisely where we stood before. The trustees receive \$200 a year. There is no secret about it. One lives in Washington county. I live in Waldo county. Another in Cumberland or York. And these men meet month after month every month in the year, for their meetings, at an expenditure of considerable time in travel. If the amount is too much, I hope the gentleman will introduce an amendment to cut it down.

Mr. Morse of Waldo, moved that the Resolve be indefinitely postponed, and called for the yeas and nays. The same were ordered, and the vote being had, resulted as follows: Those voting Ye, were—Messrs. Pike, Staples, Stetson (3). Those voting Nay were—Messrs. Ayer, Bailey, Bartlett, Brown, Clark, Curtis, Furbish, Heselton, Irving, Knowlton, Morse, Philoon, Plummer, Potter, Simpson, Sturgis, Tartre (17).

So the motion to indefinitely postpone was lost, and on motion by Mr. Morse the resolve took its second reading under suspension of the rules and was passed to be engrossed.

On motion of Mr. Clark of Hancock, Senate document 198, bill relating to salaries of judges of probate of the various counties was taken from the table. On motion by Mr. Stetson of Penobscot, Senate amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Morse of Waldo, the Resolve in relation to Widows Island was taken from the table, the pending question being upon the motion of that senator that the Resolve be indefinitely postponed. Senator Morse withdrew his motion, and on motion by Mr. Sturgis of Cumberland, under suspension of the rules, the bill took its second reading.

The Resolve was amended by prefixing the following title—"Resolve in favor of Widows Island," and as amended the resolve was passed to be engrossed.

Mr. Gardner of Penobscot, presented Resolve in favor of clerk hire for the committee on taxation, and the same was referred to the committee on appropriations and financial affairs.

On motion of Mr. Plummer of Androscoggin, House bill 432, relating to apportioning of expenses of bridges between towns, was taken from the table. On further motion by the same senator the vote whereby the bill was passed to be engrossed was reconsidered, and on the same senator's motion Senate amendment A was adopted, and the bill as amended was passed to be engrossed.

On motion by Mr. Sturgis of Cumberland, bill "An Act relating to the protec-

tion of deer in Kennebec, Knox, Waldo and Lincoln counties," was taken from the table. On further motion by the same senator the Senate non-concurred in the amendment offered by the House, and Senate amendment A, amending the title of the bill, was adopted, and the bill as amended was passed to be engrossed.

An Act relating to the compensation of registers of probate came from the House. House amendments A and E adopted by that branch. The amendments were adopted in concurrence, and the bill as amended was passed to be engrossed.

An Act relating to the compensation of registers of deeds came from the House with House amendment A adopted in that branch.

Mr. Staples of Knox moved that the Senate concur with the House in the adoption of the amendment.

Mr. STAPLES of Knox: Mr. President, I am somewhat surprised that the recommendation of the majority of the delegation was not accepted. The office of the Register of Deeds of our county is now, by that amendment put at \$1000. It is an important office; and if the Senators will look over the State you will find it is not in proportion to other salaries of the registers of deeds in the State. The register of deeds requires an assistant to properly perform his duties. All deeds have to be compared. The volume of business is very large. It takes the whole time of the register for the year. He can do no other business. He cannot get a clerk for less than \$200 or \$300 a year who is capable to do the work required. With his salary at \$1000 clerk hire to the amount of \$300 was not too much. We give that to the Clerk of Courts, and that amount is accepted by the committee on salaries, and certainly the register of deeds in Knox county should have as much pay as the clerk of courts of that county.

There is another fact about it. The register of deeds has received from the office at least from \$1,300 to \$1,400, and this action cuts him down still more. You cannot get a competent man who will give his whole time for a salary of \$1,000 if the amendment prevails. I only ask for what is right as compared with other counties. When you take into consideration the amount of work to be performed you will agree with me that it takes the register of deeds all the time, and he needs a clerk more than any other officer of the county for the

purpose of comparison of deeds which are required, and the comparison of copies. It is a matter of no personal interest to me, but in the volume of business in the county I think that this amendment is unfair to the register of deeds of Knox county.

Mr. STETSON: Mr. President, I was on the committee on salaries, and it was the custom, at the request of that committee, for the several delegations to furnish that committee a written report of what they considered in their judgment were fair and equitable salaries for the various offices of their counties.

In the matter of Knox county there was a division of opinion as to what should be the compensation for the various offices, and we had no report as a whole from that county. We had a personal report from some of the members, as the county is politically divided.

We had a hearing in the matter of the register of deeds, and several gentlemen appeared from that county, and as you will see in the report the special committees paid out in 1903 \$206 for clerk hire. Most of the registers of deeds in the State have had their salaries increased by your committee, the special committee on salaries feeling that justice had not been done to particular individuals.

We recognize the importance at all times of having a clerk in the office of the register of deeds. We felt justified in giving him \$1,000 for his own personal compensation, which is about as low as any register of deeds, and as he has paid out \$206 for clerk hire we thought \$300 for clerk hire was not an unreasonable amount.

The Senate non-concurred with the House in the adoption of the amendment.

An Act relating to the location and assessment of damages for property taken for public uses, taken from the table on motion by Mr. Clark of Hancock, and tabled by him and reassigned for tomorrow for consideration.

On motion by Mr. Staples of Knox, bill "An Act to amend Section 73 of Chapter 10 of the Revised Statutes, in relation to the collection of taxes, was assigned for consideration tomorrow.

On motion by Mr. Staples of Knox, House Document 441, "An Act to amend Section 73, Chapter 10, of the Revised Statutes, in relation to the collection of taxes," was taken from the table, and on his further motion House amendment A

was adopted, and the bill took its second reading under suspension of the rules and was passed to be engrossed.

On motion by Mr. Tartre of York, bill in reference to the Pepperell Manufacturing Company was assigned for tomorrow morning for consideration.

On motion by Mr. Allen of York, bill "An Act to incorporate the Fall Brook Dam and Improvement Company," together with the report of the committee on judiciary "ought not to pass," was taken from the table. On further motion by the same senator the bill was substituted for the report. On his further motion Senate amendment A was adopted, the bill took its first reading, and under suspension of the rules took its second reading and was passed to be engrossed.

On motion of Mr. Brown of Kennebec, the Senate adjourned to meet on Thursday, March 23, 1905, at 10 o'clock in the forenoon.