

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

**1907.**

**SENATE.**

Thursday, Feb. 28, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Hayes of Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, An Act to incorporate the Penobscot Bay Electric Company which was passed to be engrossed by the Senate was returned from the House amended by House amendment A and as amended passed to be engrossed. On motion by Mr. Hastings of Oxford the Senate reconsidered the vote whereby the bill was passed to be engrossed and on his further motion House amendment A was adopted in concurrence; and the bill as amended was passed to be engrossed.

On motion by Mr. Irving of Aroostook the vote whereby the Senate referred Bill, "An Act to provide for taxation of Trust Companies" to the committee on banks and banking, was reconsidered, and on his further motion the same was referred to the committee on taxation.

On motion by Mr. Staples of Knox the majority and minority reports on Bill, An Act relating to the police and city marshal in the city of Biddeford, the majority report being ought not to pass and the minority report, ought to pass were layed upon the table.

The following communication was received and referred to the committee on judiciary.

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

I have the honor to herewith transmit House Joint Memorial No. 2, from the Legislature of the state of Oregon in relation to the election of United States senators by the direct vote of the people.

Very respectfully, etc.

(Signed) A. I. BROWN,  
Secretary of the State."

The following bill and petitions were presented and referred:

**Salaries and Fees.**

By Mr. Proctor of Cumberland: Bill, An Act to amend Section 11 of Chapter 116 of the Revised Statutes relating to compensation of members of the government. (On motion by the same senator the bill was tabled to be printed pending reference.)

**Legal Affairs.**

By Mr. Curtis of Cumberland—Petition of George F. Miller and others of Portland for a law to prevent prize-fights and sparring exhibitions.

Also—Petition of E. C. Dunnell and 10 others of Alna for same. On motion by Mr. Clarke of Lincoln, this petition was placed on file.

**Read and Assigned.**

Resolve providing means for examination of claims for State pensions.

Resolve in favor of Farmington State Normal School.

**Reports of Committees.**

The majority and minority reports of the committee on legal affairs on Bill, "An Act in relation to the Union Water Power Company" were submitted; the minority report signed by Messrs. Staples, Martin, and Stearns, ought not to pass and the majority report, ought to pass in new draft signed by Messrs. Mills, Clarke, Hall, Duntun, Theriault, Dyer and Hadlock.

Mr. Hastings of Oxford moved to substitute the minority report for the majority report.

Mr. Heselton of Kennebec thereupon moved that the motion of the senator from Oxford be layed upon the table.

Mr. HASTINGS—I hope that motion will not prevail and I call for the yeas and nays.

Mr. HESELTON—I would like to state my position in the making of that motion.

Mr. HASTINGS—I object.

The question being called for the yeas and nays were ordered and vote being had resulted as follows:

Those voting yea were Messrs. Brown, Deasy, Houston, Irving, Libby, Parkhurst, Putnam, Heselton, Stearns, Wyman. (10). Those voting nay were Messrs. Bailey, Barrows, Foss, Garcelon, Hastings, Merrill, Philoon, Proc-

tor, Rice, Staples, Tartre. (11) So the motion was lost.

Mr. HASTINGS of Oxford—Mr. President I insist upon my motion.

Mr. HESELTON—Mr. President, I hope the senator from Oxford will enlighten some of the senators here, and I am one of them, with a statement of the reasons why the minority report should be substituted for the majority report. I have no doubt he has good reasons, and personally I will say that my mind, at the present time, is open to any valid reasons that the gentleman give. I asked to have this lie upon the table so that we could consider it advisedly one week from today. I simply want to know what is the right course in this matter and I am willing to take it. I am not committed to either side of the proposition and if the senator from Oxford would simply give the Senate at this time a statement of facts in regard to it, I shall certainly appreciate it.

Mr. HASTINGS—Mr. President, I will say in a word that my reason for substituting the minority report for the majority report is because my judgment it is right. This proposition that we have before us is an attempt on the part of the Union Water Power Company to tap the waters of our beautiful lakes in this State. Another special reason why I want this out of the way is that I understand that the Union Water Power Company with their lobbyists last night, at a certain hotel in this city apportioned and marked off each one of us to be slaughtered. I am tired and sick of this lobbying, about this measure, and I want it out of the way.

Mr. HESELTON—I will state, Mr. President, to the senator from Oxford that I believe the individual senators here are fire-proof as to the effect of any lobby or to the abuses they might bring to bear upon the senators and I further think it is only fair to us to want to vote right on this measure and that we should have some time to consider it and have some one explain it.

Mr. STAPLES of Knox—Mr. President, for three weeks this matter has been threshed out not only before the committee but before everybody who

would listen to the friends of the measure around this State House. I cannot conceive that any senator who has been here for the last two weeks is not fully conversant with the ins and outs of both sides of the case. We ask to have this disposed of now, first because it is absolutely right; and that is the main question. The measure seeks to destroy the lakes of Maine; and for that reason, if anybody was not conversant with that matter, I would not say a word; but everybody must be conversant with it and why should we keep this along here now? I am strongly in favor, having heard all the evidence and knowing what there is about it that we proceed at this time at this stage of the case to say to the people of Maine that the grand old lakes shall be protected.

Mr. IRVING of Aroostook: Mr. President, I would like some senator who may be sufficiently familiar with the bill to inform the Senate whether or not the proposed amendment is attached to either of the reports or whether I have been misinformed in the matter. It seems to me, while I myself have no fears for the strength of the lobby on either side of this question and I stand today uncommitted and propose and desire to vote as it appears right to me yet I would like to know if I am informed correctly that one of these reports carries with it an amendment with which the senators are not familiar.

The PRESIDENT: The secretary suggests that the bill has been reported in a new draft.

(The secretary here read the new draft.)

Mr. HESELTON: Mr. President, I would like to make this inquiry through you: Is there a senator in this room who ever heard of that bill before yesterday, as it appears today in this new draft?

Mr. HASTINGS: Mr. President, I will say that this is the third form in which this bill has appeared and after careful examination by this committee it appears that it is the same old bill or same old proposition, dressed up in new clothes—exactly the same except in phraseology. It may be simmered right

down to this: It is a proposition to tap the bottom of these lakes and draw out the water. I live on the upper part of the Androscoggin river and have business with and know the people up in that vicinity, and they are absolutely convinced that their sparse livelihood which they eke out of that region will be destroyed. It is simply taking the bread right out of their mouths and all up through Oxford county and up through the Rangeley lakes the hotel proprietors feel the same way about it; and they have a large summer business. It is the same proposition that has been before us since the beginning.

Mr. HESELTON: Mr. President, I would like to inquire if the senator from Oxford believes upon reflection and examination of this bill that any senator would vote otherwise than his conscience dictates as right.

Mr. HASTINGS: Certainly not:

Mr. HESELTON: Why not allow us some little time to examine this bill and see if it is an old measure in new clothes or is a good measure for us to consider. I would make the motion that the Senate reconsider the vote whereby the Senate refused to lay this report upon the table, and give the senators time to examine it. If it is to be a case of gag law. If it is necessary to rush this report through the Senate that is one thing. If it is the purpose to give us a chance to examine it and then vote as we deem right, that is another thing. I say frankly that my sympathy is on the side of the lakes and I want to vote right on the measure.

Mr. HASTINGS: Mr. President, I think there is already a motion before the Senate.

Mr. GARCELON of Androscoggin: Mr. President, I do not know as I should have voted. I am paired with the senator from Sagadahoc. Senator Sewall, on this question. I will make a motion to reconsider that vote. I voted to bring this matter up at this time as I was as well acquainted with the facts of the case now as I shall be later, but in order that other senators may inform themselves of the gravity of this proposition. I will make the motion in order to give everyone a chance.

Mr. HASTINGS: I rise to a parliamentary inquiry: Whether when there is a motion before the House, a motion to table is in order, or a motion to reconsider?

The PRESIDENT: The Chair will rule that a motion to reconsider is in order.

The question being put upon the motion of the senator from Androscoggin to reconsider the vote whereby the Senate voted not to lay this matter on the table, the Senate voted to reconsider the vote, 17 senators voting in favor and eight against the same.

On motion by Mr. Mills of Hancock the several reports, together with the bills in new draft, and the bill in old draft, were tabled to be printed and Thursday, March 7, assigned for their consideration.

The committee on judiciary on Bill, An Act to quiet title to real estate reported that same ought to pass.

The committee on interior waters on Bill, An Act to amend Chapter 345 of the Private and Special Laws of 1901, relating to improvement of Stanley stream so-called reported same ought to pass.

Committee on legal affairs on petition of citizens of Swan's island for Bill, An Act to prohibit the hunting of foxes with dogs on Swan's island reported that same ought to pass.

The same committee on Bill, An Act relating to use of railroad passes by State officials, asking that the same be referred to the committee on salaries and fees.

The same committee on Bill, An Act in relation to the Elias Thomas Company, reported same ought to pass.

The same committee on Bill, An Act to amend Section 17 of Chapter 80 of the Revised Statutes relating to power of county commissioners to make temporary loans, reported same ought to pass.

The foregoing reports were accepted and the several bills reported ought to pass were tabled for printing under the joint rules.

#### Passed to Be Engrossed.

An Act to extend the charter of the Lincoln Electric Railway Company.

An Act to establish the Lubec and Machias Railway Company.

An Act to extend the charter of the Waterville & Winslow Bridge Company.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts.

An Act to incorporate the Winter Harbor and Eastern Railway Company.

An Act to amend Chapter 154 of the Private and Special Laws of 1895 as amended by Chapter 20 of the Private and Special Laws of 1905 relating to the charter of the Wiscasset Water Company.

An Act to amend Chapter 134 of the Revised Statutes, relating to recognizances in criminal cases.

An Act to amend the charter of the Pepperell Trust Company.

An Act to amend Sections 13 and 14 of Chapter 73 of the Revised Statutes, relating to sales of estates of non-resident owners.

An Act to amend Section 11 of Chapter 61 of the Revised Statutes, relating to the solemnizing of marriages.

An Act to amend Section 15 of Chapter 65 of the Revised Statutes, relating to courts of probate.

An Act to assent to the purpose and provisions of An Act of the Congress of the United States entitled "An Act to provide for an increased annual appropriation for Agricultural Experiment Stations, and regulating the expenditure thereof."

An Act to abolish Fast day and create Patriots' day.

An Act to amend Section 10 of Chapter 12 of the Revised Statutes, relating to county law libraries.

An Act relating to the extension of the Fryeburg Horse Railroad.

An Act to incorporate the Limerick Water and Electric Company.

An Act to incorporate the Solon Trust Company.

An Act to amend Section 36 of Chapter 101 of the Revised Statutes, in relation to bail commissioners.

An Act additional to and amendatory of Chapter 407 of the Private and Special Laws of 1903, relating to ice fishing in Allen pond in the town of Greene.

An Act to renew and extend the char-

ter of Cobbosseecontee Fish Cultivating Company.

An Act to prohibit ice fishing in China lake, in China and Vassaboro, and in Lovejoy pond in Albion, in the county of Kennebec.

An Act to amend Section 1 of Chapter 638 of the Private and Special Laws of 1889, relating to the taking of smelts in Sheepscot river.

An Act to regulate fishing in Round and Long ponds and their tributaries in Livermore.

An Act to incorporate the Allagash Improvement Company.

An Act to amend the third paragraph of Section 51 of Chapter 79 of the Revised Statutes, relating to Supreme Judicial courts.

An Act to incorporate the Well Water Company.

An Act to incorporate the Little Madawaska Improvement Company.

An Act to regulate fishing in "D" pond, in Upton, in the county of Oxford.

An Act to regulate fishing in the tributaries of Chemo pond, in the county of Penobscot.

An Act to amend Chapter 329 of the Private and Special Laws of 1905, relating to protection of fish in certain waters of Limerick, Parsonfield and Cornish.

An Act to regulate fishing in Little Big Wood pond, also Wood stream, in Somerset county, also to regulate the taking of cusk in all the Moose river waters.

An Act to regulate fishing in Big and Little Indian ponds and tributaries, in the county of Somerset.

An Act to regulate fishing in East Carry pond in the county of Somerset.

An Act to regulate fishing in Swan lake and its tributaries, in the town of Searsport, Swanville and Frankfort, in the county of Waldo.

An Act to regulate fishing in Bartlett's and Crook's brook, so called, in the county of York.

Resolve to amend Chapter 126 of the Resolves of 1905, relating to the Central Maine Fair Association.

Resolve in favor of the town of St. Agatha in the county of Aroostook, to assist in building a road in said town.

Resolve in favor of the enlargement

and completion of the feeding station at the Rangeley lakes.

Resolve providing for the screening of Anasagunticook lake, in Oxford county.

Resolve in favor of building for criminal insane.

Resolve for an appropriation for carrying on the work of the State Survey Commission.

An Act to amend Chapter 94 of the Private and Special Laws of 1903 entitled 'An Act to prevent the pollution of the waters of Sebago lake.'

An Act to regulate fishing in Branch stream and Hersey brook, in the town of Washington in county of Knox.

An Act in relation to the Frontier Steamboat Company.

An Act to regulate fishing in the two West Richardson ponds, the two East Richardson ponds and the two Beaver ponds in the county of Oxford.

An Act to prohibit the throwing of sawdust and other mill waste into Bear river, or any of its tributaries, lying within the towns of Newry and Grafton, in the county of Oxford.

On motion by Mr. Hastings of Oxford Senate amendment A was adopted as follows: "amend by adding Section 3 of this act shall take effect on June first, 1907. As amended passed to be engrossed.

Resolve in favor of Maine State Library. On motion by Mr. Putnam of Aroostook this resolve was tabled pending its second reading.

An Act to amend Chapter 144 of the Revised Statutes relating to the commitment and support of the insane. On motion by Mr. Clarke of Lincoln this bill was tabled pending its second reading.

Resolve in favor of St. Francis plantation to repair river road across Reuben Bran's homestead farm which was washed out by freshet. On motion by Mr. Putnam of Aroostook this Resolve was tabled pending its second reading.

An Act to permit ice fishing for pickerel in Bear pond in the town of Turner, in the county of Androscoggin, and in the town of Hartford, in the county of Oxford. On motion by Mr. Hastings of Oxford Senate amendment A was adopted as follows: "amend by adding

Section 2. This act shall take effect when approved." Bill as amended passed to be engrossed.

Resolve in favor of screening Pleasant pond in the county of Somerset. On motion by Mr. Putnam of Aroostook this Resolve was tabled pending its second reading.

An Act to permit ice fishing for pickerel only in North pond, situated in the towns of Buckfield and Sumner, in the county of Oxford. On motion by Mr. Hastings of Oxford this Bill was amended by Senate amendment A as follows: "Amend by adding Section 2. This Act shall take effect when approved. Bill as amended passed to be engrossed.

#### Passed to Be Enacted.

An Act to authorize the Somerset Railway Company to extend its railroad from North West Carry in the town of Seboomok, westerly and northerly to the Canadian line by one or more routes, and to authorize other railroad companies to purchase its franchises and property.

An Act to set off a portion of the town of Starks and annex the same to the town of Norridgewock.

An Act to authorize the town of Southport to build and maintain a bridge across Decker's Cove.

An Act to amend and extend the charter of the Caratunk Power Company.

An Act to incorporate the town of Bowerbank.

#### Finally Passed.

Resolve in favor of the Saint Elizabeth's Roman Catholic Orphan Asylum of Portland.

#### Orders of the Day.

On motion by Mr. Staples of Knox Reports, Committee on Temperance, majority, ought not to pass, minority, ought to pass, on Resolve proposing amendment to Constitution relating to sale and manufacture of intoxicating liquors, were taken from the table.

Mr. Brown of Kennebec moved that the minority report be substituted for the majority report.

Mr. HESELTON of Kennebec—Mr. President, it has been openly asserted that no argument will change the purpose of this Legislature to defeat any

effort to submit the Fifth Amendment of the Constitution to the voters of this State at its next biennial election, but I assume that the members of this Senate are prepared to consider this question fairly, free from bias, and vote upon it with an honest purpose to secure the best results for the citizens of our State.

Among the Republicans the wisdom of such action has resolved itself into an opinion of whether or not it is right and expedient to refuse a well recognized and emphatic demand of our citizens to again vote upon the question of retaining the prohibitory law as a part of the Constitution. Upon this question or right and expediency every senator must be his own judge. For myself, believing that it is both right and expedient, I shall vote for the substitution of the minority for the majority report of the Temperance Committee.

I recognize the fact that the Republican party has been the political party which has given to us all the support that the prohibitory law has ever received in this state, and that now by the resubmission of this amendment many earnest and conscientious friends of this law believe that our party would take a backward step. I do not so regard the proposition. I believe that no worthy measure can lose caste by frank discussion of its merits, but on the other hand will grow in strength and gain support.

It is our boasted claim that in this land the majority rules. We take the voters into our confidence, and, no matter how abstruse the political subject is, we discuss it upon the platform and ask them to decide whether they will be ruled by one form of law or another. In this manner we have presented to them the complicated questions of finance and tariff—and today we admit they decided those questions right. These were economic questions that affected their pocket-books and means of getting a livelihood. Here is a question that not only involves the same subject matters, but goes farther and controls in a way the morals of their communities and homes. It appeals not alone to selfishness but also to manhood. Is it possible that we can-

not trust the voters of our State to decide this question right? Are the people of Maine so blind to the advantages of temperance, or so perverse in seeking a change of conditions, or so willful, that they would not weigh the subject dispassionately and decide rightly? I cannot believe this condition exists here in Maine.

I believe in the principles of prohibition as a law to restrict the sale of intoxicating liquors. At the same time I grant that there are many temperance men who believe that other laws would be more effective, and the fear of the friends of prohibition is, that these temperance opponents by alliance with the enemies of all restrictive laws on this subject would gain control. If this is true, then either the lawless part of our State has increased in numbers, or the believers in other measures for restricting the sale of intoxicating liquors have gained in strength, and, in either event, the opposition has grown while we have had prohibition, and the question is, will their strength diminish or increase by delay in facing the issue of temperance under prohibition or license. We can judge the future only by the past, and, if our opponents increase in numbers in the next few years as they have in the past few years, I believe they will be the ones to dictate the terms of the trial of strength if we longer delay action.

Today we are in position to go into the contest with assurance of victory, but what of the morrow? You say it is your opinion that in the future we will be equally strong. Upon what can you base that assurance? At the last September election, we won by a bare majority and every one knows that the question uppermost in the voter's mind was resubmission. Thousands of Republicans voted the Democratic ticket then for the first time, not, if I may judge from the statement of the many with whom I have talked, because they wanted license, or were antiprohibitionists, but because they wisely, or foolishly thought that the voters should again vote on resubmission. I believe that those same thousands with largely increased numbers, will again vote the same way until this question is submitted to the ballot. This is a mat-



ter of opinion, as I said in the beginning. Your judgment may be better than mine, and I pray it is, and that I may be a false prophet. I can only judge by what I see and have seen, by what I hear and have heard on this question.

We have the power to keep the voters of Maine from deciding this question two years hence, but will we retain that power? Do you not fear that if those voters who went over to the Democratic party last year, and who will vote with them two years hence, either because of continued alliance or because they resent our lack of confidence in their judgment, may remain with the party, adopt its policies and advocate its principles? My observation discloses the fact that converts to a political faith are even more strenuous in their newly discovered principles than the original members of the party. If there is truth in this suggestion, we are losing ground daily by delay. Yes, and we are practically acknowledging to an aggressive and intelligent body of opponents the fact that by tenaciously remaining behind the protection of the Fifth Amendment, which is apparently the fortress of prohibitionists, we are seeking the shelter of a minority of our citizens. If it is not so, wouldn't the opponents of resubmission and the advocates of prohibition come from behind their defences and wage the battle openly, believing in their principles and strength? I say, the fact that some advocates of prohibition refuse to submit the question to the people is a tacit acknowledgment that they fear the result,—that they believe the prohibitory advocates are in the minority in the State. This belief is growing stronger every day among our citizens and it is a powerful aid to the opponents of prohibition. I do not believe the proposition is true. As a firm believer in the principles of prohibition as the proper law to restrict the sale of intoxicating liquors, and as a sincere believer in the intelligence and honesty of our voters, I am firmly convinced that when this great question of how to restrict the traffic in intoxicating liquors is presented to our citizens, when the workings of other restrictive

measures in comparison with the prohibition law are considered by them, when the great consequences of a change of laws regulating this subject are brought to their attention, they will pass a vote of confidence in this law. But if the reverse is true, the majority of the voters will register their will, and this is a form of government where the majority should rule—whether it is on a question of tariff, finance or temperance, and I question the good judgment of the advocates of any public measure who are unwilling to abide by the will of the majority. That majority will assert its power in time, and when they acquire that power, may not use it so kindly, if restrained unfairly in acquiring it.

But it is said we, as a party, break faith with the Prohibitionists by now voting for resubmission; that we practically assured them by our acts in the State convention, prior to the last election, that we would oppose resubmission. I do not admit the charge or the promise. I was in attendance at that convention and then understood the chairman on resolutions to say, when he asked us to vote down the plank in the platform calling for resubmission, that our vote did not commit us to any assertion of opinion on that question; the whole subject was left open to the legislators who were to be elected to this Legislature and then they, informed by the intervening events, could voice the wishes of their constituents on this question. My recollections of the chairman's words, then made on the public platform, have since been confirmed by his statements in this State House—for within two weeks he has said to me that these were the statements he intended to express and did express. Then, if we vote for resubmission viewing the recent political campaign, where this question was the paramount issue, and mindful of the results of that campaign, how can we be charged with broken faith?

Again it has been suggested that we may in the future apply the referendum to the statutes controlling the enforcement of the prohibitory law, and thus attain the same results which are

asked for by resubmission. This suggestion appears to me as a mere make-shift in argument. We have no referendum at present, except that provided by the constitution on just such questions as this one now under consideration. Why should we hesitate to use this one and invoke one which will simply be employed, if ever it is, to nullify the constitution? Does not the proposition emphasize the unwarranted fear of the supporters of prohibition that they believe they are in the minority on this great question? At least does it not encourage our opponents in believing that we have this fear? If so, isn't our duty to ourselves and our cause to come out in the open and contest the justice of our cause with a confidence that justice and right will prevail?

The question of right and expediency still remains largely a question of opinion, and claiming only the same right of honest opinion on this question that I grant to those of opposite views, I urge upon the Republicans of this Senate to meet this issue now. Let us confidently take the verdict of the people and manfully abide the result.

Mr. STAPLES of Knox, having introduced the resolutions into this body, it was a little unusual for the senator to supercede me in what I have to say, but I shall be more than repaid by having the senator from Kennebec upon my side and advocating the cause of resubmission.

Six years ago and four years ago in this body I stood alone in this matter and argued it as a matter of principle; and I see the fruits of it today in having the senator from Kennebec espouse the cause that I advocated six years ago. I see light in the future. I feel today that the time is coming, if it has not come today, when the people of this State will throw away the guise of hypocrisy and advocate that principle, which I believe to be grand and noble, and for the interests of the people of the State of Maine.

I have no apology to make as he has, for the Democratic party. That party has long advocated the referendum and submission to the people. I

am glad the senator from Kennebec has seen the light, and may he go on, and may it shed more lustre upon him in the future and upon every Republican senator within the sound of my voice.

Mr. President, I put this upon a broader ground than anything political. I trust that I will not be accused of advocating this minority report today upon any political idea. It elevates itself above any political party. It elevates itself to the interests of society, of the home and the fireside. If I advocated it simply as party policy, I would not be here advocating it today. I put it upon a broader ground, upon a ground that affects the citizens of this State everywhere and that is, the interests of good society. The Democratic party stands today in favor of a better temperance element in the State of Maine and I allow no one to go before me in the cause of temperance. I stand appalled at this question of prohibition. I appeal, not as a Democrat, but as a citizen of Maine who believes in temperance and one who would like to annihilate liquor from the face of the earth. I am a radical as far as temperance is concerned because I do not believe liquor is necessary as a beverage or for mechanical or medicinal purposes. If it were to be annihilated from the face of the earth, science, with the aid of that grand master of the universe, would originate something that would be better for the people of Maine. Therefore Mr. President upon this question I stand as a temperance man. A great many petitions have come in here, many of them from the ladies and some from the clergymen of the State, but I say to you that they know the workings of prohibition theoretically only. They know nothing about its practical workings in the State of Maine. I want the amendment annulled so that we may have something else and I will be frank, standing here in my place in the Senate—I want something else beside prohibition. I want something which will be for the interests of the people of this State, which will be uplifting to the young men of the State, and for that reason

I say to you, that I stand here frankly confessing to you that I am opposed to the prohibitory liquor law. Why? Because it does not prohibit. The temperance people of this State say that I am not correct when I make the assertion that there is more intoxication in the State of Maine today and more debauchery of our young men than there has been since I came upon the stage of action. I do assert it and I say we must do something. Let us throw away all politics in this matter. Let us appeal to our own consciences. Let us not deceive ourselves. I do not care whether one party goes up or another goes down. If you will prove to me, Mr. President and senators, that you can have a better system of temperance under prohibition than anything else I will gladly vote with you. You have tried prohibition for 50 years in the State of Maine and you have not prohibited. I have all respect for the ladies who have signed the petitions. I know they are honest. I have not any doubt that they believe today that prohibition prohibits. You and I, fellow senators, know better. We have tried it for 50 years and what is the result? I appeal to you for the young men of this State. Prohibition has slain its tens of thousands—yes, its hundreds of thousands. Can anything else do more? I would have in its place local option. I would try that. I would try anything, all means and then I will be satisfied. If under local option you cannot have a better temperance element in this State and cannot control the matter better, why then go back to prohibition and I will support you—I will support any party, I don't care what party it may be, that will convince me it can arrange a better system for controlling the liquor traffic of the State of Maine.

I will admit, Mr. Chairman—I have admitted it before upon the floor of this Senate and I say it again—that there is no curse today upon the people of the State of Maine so galling and terrible as the curse of intemperance. If I had my way I would vote it out of existence. It causes more scalding tears and aching hearts, ruined homes and firesides than any thing else in the world. In the State of Maine today we

find debauchery upon every cross road and in every town in the State of Maine. It is no use to deny it.

In the town where I live they used to have a hotel where they sold it moderately. They did not have debauchery then. I am not in favor of selling liquor you understand. If you can control it, control it. But my idea is to control it in the best possible way. If we have the curse among us, let us control it in the best possible way. Governor Bell of Vermont all his lifetime was in favor of a prohibitory law until he was convinced of its workings in the state of Vermont; and I quote him for a moment when I say that, after he had tried prohibition for a great many years he changed over in favor of local option and his remarks as to why he changed were these: He says: "Under local option we get a greater measure of prohibition than you do under the old prohibitory law." The temperance people tell us in these hearings that Vermont today has a grand system and if you will take pains to investigate it you will find there is less intemperance in the State of Vermont under local option than under prohibition.

I want it prohibited in some way, or restrained in some way, so as to save the young men of the State that are going down to ruin every day.

Why, you tell me that you are in favor of a high license. If high license does better than prohibition I am in favor of it. When the saloon keepers of the State of Maine, almost every one of them, are in favor of a prohibitory liquor law, I think there is something wrong about it somewhere. When the wholesale dealers in Boston are in favor of a prohibitory liquor law rather than any kind of a law we can put on our statute book, I am afraid of it. In the way prohibition is managed in the State of Maine it amounts to a low license and not a high license. Take the city of Bangor in Penobscot county. They have had high license there for the last 20 years to my knowledge. It is so in almost every county in the State, and still they tell us that prohibition prohibits. It is a farce and hypocrisy. Let us not deceive ourselves or be deceived any longer. Let us be fair and

square with ourselves and let the people vote upon it. If the people vote it down all right; let them do it. I believe in letting the people vote upon this matter. Let us practice what we preach. Is there any rum seller who does business in the State of Maine who is not perfectly satisfied with the fines under the prohibitory liquor law which are imposed? I would put a law upon the statute books which would be adequate to the crime. Let us not practice hypocrisy in this matter. Do not, because my party or your party can get votes or lose votes have anything to do with it. If the people vote it down and I should be in this Senate or this Legislature, I would make the offence such and with such a penalty that it might be retarded somewhat. Let us be consistent in this matter. It is a crime and nobody disputes it. It is a curse to this State and nobody denies it—I should make the crime such that I would imprison a man for one year who was convicted of the sale of intoxicating liquors under the prohibitory law. Now he is indicted, goes into court and pays a hundred and ten dollars. Does that prohibit? It is a low license. What are you afraid of? Submit it to the people and let them vote upon it.

I am glad to see the people of this State waking up. I do not know whether the Democratic majority last fall, or the large vote they gave was due to resubmission or not. It was not in my county. I don't know but it may have been in Kennebec county; but, because there are other issues, we say that we as a party are in favor of the enforcement of the liquor law as long as you have it upon the statute books. But it does not prohibit and we want to do something to alleviate the conditions that are forced upon us.

I am surprised, as I go to the different towns, to see the young men who are being ruined. Go back thirty-five years and you do not find the condition which you find today. It is a fact that if the young men today would stop at a regulated place under local option and get a glass of beer to drink, they would be satisfied. He cannot do that but four or five of them get together and they send to Boston or Kentucky or some other place and get three or four

gallons and club together and pool their issues, and what is the result? They have a debauch for three or four days and such debauchery I, who have been a temperance man for a long number of years, never witnessed. It is a serious question. It is not a question which you and I should for a moment consider from a political point of view. It is a human question, a great moral question. It is a question which we owe it to the young men who are growing up in the State to solve and save them from going down to ruin under this prohibitory liquor law which does not prohibit.

I believe in local option. I do not say it simply to have the referendum. I say I will substitute something else and if local option does not work so well as the prohibitory liquor law I will vote to repeal it.

I have stood here a number of years and advocated it, for two sessions I stood here and voted alone in favor of resubmission. I see the dawn coming. A bright light is shining. I see in the Republican party today one of the most noted men they have, a good man and I think he is coming around and getting on the right track and it will not take but a little longer to make a good Democrat of him, and that is the man from Waterville who stands on the same platform in regard to resubmission as the senator from Knox does. If we gain in the same percentage as we have in the last four years the resubmission sentiment of the State of Maine will carry the grand old State by forty thousand majority. But that does not make any odds. If I were only advocating this from a political standpoint I would say to the Republican party: Keep it on the statute books but that is not it. I am a temperance man and believe in it. I have examined this matter and have felt it in my own vicinity more than you have perhaps and with all the force I have and all the feeling I have, I beg of this Senate to submit this question to the people and let them vote on it. Have we in this State more morals than they have in forty states in this Union? Go into forty states of this Union and you find a better condition of affairs than you find in the State of Maine upon

this question of prohibition. Two years ago I had the pleasure of travelling over sixteen states of this Union and in every city which I visited I spent considerable time and pains to ascertain the workings of the liquor law in those states. They were either high license or local option and I found that there was no intemperance such as we have in the State of Maine. In the city of Chicago where I stayed ten days I did not see an intemperate man where saloons were open on every corner under local option and high license and I struck the State of Maine on my way home. It was Sunday evening and I stopped in one of the cities of this State at a certain hotel and such debauchery I never saw in my life. I said: Is it possible that I am in prohibition Maine? Let us not be hypocritical in this matter, but be fair and open. I appeal to you for the young men of this State, not as a Democrat for political purposes but in behalf of the young men of the State who are to come after us. The greatest curse upon the State of Maine is the violation of the liquor law and the license under which it is run under the prohibitory liquor law. I will join any party that will convince me they will annihilate completely or partly the liquor traffic in the State of Maine. I have felt its curse. It is a curse.

I have not any doubt that the people of this State believe in resubmission and I have not any doubt that if an election could be had two months from today or six months from today, separate from our annual election that resubmission to the people upon this Constitutional amendment would be carried by more than 35,000 majority. Upon this issue the parties are not divided. The minute a man says he is in favor of resubmission it is said he is a rum guzzler or something of the kind. But there are some good men in the Republican party today who are in favor of resubmission and I have no doubt but what the best element of both parties is in favor of it. It is the right of the people. Can you not trust them? Are you fearful after twenty-two years trial of the prohibitory law—are you afraid to submit it to the people and let them vote on it? The Re-

publican party as well as the Democratic party said in their platform last summer that they were in favor of the referendum. Now practice what you preach. If you say that the people of this State will vote resubmission, what have you to fear from it? Submit it to them and let them vote upon it. They demand it at your hands. I care not for the number of petitions. I say the majority of the people of this State demand that this matter be taken out of politics and submitted to them. I never fear to trust any great measure with the people of the State. They can be trusted and there is no question about it. But when you say to us that it is a rum measure, oh, my friends, you make a great mistake. I argue this morning from a temperance standpoint, as a temperance man, in the interest of temperance and say that the prohibitory law is making drunkards of thousands and you cannot have anything any worse. Go where you will today and you are confronted by the awful catastrophe that our young men are being contaminated by the peculiar workings of this prohibitory liquor law. Those who have sent in their petitions against it—those who are arguing in favor of the prohibitory liquor law have something to answer for in the future. They mean rightly. There is not any question about it. I would impugn their motive but they know nothing only theoretically about the working of the prohibitory liquor law: I have been county attorney of my county. I tried faithfully to enforce the law and I know something about its working. You have driven it into places of infamy and crime; and I submit to you, Mr. Chairman and fellow-senators, in all kindness and fairness in the interests of good society and good morals, in the interest of the young men of the State, of the home and the fire-side, that you submit this matter to the people. After trying the prohibitory liquor was 50 years and finding the condition of affairs now existing in this State, it is time we threw off all party shackles and under the light of heaven vote for something that will stay the tide that is sweeping us on and sending this State backward instead of forward. I implore you in the interests of good government

and good society. I thank you, senators and Mr. Chairman.

Mr. MILLS of Hancock—Mr. Chairman and gentlemen of the Senate, I have no desire to occupy the valuable time of the Senate at this late hour in entering into a harangue on the relative merits of the prohibitory law and the license system. That question is not properly under discussion. I would say, however, in respect to a remark made by the senator from Knox that I do not know what Gov. Bell's position is upon this question, in Vermont; but I do know that out of the 24 towns in Vermont where the local option law is in vogue that only 31 today are under the license system. Only 92 the year before were under a license system, and it appears from that that whether Gov. Bell favors that law or not, the people of the state are entirely opposed to the system in that state. I want to say further that I have great respect for the senator from Knox in this matter, notwithstanding, Mr. President, what I may have said in regard to his actions and his statements in the past. I today believe he is sincere in this question. I believe that he has repeated this speech of his so frequently—he has used those gestures so emphatically and he has shed those "scalding tears" so frequently, that he has brought himself to believe that he is talking and acting in the interests of the people of the State of Maine. I believe this of the senator from the good old county of Knox. I believe, as I said, that he is sincere in his statement. I have noticed that he said that the light of day was dawning. He said that two years ago. It was dawning then. He said it four years ago and six years ago, and it appears to me that the light comes very slowly. He is to be encouraged on the fact, as he says, that he has gained two converts to his belief is shown by the speech made here by the senator from—Hallowell. (Laughter). The senator said "of Waterville;" properly it should be—Hallowell.

Senator HESELTON—"Of Gardiner."

Mr. MILLS—It does not matter where the senator comes from, he represents the people of the State.

Now, Mr. President, I am not disposed to be bigoted in this matter. I am perfectly willing that every man should

have whatever belief he wishes with respect to a prohibitory or a license system. I believe the prohibitory law is best for regulating the sales of liquor in this State; but that is not the question here to be discussed. The question is, whether or no we should require the temperance people of this State to go to the polls and vote upon the fifth amendment against their wish. The question is, whether we are consistent—whether the members of the Republican party can, in view of the position they have taken in the past, in view of the platform they adopted last June in Portland, in view of the speeches that were made on the stump, in view of every possible declaration we could make in favor of a prohibitory law—whether or not we can consistently now vote in this Senate to compel the temperance people of the State to enter into this fight. The senator from Kennebec says that we are not committed to vote against the resolve. He claims that the platform does not adopt it, and did not bind us to oppose resubmission. Now, at Portland, where more than a thousand delegates were congregated, the proposition was made to adopt a resubmission plank in the platform; and what reception did it meet with? Only a handful out of that great hall full of delegates voted in favor of the adoption of that resolution, notwithstanding the fact that the question was open to debate and every bit of freedom that could be offered was given in the discussion of the matter; and after turning down that resolution we adopted a resolution which reads something like this: "We commend and endorse the firm stand of Gov. Cobb in his courageous and commendable enforcement of the laws and especially of the prohibitory law which the people of Maine have put upon their statute books for the safeguarding of their homes, the protection of their youth and the uplifting of citizenship"—and, going to the closing clause: "We have faith to believe that the people of Maine will not be deceived as to the real issue and that they will stand firmly this year for the honest enforcement of the laws and all that is truest and best in the life of our State."

The real issue, gentlemen, was whether or not we should adopt resubmission,

whether the platform states it in so many words or not. The temperance people understood that the Republican party was opposed to resubmission. It was a contract made with them and in view of our agreement to perform our part of the contract the temperance people supported the Republican party at the polls. More than 69,000—69,427, to be exact—voted the Republican ticket at the last election. A majority of more than 8000 people voted the platform of the Republican party. Now can we turn around and say to those people that they must come to the polls next September to fight the saloon interest of this whole country? In other words, we are compelling temperance people to get into this fight against their will when a majority of the people, on a clear-cut issue, have voted that they do not wish to have that amendment resubmitted. We do not in this matter represent any one county or any one senatorial district or any one section of the State. On a question of this kind I believe we represent the sentiment of the people of the State of Maine. I believe that the Republican party ought to be known as the temperance party in the future as it has been known in the past, and when the people of this State come to understand and to believe that the Republican party not only frames platforms but stands upon those platforms after they are made and votes upon those platforms and acts upon those platforms and enforces the law in accordance with those platforms, then I believe that victory will come to this party every time; and I believe that is the only position in which we can be consistent. I recognize the position taken by the senator from Kennebec on this matter. He understands that we are not bound to oppose resubmission by the platform. I understand that we are—if not in so many words, then impliedly. The people acted with that understanding. We did not say in this platform: We will not vote for resubmission of the law, but we adopted by an enormous majority of the convention a proposition to adopt that resolution and in place of it we adopted this which is impliedly opposed to resubmission of the law. The people understand it that way. The temperance people understood it that way and there it no way

for us honorably to act differently as members of the dominant party.

Now as to the merits of the prohibitory law and the license system, as I said at first, I have no desire to enter into any discussion of that question. I have before me an opinion of Gov. Morrill, away back in 1858, which would bear out a very strong argument in that line, but this is not the time or place to discuss that matter. I hope the Republican party will stand on its platform and stand on the principles that the temperance people thought we were standing on when they voted for us. Let us not deceive them. The senator from Knox repeats over and over again that we should not deceive ourselves. But above all, let us not deceive the 8000 majority in the last election who voted the ticket of the dominant party with the understanding that that party was against resubmission. I simply wish to add that the senator from Kennebec, in his remarks, stated that the issue in the last election was clearly drawn and that there could be no misunderstanding of it, or words to that effect. If that is true—and it is true—why was not that a clear resubmission of the fifth amendment? I leave the question with you, gentlemen.

Mr. MERRILL of Cumberland:—Mr. Chairman and gentlemen of the Senate. I do not mean to keep you any great length of time in discussing this question because I believe, with the sentiment of the senators who have preceded me, that this should not be a discussion of the relative merits of high license and prohibition or the prohibitory law. The simple question is: Shall this amendment be submitted to the people and shall they have a right to vote on it? My friend the senator from Hancock says that he is here representing the whole people. I feel in that same position myself; but I do not know any better way to represent the whole people than to allow them to vote on the subject.

When I look at the language that was used by the Governor in his message to this Legislature in which he says:

"Every thoughtful and fair-minded student of political conditions in Maine must admit that there is a very strong sentiment in favor of the proposition to give the voters an opportunity to express at

the polls their opinion of the present prohibitory law. While this sentiment may not be that of the majority now, it surely is held by a very large minority of our citizens, and the results of the September elections last year seem to furnish a complete justification of this conclusion."

Gentlemen, you all know whether the people of this State want a chance to vote on this question or not. You are not dependent upon the number of petitions they have presented here nor who signs them; but I ask you just to remember the conversations you have had on this subject during the past year. Then, gentlemen, look at the results of the September election and then, gentlemen, take the language of the Governor to this Legislature in which he practically says, if I read it aright, that he would be in favor of resubmitting this to the people if it were not for the 8000 people who voted the Republican ticket to whom he thinks they owe a duty. Gentlemen, I am not here for 8000 people who voted one way or the other. I simply want the people of this State to have an opportunity to vote on this as they see fit; and I want this hypocrisy which we have had in the State of Maine since I became a voter done away with; and my object in having this resubmitted is that a majority of the people of this State really want the prohibitory law and believe in it which I am willing to admit I am not certain of—if they do let us all get together like men and support the prohibitory law and not, as my friend the senator from Lincoln says, let us be known as the temperance party, as the Republican party has in the last 30 years. I think God that the Democratic party has not been known as the temperance party. I ask to submit this to the people and let them vote upon it and let us all, as men who believe in the State of Maine, then follow out and back up what the people want, and have no more of this hypocrisy.

The question being put upon the substitution of the minority report for the majority report, the yeas and nays were called for and ordered and the vote being had resulted as follows: Those voting yeas were Messrs. Ayer, Barrows, Brown, Clarke, Foss, Garcelon, Merrill, Parkhurst, Philoon, Proctor, Heselton,

Simpson, Staples, Stearns, Tartre, Theriault (16). Those voting nay were Messrs. Bailey, Eaton, Houston, Irving, Libby, Mills, Page, Putnam, Rice, Wyman (10). Pairs: Deasy, yea, with Curtis, nay. Hastings, nay, with Sewall, yea.

So the motion prevailed and the minority report was accepted and tabled for printing under the joint rules.

On motion by Mr. Parkhurst of Penobscot, Senate Document 151, "An Act to amend Section 3 of Chapter 143 of the Revised Statutes, relating to the State School for Boys," was taken from the table.

On motion by Mr. Mills of Hancock, the vote was reconsidered whereby Senate amendment A to the foregoing bill was adopted and on motion by Mr. Parkhurst of Penobscot the bill was tabled pending its second reading.

On motion by Mr. Tartre of York the Senate adjourned.