

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

**1907.**

**SENATE.**

Tuesday, February 19, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Gibson of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Staples of Knox there was tabled for printing pending reference in concurrence, Bill, "An Act to prohibit the making and publishing of faults or exaggerated statements and the publication of or concerning the affairs and pecuniary conditions of a private corporation, joint stock association, copartnership or individual."

On motion by Mr. Hastings of Oxford there was tabled for printing pending reference, Bill, "An Act to provide for the election of a school board for the city of Biddeford, defining the duties of said board and to regulate the compensation of members.

**House Bills Read and Assigned.**

An Act to make valid the incorporation and the corporate acts of the Fort Fairfield Grange.

An Act to change the name of the Plantation of Hill.

An Act to amend Chapter 277 of the Private and Special Laws of 1903, amending "An Act to establish a municipal court for the town of Brunswick."

An Act to preserve the purity of the source of water supply of the village of Buckfield.

An Act to extend the charter of the Mutual Fire Company.

An Act to prohibit the deposit of certain waste substances in the waters of the West Branch of the Mattawamkeag stream or its tributaries.

The following communication was received from the secretary of State:

"To the President of the Senate and Speaker of the House:

"I have the honor to herewith transmit the report of the trustees, superintendent, treasurer and teachers of the State School for Boys.

(Signed)

A. I. BROWN,  
Secretary of State."

which was referred to the committee for State School for Boys. (At this point Mr. Parkhurst of Penobscot was called to the chair and presided.)

The following Bills, Petitions and Resolves were presented and referred:

**Judiciary.**

By Mr. Sewall of Sagadahoc: Bill, "An Act to amend Chapter 15 of the Private and Special Laws of 1905.

By Mr. Merrill of Cumberland: Bill, "An Act to incorporate Dr. King's Hospital.

By Mr. Deasy of Hancock: Bill, an Act to amend Section 108 of Chapter 6 of the Revised Statutes relating to political caucuses.

By Mr. Theriault of Aroostook: Bill, "An Act to amend Section 51 of Chapter 79 of the Revised Statutes, relating to the holding of court in Aroostook County."

By Mr. Theriault of Aroostook: Bill, "An Act to amend Section 51 of Chapter 79 of the Revised Statutes relating to the holding of trial courts in Aroostook County."

Also; Bill, "An Act to incorporate the St. Johns River Driving and Improvement Company."

Also; Bill, "An Act to repeal the charter of Pond's Sheer Boom Company and all acts amendatory thereto."

Also; Bill, "An Act to repeal the charter of the Madaswaska Log Driving Company."

By Mr. Rice of Franklin: Petition of Harry M. Pierce of Farmington and vicinity and 104 others for the modification of "An Act to regulate the practice of veterinary surgery, medicine and dentistry."

By Mr. Merrill of Cumberland: Bill, "An Act in relation to Elias Thomas Company."

**Railroads and Expresses.**

By Mr. Deasy of Hancock: Bill, "An Act in relation to the Mount Desert Transit Company."

By Mr. Hastings of Oxford: Bill, "An Act to incorporate Portland and Rumford Falls Railroad."

By Mr. Wyman of Wasington: Bill, "An Act to amend and extend the

Milbridge and Cherryfield Street Railway charter."

#### **Mercantile Affairs and Insurance.**

By Mr. Merrill of Cumberland: Bill, "An Act to amend Chapter 49 of the Revised Statutes relating to life insurance."

Also: Bill, "An Act to amend Chapter 49 of the Revised Statutes of Maine, relating to life insurance."

#### **Banks and Banking.**

By Mr. Merrill of Cumberland: Bill, "An Act to extend the charter of the Cumberland Trust Company."

#### **State Lands and State Roads.**

By Mr. Heselton of Kennebec: Petition of A. E. Andrews and 36 others of Gardiner in favor of Sargent bill for State roads.

Also: Petition of O. B. Clason of Gardiner and 44 others for state aid to towns for repairing public highways and proportion same according to their mileage.

#### **Ways and Bridges.**

By Mr. Wyman of Washington: Petition for Charter to build a bridge between East Machias and Machiasport by W. B. Morry and 37 others.

#### **Inland Fisheries and Game.**

By Mr. Wyman of Washington: Bill, "An Act to prohibit the sale of trout in Washington County.

By Mr. Brown of Kennebec: Petition of Rutillus Alden and 102 others that the same should not be changed in regard to sea fishing in Berry, Dexter and Wilson Ponds in the county of Kennebec.

Also: Petition of F. W. Dudley and 53 others against any change in the law regard to ice fishing in Berry, Dexter and Wilson ponds in the county of Kennebec.

Also: Petition of F. L. Peavy and 157 others against any change in the law in regard to ice fishing in Berry, Dexter and Wilson ponds in the county of Kennebec.

By Mr. Barrows of Penobscot: Petition of J. M. Sanborn and 28 others in favor of passage of bill regulating the taking of fish in Lake Sebasticook.

By Mr. Hastings of Oxford: Remon-

strance of A. W. Herrick and 13 others against the closing of Twitchell and Round ponds in the town of Greenwood and North pond in the towns of Greenwood and Woodstock to ice fishing.

#### **Public Buildings and Grounds.**

By Mr. Rice of Franklin: Remonstrance against removing the State capital by Herman Sanborn and 10 others of Wilton.

#### **Salaries and Fees.**

By Mr. Theriault of Aroostook—Bill, "An Act to provide for a clerk for the register of deeds for the northern registry of deeds for Aroostook county.

#### **Orders.**

On motion by Mr. Heselton of Kennebec it was ordered, that the sum of \$30 and usual mileage be paid to Leon S. Lippincott of Brunswick, for services rendered during the organization of this Legislature.

#### **Reports of Committees.**

By Mr. Putnam for the committee on judiciary, on Bill, "An Act to preserve trees abutting public ways, and other places" reported that same ought to pass. Report accepted and the bill read and assigned.

The same senator for the same committee on Bill, "An Act to ratify the action of the committee appointed to build a bridge across York river," reported that same ought to pass. Report accepted and bill tabled for printing under the joint rules.

#### **Passed to Be Engrossed.**

An Act to amend the charter of the Messalonskee Electric Company.

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the Deaconess Home Association at Bangor.

An Act to amend Chapter 212 of the Private and Special Laws of 1903, as amended by Chapter 139 of the Private and Special Laws of 1905, relating to Searsport Water Company.

Resolve providing for preventing contagious diseases among cattle and horses.

An Act to amend Section 2 of Chapter 465 of the Private and Special Laws of 1868, providing for the elec-

tion of the superintending school committee and superintendent of schools in the city of Lewiston.

Resolve in favor of the Madawaska Training School.

Resolve providing for an epidemic or emergency fund.

An Act authorizing the erection and maintenance of piers and booms in the west branch of the Penobscot river.

An Act to incorporate the Bingham Light Company.

On motion of Mr. Wyman of Washington, Bill, "An Act to amend Chapter 40 of the Revised Statutes relating to employment of minors in manufacturing or mechanical establishments in this State" was tabled.

#### Passed to Be Enacted.

"An Act to amend Section 50, Chapter 93, of the Revised Statutes of the State of Maine, relating to liens."

An Act to prohibit the sale of trout in Hancock county.

An Act to incorporate the Fairfield Trust Company.

An Act to incorporate the Union Trust Company of Ellsworth.

An Act to set off a part of Hamlin Plantation and annex the same to the town of Van Buren.

An Act granting to Arthur S. Mc-Avey the right to establish and maintain a ferry in the harbor of Stockton Springs.

An Act to amend Chapter 588 of the Private and Special Laws of 1871, entitled "An Act to incorporate the Grand Lodge of the Independent Order of Good Templars of Maine."

An Act to repeal Chapter 228 of the Private and Special Laws of 1824, entitled "An Act to annex certain lands belonging to Enoch A. Glidden to the town of Alna."

#### Finally Passed.

Resolve in favor of the official reporter of the Senate.

Resolve relating to Canadian Pacific Railway Company.

Resolve in favor of the hospital of the Sisters of Charity of the city of Lewiston, Me.

Resolve providing for the repair of a roadway in townships 5 and 6 in the

ninth range, north of the Waldo Patent, in Piscataquis county.

#### Orders of the Day.

On motion by Mr. Theriault of Aroostook the Senate reconsidered the vote whereby it passed to be engrossed House Document No. 155. On further motion by the same senator the same was amended by adding thereto Senate Amendment A, adding to the title of said bill, "Relating to Fort Fairfield village corporation." As amended the bill was passed to be engrossed.

On motion by Mr. Deasy of Hancock Senate Document No. 91, being an Act to prohibit the carrying on of the business of bucket shops, so called, was taken from the table. And on further motion by the senator was referred to the committee on judiciary.

#### Judiciary.

By Mr. Merrill of Cumberland—Bill, An Act authorizing the payment of annuity to Ann M. Burham by the city of Portland."

Also Bill, "An Act to amend the city charter of the city of Portland pertaining to the powers and duties of the mayor."

Mr. MERRILL of Cumberland: Mr. President, I introduce these acts out of order, my reason for doing so being that they both relate to the city of Portland and I wish them referred to the committee on judiciary as that committee is to devote one day next week to the consideration of matters from the city of Portland; and I should like to have them assigned for that date.

On motion of Mr. Staples of Knox of Senate Document No. 97, same being the order presented by Mr. Heslton of Kennebec relating to the expediency of Section 14 to 55 inclusive of Chapter 29 of the Revised Statutes, etc., was taken from the table.

#### Inland Fisheries and Game.

By Mr. Philoon of Androscoggin—Petitions of E. S. Ward of Athens and 25 others; of B. S. Skillings of Bolster's Mills and 35 others; of H. T. Briggs of Paris and 44 others; of Eugene Huff of Boothbay Harbor and 57 others; of H. A. Bradley and Pemaquid and 10 others; of P. N. Bishop of Sherman and

39 others; of A. L. Bragg of Benton and 19 others; of Edwin R. Plummer of Addison and 89 others; of W. A. Fish of Anson and 27 others; of W. A. Arris of Byron and 34 others; of Harry A. Saunders of Greenville and 20 others all in favor of An Act amending Section 30 of Chapter 32 of the Revised Statutes, as amended, relating to licenses for buying and seling of skins of wild animals.

Mr. STAPLES of Knox: Mr. President, in this order, the senator from Kennebec had divided it, for appeal of the statute from the 14th to the 35th Sections of Chapter 29. I should have been very much in favor of it. I am in favor of investigations. I am in favor of doing that which is for the best interests of the community.

My position is well known upon Chapter 29 of the Statutes of this State. As long as we have a prohibitory liquor law upon the Statute book, I shall ever regard the office of State liquor commissioner and the agencies as antagonistic to the principles of prohibition. I frankly admit before this Senate, to these gentlemen who do not know my position on it, that I, as a temperance man, am not in favor of the prohibitory liquor law as it now stands. I am also in favor, as long as it stands upon the statute books, of enforcing it. I do not know what the purpose of the senator from Kennebec was in selecting two cities in this State and one town, for an investigation of this order. I believe that the liquor agencies of the State are antagonistic to the true principles of temperance, as they have been in the State of Maine. There is no law of high license or local option which can begin with the license with which they have been run in this State. But you have all the law upon the statute books that you need. I do not believe it is the purpose of the Legislature to investigate towns. If you open the door in this way, you cannot tell where you will end. I do not know what they do down in Waterville. I do not know what object the Senator has in bringing in the city of Waterville and saying that that was the home of the chairman of the Democratic State committee. I do not know what his purpose was in saying that some of the liquor

bought and sold at some of the liquor agencies was done by a Democratic member of the State committee. I do not know how that may be. I know this; that the mayor of the city of Waterville, who has the honor to be the chairman of the Democratic State committee of Maine, is as honorable a gentleman as there is in the State; and I do not believe that his name should be brought in here unless the senator from Kennebec has some reason to charge that man with non-feasance in office. I do not believe it is good policy, and I stand here as a Democrat. I do not care whether the investigation is directed against a Democrat or Republican. I have but one method by which I should be governed, and I believe that to be an honorable method; and I never will, and I never have undertaken to investigate any man but once in my life, and then I was very sorry for it, because I couldn't get the proof. A man's reputation should not be attacked without proof. Many a man and woman in this country of ours, has been ruined for life by rumors such as you hear on the street and in the corridors of this State House. There are plenty of ways to find evidence; and charges should be in writing so that a man may meet them.

As far as the town agencies are concerned, we have there in the great city of Waterville, where the parties are about equally divided, I apprehend that the purposes of this committee are political, and that the information which the senator from Kennebec has received is from the editor of the Waterville Mail, who has a great political feeling in this matter.

If the agency of the city of Waterville is run in a wrong manner, the statutes of this State provide that any citizen of that city can make complaint; and if you will read the laws you will see that they are very stringent. Anybody in the city of Waterville can close that rum shop—if it is a rum shop. It does not speak very much for the work of the enforcement commission, because everyone within the sound of my voice knows that if that agency is run one scintilla contrary to the provisions of the statutes, that it is just as

liable as any man who keeps an open saloon; and the deputies were there all summer, and I apprehend they would have found it out. Waterville is a place of almost 10,000 inhabitants. I know there has been a good deal of sickness down there—no doubt about that, but I do not believe the city of Waterville drinks any more rum than any other of our cities. I do not believe that there is anything wrong even in the agency at Gardiner or at **Waterville**.

Now if the gentleman wants to investigate—if he thinks there is anything wrong with the law, why does not he put in a bill to amend the law, and I will go with him. If he will put in a law to abolish the State liquor agency, I will vote with him, because I believe it to be detrimental to the interests of the State of Maine; but when you undertake to investigate in the three short weeks that we have to sit here, and if you are going to investigate one, you might as well take the whole of them in. I am against it. Does the Senate think we can do justice to the mayor of Waterville on the charge that he is running, directly or indirectly, a rum shop?

I have great respect for this temperance committee as honorable men who will do as much as anybody else. Do you think you can investigate this matter properly in three weeks, with the other important business we have to do?

There is a bill in here to abolish that agency, and when that comes up I believe the Legislature of Maine assembled here this winter will vote to abolish it, and then we can say goodbye to the whole thing at once; but, when you single out one place, like the city of Waterville—I tell you that the people of Waterville are law-abiding citizens, and it comes with an ill grace from the senator from Kennebec to say anything against the city of Waterville. There are grand and noble men there—not confined to either party, and he makes charges against the chairman of the Democratic State committee. If what he says is true, why doesn't he prepare charges, and, if true, those against whom they are made should be pun-

ished, but, my friends, I do not believe them for a moment. Abolish the office and then we shall have done with it altogether. Do not let us come in here, and by a certain order say that the head of this or that department has done thus and so. Any man on God's earth, if he is a man, should come up and put these charges in writing so that they could be met. I do not believe in trying to build myself up by tearing somebody else down. On general principles I am in favor of investigations of offices, but I think we should consider well before we undertake, upon idle rumors, to ruin a man's character and the peace and happiness of his family. There is now before the committee on salaries an order relating to investigation of heads of departments. I think that committee should be given power to meet in vacation, consider the matter and report to the next Legislature.

I know that one of the members of the committee on temperance is also a member of the committee on legal affairs, and has all he can do at the present time.

Let us be fair in this matter. Do not let us undertake to investigate a man unless the charges are put in writing so that they may be met fairly and squarely. It is a fundamental principle of our government that all men should have equal rights. Slander is one of the meanest things in God's world. And its nothing more than slandering a public official when you undertake to investigate him upon rumors that get around the corridors of this State House.

I move, Mr. Chairman, that this order be indefinitely postponed.

Mr. HESELTON of Kennebec: Mr. President: I feel that there can be no just reason for misunderstanding the purpose and limitations of this order under consideration—not even by the senator from Knox, who has taken this opportunity to discuss many things which were not germane to the subject before the Senate and to again canvass his well-known views of the prohibitory law. We are now living under that law and shall continue to live subject to that law for two years more

under the most favorable conditions which could be bestowed upon the advocates of a license system, because there could not possibly be any change of the present prohibitory law during that time, and, as I view the temperance question, there will be no change of the fundamental principles governing the sale of intoxicating liquors as adopted by this State for a great many years to come. In other words, I believe that resubmission or no resubmission we will continue the prohibitory law as the one to restrict the sale of intoxicants in this State. This latter assertion, however, is a matter of opinion. The former assertion, that the prohibitory law will remain a part of the legal machinery of our State for two years is, on the contrary, a condition, which will exist for two years at least. Over this proposition there can be no controversy.

Now as a part of this prohibitory law is the agency system, a system, as it seems to me, founded upon a wise consideration of the needs of our citizens, for every fair-minded man must admit that intoxicating liquors are a necessity for mechanical and medicinal purposes. That the laws governing this municipal agency system have been abused, there is little doubt, and that these laws in their present form can be used, either through the neglect or connivance of the municipal authorities, to defeat the very ends of the prohibitory law, is openly claimed by many unbiased citizens.

Briefly stated, the reasons of presenting the order pending before the Senate are, that either through a misunderstanding of the purpose of the law, or through the carelessness of the local agents, or the imperfections of the law itself, intoxicating liquors are sold in some of these agencies for a beverage, to minors and drunkards, for the purpose of making money for the municipalities in which they are located and sold in an inferior quality for higher prices than similar liquors could be obtained in the open market where they are legally dispersed, and my query is, cannot this law be so fortified by amendments as to make it a

strong factor for good and not a continuing object for criticisms and help for evil.

There are now before the Temperance Committee by joint order of the Legislature two measures embracing the consideration of whole subject matter, if these measures are properly examined into and digested. The first is the repeal of the laws governing the agency system, and the second is the adoption of a drug store system for dispersing liquors for medicinal and mechanical purposes. I fear that these measures will meet the usual fate of bills presented to a committee when the public at large take little interest in them, or they will be dismissed by the committee because they ask for radical legislation. No one may appear before the committee to canvass their merits or demerits and although there may be a crying need for some change through amendment or substitution, if these needs are not presented, the measures will meet a natural death in the committee room for want of proper attention. In this matter I feel proper inquiries should be made to ascertain the efficiency of the law so as to make proper recommendations for changes if any are needed. How can this better be done than by the joint standing committee on temperance? On this committee we have two prominent lawyers from the Senate and perhaps others from the House—I am not acquainted with the make up of this committee from the house—and as a chairman of that committee we have Senator Brown, a prominent business man and an honest temperance man. Considering the complaints against the agency law as now operated, considering the violations of the spirit and letter of the law which do occur, as I endeavored to illustrate to the Senate last Friday, I felt if the Legislature especially enjoined upon the committee to examine into the law and submit to us the result of their findings, either by endorsement of the law as it now stands, or through amendments which they might suggest, it would be a public service. This is the sole object of the order before



the Senate. An intelligent reading of the order will allow, I believe, no other conclusion. Any way, I have that confidence in the senatorial members of that committee to believe they understand the purpose and scope of the order, and will be guided in any action they may take under it by what is here expressed, and that is all I desire.

It is for the members of the Senate to say whether the conditions surrounding these agencies warrant this action. I have called your attention openly to certain conditions that exist under this law of which I am personally cognizant. I have referred to other conditions by authority of one of the most worthy and influential citizens of our county and substantiated his views by facts and figures taken from the agency of the city of Waterville. None of these facts or figures have been disproved. Then under the circumstances isn't there need for some examination, if not alteration of this law? If there is, wouldn't it be the best way for this committee by our authority to examine into the subject matter immediately and with an honest purpose, which I believe they all will exercise, try to discover what is here needed and report to us? That is all the question there is before the Senate.

The members of this Senate who were here two years ago, had an opportunity to listen to the senator from Knox county and they may wonder at his sudden revulsion in feelings about investigations; and his present earnest desire of having submitted to this Senate and this Legislature, charges when investigations were asked for. The President of this Senate and older members will recall the matters that were then under discussion in which the senator from Knox took a peculiarly earnest part. I will not lumber the records of the Senate by reading from the records of that session. I will simply refer the members of the Senate who wish to examine the legislative records to certain particular pages which may illustrate what I wish at this moment to impress upon the minds of the Senate,

that the senator from Knox county has been flooded with a sudden light in regard to this subject—that he, like Saul has seen a revelation from Heaven, or some other place. It may have been due to his reflective conferences with gentlemen from out of town while this matter has been before the Senate. But, at the beginning of the last Legislature, I find on page 75, if you will refer to that page this paragraph: "On motion by Mr. Staples of Knox, it was, Ordered that the secretary of State be requested to furnish each member of the Senate a report of the State liquor commissioner." That was the beginning of the work then started by the senator of Knox.

On page 134 I find that when the senator from Hancock who then sat in this body, presented an order "Mr. Staples of Knox county thereupon moved to amend the order, so that the same should read as follows: "Ordered, the House concurring, that a committee of three on the part of the Senate and seven on the part of the House be appointed to investigate the office of State liquor commission, with power to send for persons and papers and report thereupon. The motion to amend prevailed, and the order as amended was passed.

This same matter is further referred to on pages 340 and 341, and, under the present condition of affairs, it would be pleasant reading, to the senators, to see an examination of these records how then, on the 8th day of February the senator from Knox county persistently and actively insisted that this investigation should be pursued under his method of procedure which he wanted the Senate to then adopt, and which they refused to adopt.

There has been a sudden light shed upon the senator from Knox county. Why and wherefore I cannot say. I can only assume that since that time, several cities of this State in which are located liquor agencies, have fallen under the administration of the Democratic party, and it may be that self interests prompt some people to act in these matters as they do in other matters.

But this has nothing to do with this order under consideration. The pur-

pose of the order as I presented it last Friday, was then explained by me fully, and as I believe, fairly. I used as illustrations only those agencies from which I had any information. I did not have any information of the other 11 agencies that exist through this State. Had I, at that time, had the information which since then has come to me in regard to the manner in which the agencies are conducted in Lewiston and other places, I might have fortified my illustrations of the need of an examination into this law, by referring to facts and figures from those places. I did not take this particular agency for the purpose of singling out, in my own jurisdiction, cities and towns where I have friends and acquaintances, to bring these facts and these cities and towns before the Senate for personal reasons. I did it simply to illustrate to this Senate a fact that was so palpably evident to every citizen of the State that it hardly needs illustration to show that these agencies, as now conducted, are a disgrace to the State and there it is possible for the drunkards and for the minor to secure liquor for beverages and that there the cities and towns of the State use those agencies for the purpose of making gain by a traffic which is prohibited by strict laws to an individual from doing in this State.

Is it right Is it proper?

I hold in my hand this morning an edition of the Portland Argus and for the information for the senator from Knox, let me read from the editorial of that paper:

"More and more the agency has become the legalized rumshop to supply an illegal demand. It is a demand that is legal in other states and it will persist in Maine. But the liquor agency should not be prostituted to this use. If the system cannot be restricted in fact as it is in law it should be abolished, whether any substitute, as proposed by one of the bills now before the Legislature, be adopted or not. Meantime, it will be well to have the investigation of the liquor agency institution called for by the Heselton order."

Now to show that I did not malign any citizen in the city of Waterville

which was far from my purpose, I wish to read to the Senate the letters which I have received in relation to the matter from the city of Waterville. You will probably recognize the authors of these letters.

Waterville, Me., Feb. 16, 1907.

Senator George W. Heselton,  
Gardiner, Maine.

My Dear Sir:

You will do a great service to society and to the temperance cause if under your leadership the Legislature devises a practical method to restrict municipalities and liquor agents in the present indiscriminate vending of intoxicants chargeable to most of our agencies.

The Waterville liquor agent told me he thought nine-tenths of the liquor bought of him was used for beverage purposes. A man bought a quart there before Thanksgiving and remarked in my hearing: "Peter, I am going to have a quart of that best next week to go with the turkey." Another buyer inspected his purchase and said to his companion: "I think that would bear as much water." Other agencies are managed as loosely. In my presence Sol Holbrook, liquor agent at Wiscasset, filled the order of a cheap fellow, with saw dust on his overalls, who brought a pint bottle and asked for 10 cents worth of whiskey. At the Lewiston agency, when business was slack in the forenoon, I saw more than a dozen persons in line waiting to be served.

We need about 150 municipal liquor agencies in Maine instead of the 15 which now serve the public, but I hope the number will not be enlarged until the Maine system is substituted for the present South Carolina system, which is in practical operation right here in our own prohibitory State.

We do not wish to see this business of dispensing by the passage of the druggist bill now before the House, before the House, because (1) that would involve free rum wherever "police authorities and officers of cities and towns" favor liberal enforcement. Where the present druggists would not sell in that way, lawless competitors and mushroom drug stores would soon appear. (2) The druggist bill pro-

poses as many dispensaries as there are drug stores. Neither the public health nor convenience requires 12 druggists in Augusta; but if they did, some of the 12 are not qualified to dispense liquors. If a city can't control one agent who is appointed by the city, how is it going to control a dozen druggists who are self appointed?

Yours respectfully,

(Signed) HENRY N. PRINGLE.

Waterville, Me., Feb. 18, 1907.

Dear Mr. Heselton:

I read with satisfaction your speech about the agencies and wish to express my strong conviction that until something can be done to prevent our agencies from becoming open saloons to all intents and purposes, little can be expected from our prohibition to prevent the sale and the drinking of liquors. These agencies prevent the very intention and purpose of the law, and defeat all temperance work. I hope our Legislature will take strong action with regard to them and wish to add my name to any project you may desire for accomplishing such action.

Respectfully,

(Signed) EDWARD L. MARSH,

Pastor Congregational Church.

Now the usual method that is adopted in such matters like that embraced in this order, coming up as I realize at the later part of the session of the Legislature, has been adopted this morning by the senator from Knox; and that is to invoke the great anxiety of the Senate to finish legislative work, and suggest the immense task that is involved in a proper consideration of the subject. There are only fifteen liquor agents in the State. I do not believe it will be necessary for this committee to require the attendance at a hearing of more than perhaps one or two of them, to find the definite way in which the business is conducted. That information may already be known to the members of the committee; and if known, they can see the imperfections of the law and the manner in which it is inoperative in this State. They can suggest possibly some way in which to correct the recognized evils; and if they can, the work of revising the law can be accomplished within a

very short time. At any rate there is a crying need for some change of conditions which surround the present agency system in this State. If it does protract the session of this Legislature, one week, two weeks, or a month, is it anything more than our constituents expected of us when they sent us here? They did not send us here simply to meet together and fritter away five or six weeks as we usually do in getting ready for business, and then sit down and grind out the business, nit or miss, for the next three or four weeks so as to get out in season to protect the meagre salary of one hundred fifty dollars which we receive, and not go into our pockets for further expenses. We accepted the posts of honor and trust which were given to us as senators and as legislators, to do the work which citizens of this State demand of us; and here is one of the pieces of work that we should take hold of and reform,—not investigate I do not ask that. I do not believe any of these officers who are now in the agencies do any differently from what their predecessors have done in the conduct of the agencies. I do not care for an investigation. I simply wish to inquire into the system; and if there is any way which this committee can suggest to us to correct the evils that they know and we know exist that will accomplish the purpose and scope of the order and all that is asked for. Is it not fair to ourselves who pretend at least to be temperate men and anxious to uphold the laws of this State?—Is it not fair to our constituents who sent us here? If it is fair, let us stand up like men and push the order through.

I ask that when the vote upon this matter be taken it be by a Yea and a Nay vote.

Mr. STAPLES: Mr. President, if it is true that, in the course of human events, I have become more enlightened, I am very glad of it. I hope that as I go down the declivity of life that light will be given me so that if I have ever been wrong I may rectify it as far forth as I can. I do have a brotherly feeling for all mankind; and I do wish that some light would shed its rays upon the senator from Kennebec as well as upon myself.

He can go further than I upon the question of temperance. I will agree with him if he will put in a bill here this morning to abolish the State agency, and following, each in its turn, every town agency would be abolished. I am aware however that we have a law upon the statute books and I would like to refer it to the minister at Waterville, the gentlemen whom I have seen in the last week in the temperance hearings and the man who spent a month of his time from his congregation in Waterville to take photographs of the saloons in the city of Bangor. He is the same gentleman that told in a little pamphlet that I received from him during the session of the Legislature when he made a temperance speech—I think it was in New Hampshire—that one resubmissionist said that there were saloons in the State of Maine; and he said it was a lie. I think that when he went to Bangor and took those photographs which he exhibited before the temperance committee the other day, he found that he was woefully mistaken.

I believe in people practicing just what they preach and I would say that Mr. Pringle is so anxious about the city of Waterville and thinks it is such a bad place, I would refer him to this section of the statutes for the remedy for that wrong.

Section 32. Upon petition and representation, in writing, to any single justice of the supreme judicial court, in term time or vacation, of ten or more well known taxpayers of any city or town in which a liquor agency is established, that said agency is being conducted in violation or evasion of the law creating the same, specifying in said petition the violation complained of, such justice, after reasonable notice to said city or town, if, upon hearing, it is shown that said agency is not being conducted in accordance with the law authorizing the establishment of the same, may order said agency closed, and the liquors found therein forfeited to the State.

Section 30. Any person, authorized as aforesaid, who violates Section forty shall be punished as provided in Section forty-one, and shall also be liable,

notwithstanding such punishment, to a suit upon his bond; and the aldermen or selectmen of the city or town to which such bond was given, shall cause the same to be sued and prosecuted to judgment and satisfaction in behalf of the city or town. The court by which judgment is rendered upon any bond required by this chapter, has such chancery powers therein, as the supreme judicial court has in cases of forfeiture of penalties of the State. Whenever such a conviction is obtained or judgment recovered as aforesaid, the authority of such person to sell intoxicating liquors is vacated; and such aldermen or selectmen shall revoke such authority whenever they are satisfied of the violation of any of its conditions.

Section 33. If a municipal officer buys any intoxicating liquors, to be sold according to law, of any other person than the commissioner, or knowingly obtains them from any other person than commissioners' stock at his place of business, or if any duly authorized town or city agent, or any person in his employment or by his direction, sells or furnishes for sale, any such liquors as have been decreed to be forfeited, or found to be impure as aforesaid, or causes any intoxicating or malt liquor which he or they keep for sale to be adulterated, by mixing the same with any coloring matter, drug or ingredient, or with water, or sells or exposes for sale such liquors as are adulterated, he shall be punished as provided in Section 42. Such prosecution shall be by indictment.

If there is a word of truth in the accusation against Waterville he has all the opportunity in the world to remedy it. He left it with the people of Waterville, just where it would be left. I believe in local option; and if the people of Waterville want to have local option, let them have it. If they do not, let them vote it down.

As to my action of two years ago to which the senator from Kennebec refers, I did put in an order to ascertain the facts and then I put in a bill to abolish the State liquor agency of Maine. But I have no charges, and the committee voted against me, because I had no charges but simply rumors.

I will vote to abolish it, but I will never, upon the floor of this Senate vote to investigate any man upon charges based on mere rumors. If the order should go through it should be amended so that the President of the Senate can appoint a committee with such as the House may join, to investigate every head of department, and report to the next Legislature.

**Mr. HESELTON:** Mr. President, not to take any more time in attempting to answer the remarks of the senator from Knox, but simply to add to what I have said as to statements of gentlemen from Waterville, I wish to read the following letter, which reached me while I was speaking from the Rev. Fr. Charland:

Waterville, Me., Feb. 19, 1907.  
To the Honorable Senator Heselton,  
Hon. Dear Sir:

Please to accept my thanks for your noble stand against the city agencies of this State. They are, to my mind, the worst rumholes in existence and should disappear unless its traffic be regulated by a severe law.

Trusting that you will continue your warfare against those legal rum-shops, I beg to remain, Hon. Dear Sir, with the highest esteem,

Very truly yours,  
N. CHARLAND.

**Mr. SEWALL** of Sagadahoc: Mr. President, before the roll is called, in explanation of the vote I am about to cast, and only for that purpose, I want to say that I am ready to accept the interpretation placed by the senator from Kennebec upon his order, an interpretation which I believe is the interpretation aside from his own assertion to that effect.

I am ready to vote, and shall vote for the order of the senator of Kennebec accepting the statement, his interpretation, as it is mine; that it involves no reflection upon any official of the State, that it is not an investigation of any department or an investigation of any man, but that it is an investigation of a system, a system, which I believe, Mr. President, is an invasion of the whole doctrine of the prohibitory law, which we are asked

with one hand to uphold as a party, and with the other to tear down through the system of municipal liquor agencies.

I am not sure but what that invasion would be the best for the State. I am not sure but it is better that, in the city of Bath, for instance, that city makes \$4000, and more, as it did last year, through the profits of this traffic, than to have it distributed through the other sources through which it was distributed before the Sturgis deputies entered into the city, profits which have been diminished since the withdrawal of the Sturgis deputies from our cities. I am not sure but such an invasion of the principles of the prohibitory law would be a great thing for this State. If it would, I would like to know it, and I would like to have it legitimized by the action of the Legislature; and I am not deterred on this, or any other question, by the threats that we will begin to hear from now on, that the session is drawing to a close, and that we must hurry home. That is an argument that is used—I will not say in the case of the senator from Knox, but that is an argument which every session I have listened to, to cover the most nefarious schemes. For one, I am disposed to sit here until we accomplish whatever may be the duty that comes before us.

The question being put upon the motion of the senator from Knox that the order be indefinitely postponed, the yeas and nays were called for and ordered and the vote being taken had resulted as follows:

Those voted yea being Messrs. Bailey, Barrows, Deasy, Foss, Garcelon, Merrill, Proctor, Rice, Simpson, Staples, Stearns, Tartre, Theriault—13

Those voting nay were: Messrs. Ayer, Brown, Clarke, Eaton, Hastings, Houston, Irving, Libby, Page, Parkhurst, Houston, Irving, Libby, Page, Parkhurst, Philoon, Heselton, Sewall, Wyman—14

So the motion to indefinitely postpone was lost.

On motion by Mr. Heselton the order was passed.

On motion by Mr. Merrill of Cumberland the order relating to public hearings before the Kennebec county dele-

gation in relation to the Court house matter was taken from the table and on further motion by the same senator was assigned for second reading.

On motion of Mr. Houston of Piscataquis the Senate adjourned.

## HOUSE.

Tuesday, Feb. 19, 1907.

Prayer by Rev. Mr. Grosvenor of Augusta.

Papers from the Senate disposed of in concurrence.

On motion of Mr. Donigan of Bingham the House non-concurred with the Senate in its reference of a petition in favor of the bridge bill to the committee on ways and bridges, and on further motion by the same gentleman the petition was placed on file.

### Senate Bills on First Reading.

An Act to create a lien on manufactured staves and laths.

An Act fixing the compensation of the clerk of the municipal court for the city of Lewiston.

The House report reporting ought not to pass on Bill, An Act in relation to compensation for clerk hire in the office of the clerk of courts for the county of Androscoggin, came back from the Senate that branch non-concurring with the House in its action, and recommitting the bill to the committee on salaries and fees.

On motion of Mr. Newbert of Augusta the report and bill were laid on the table.

An Act to amend Chapter 151 of the Public Laws of 1905 relating to the compensation of register of probate of Knox county, referred in the House to the Knox county delegation, came back from the Senate referred to the committee on salaries and fees.

On motion of Mr. Montgomery the bill was laid on the table.

Resolve in favor of the town of Baring, referred in the House to the Washington county delegation, came back from the Senate referred to the committee on appropriations and financial affairs in non-concurrence.

On motion of Mr. Montgomery of Camden the House receded and concurred with the Senate in its action.

The following communication was received:

To the Speaker of the House:

I have the honor herewith to trans-