

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

SENATE.

Thursday, March 7, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Wight of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

An Act to provide for the cemetery funds in the town of Wiscasset.

An Act in relation to compensation for clerk hire in the office of the clerk of courts for the county of Androscoggin.

An Act authorizing the agent of the Passamaquoddy tribe of Indians to remove any of the distressed poor of that tribe to either reservation within his agency limits.

An Act authorizing Webster plantation to build and maintain its roads and bridges and to raise money for that purpose.

An Act to set off a part of the town of Steuben in the county of Washington and annex it to the town of Milbridge in said county.

An Act to incorporate the Society of the Sisters of Wisdom.

An Act to amend Section 1 of Chapter 166 of the Private and Special Laws of 1887, entitled "An Act creating the Fort Fairfield Village Corporation," as amended by Chapter 303 of the Private and Special Laws of 1905.

An Act granting Charles H. Scott the right to maintain a ferry across Egge-moggin Reach in Hancock county.

An Act to amend Chapter 184 of the Private and Special Laws of 1899, entitled "An Act to establish a municipal court in the town of Searsport."

An Act relating to sales of land for taxes in incorporated places.

An Act to incorporate the Wilton Village Corporation.

An Act to incorporate the Bean's Corner and Dryden Telephone Co.

An Act to incorporate the Searsport Electric Co.

An Act to amend Section 32 of Chapter 61, Revised Statutes, relating to the returns of births, marriages and deaths.

An Act to incorporate the Penobscot Valley Trust Co.

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

An Act to authorize Penobscot River Railroad Co. to locate across Lake Mementicook and other waters.

An Act to amend Section 53 of Chapter 4 of the Revised Statutes, relating to the payment of damages done by dogs or wild animals to domestic animals.

An Act to incorporate the Commonwealth Trust Co.

An Act organizing the Fairfield and Skowhegan Railway Co.

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

An Act to incorporate the Knox Trust Co.

An Act to incorporate the Investment Trust Co.

An Act to incorporate the North Jay Trust Co.

An Act to incorporate the Kennebunk Trust Co.

An Act to incorporate the Penobscot Trust Co.

An Act to incorporate the West Farmington Water District.

An Act to amend an Act passed at the present session of the Legislature entitled "An Act to make valid certain deeds of the town of Danforth in the county of Washington.

An Act to amend Section 2 of Chapter 58 of the Private and Special Laws of 1887, as amended by Chapter 67 of the Private and Special Laws of 1891, relating to the Buckfield Village Corporation.

An Act to amend Section 10 of Chapter 90 of the Revised Statutes, relating to costs on petition for partition of real estate.

An Act to amend the city charter of the city of Saco.

An Act to extend the charter of the Eastport Street Railway Co.

An Act relating to improvements on Stratton brook in the township of Wyman in the county of Franklin.

An Act to authorize the building of piers each side of the draw in the Rutherford's Island bridge in the town of Bristol.

An Act to amend Section 1 of Chap-

ter 116 of the Revised Statutes, as amended by Chapter 140 of the Public Laws of 1905, relating to the salary of public officers and compensation of members of the government.

An Act to incorporate the Strong Lighting and Improvement Company.

An Act to incorporate the Penobscot Electric Power and Telephone Company.

An Act to incorporate the West Bowdoin Cemetery Association.

An Act to amend Chapter 339 of the Private and Special Laws of 1901 as amended by Chapter 5 of the Private and Special Laws of 1903, relating to the Winthrop Water and Drainage Co.

An Act to amend Section 8 of Chapter 20 of the Revised Statutes of 1903, relating to burying grounds.

An Act to authorize the removal of the bodies of deceased persons from the Hawkes cemetery, so-called, in the town of Windham.

An Act authorizing towns to maintain private burying grounds.

An Act to make valid the organization of the Wiscasset, Waterville & Farmington Railway Company and to extend its charter.

An Act to revise the charter of the city of Westbrook.

An Act for the protection of shippers and butchers.

An Act to amend Section 1 of Chapter 262 of the Private and Special Laws of the State of Maine for the year 1903, entitled "An Act to authorize the Boston Excelsior Company to erect piers and booms in Sebec river."

Resolve making appropriations for the Passamaquoddy tribe of Indians.

Resolve in favor of the Western State Normal school at Gorham.

Resolve making appropriations for the Penobscot tribe of Indians.

Resolve in favor of the City of Augusta.

Resolve in favor of town of Topsham in Washington county.

Resolve in favor of the Maine State prison.

Resolve in favor of the Farmington State Normal school.

Resolve making appropriation for the Passamaquoddy tribe of Indians.

An Act to prohibit the throwing of the sawdust and other waste material into Meadowdack in Liberty in the county of Waldo or any of its tributaries. On motion of Mr. Staples of Knox this bill was tabled.

Majority and minority reports of the committee on education on Bill, An Act to provide an annual appropriation for the maintenance of the University of Maine, submitting same in new draft under same title, and that it ought to pass, signed Messrs. Rice, Philoon, Milliken, Kendall, Hawkes, Lord and Murphy. Minority report of the same committee on the same bill in new draft under same title and that it ought to pass signed Messrs. Stearns and Gleason. On motion by Mr. Philoon of Androscoggin both reports were tabled for printing and Thursday, March 14, assigned for their consideration.

The following bills, petitions, etc., were presented and referred:

Judiciary.

By Mr. Putnam of Aroostook: Bill, An Act in relation to equitable defences.

Also, Bill, "An Act to amend Section 4 of Chapter 85 of the Public Laws of 1905, relating to the appointment of receivers.

Legal Affairs.

By Mr. Mills of Hancock—Bill, An Act to amend Chapter 129 of the Public Laws of 1905, relating to register of deeds.

Appropriations and Financial Affairs.

By Mr. Garcelon of Androscoggin—Petition of the Chaucer Club of Livermore Falls, in favor of an appropriation for the State of Maine building exhibit at the Jamestown Exposition, and the reproduction of the home of Longfellow as the Maine State building.

By Mr. Theriault of Aroostook—Petition of the Ricker Travel Class of Houlton for same.

By Mr. Bailey of Somerset—Petition of W. S. Stinchfield and 39 others of Skowhegan for same.

By Mr. Page of Somerset—Petition of own Improvement Society of Skowhegan for same.

By Mr. Philoon of Androscoggin—Petition of the Twin City Parliamentary

Club of Lewiston and Auburn for same.

Mr. Clarke of Lincoln—Petition of the Conkling Class of Portland for same.

By Mr. Foss of Cumberland—Petition of the Mentone Club of Woodfords for same.

Agriculture.

By Mr. Brown of Kennebec—Resolve providing for the amendment of Section 17 of Chapter 60 of the Revised Statutes relating to the use of the score card by agricultural societies.

Inland Fisheries and Game.

By Mr. Ayer of Kennebec—Petition of F. E. Blake and others of Sidney, for an appropriation to screen Lake Messalonskee.

Temperance.

By Mr. Brown of Kennebec—Bill, An Act to provide for a systematic enforcement of the laws of the State prohibiting the sale of intoxicating liquors.

Also: Resolve to ascertain the will of the people as to re-submitting the 26th amendment of the Constitution relating to the prohibition of the manufacture and sale of intoxicating liquors. On motion by Mr. Brown these bills were tabled for printing pending reference to the committee on temperance.

By Mr. Hastings of Oxford—Remonstrance of W. L. Gray and 25 others of Paris, against the duplication by the University of Maine, at the expense of the State, of the liberal arts course. Placed on file.

Read and Assigned.

An Act to incorporate the Northern Aroostook Electric Company.

An Act to incorporate the Central Aroostook Electric Company.

An Act to extend the charter of the Waterville Gas and Electric Company.

An Act to authorize the Auburn Water Commissioners to make a further issue of bonds to be used for the purposes of its incorporation.

An Act relating to the Bluehill Water Company.

Resolve in favor of the Castine Normal School.

An Act to amend Section 13 of Chapter 117, of the Revised Statutes, relating to witness fees before referees, auditors or commissioners.

Resolve in favor of the town of Isle au Haut.

An Act to incorporate the Naples Water Company.

An Act to incorporate the Washburn Electric Company.

An Act to regulate ice fishing in Twitchell and Round ponds in Greenwood, and to close the tributaries to Round and North ponds in the county of Oxford.

Reports of Committees.

Mr. Mills for the committee on legal affairs on petition of Harry M. Pierce and others of Farmington, for an amendment to the law regulating the practice of veterinary surgery, medicine and dentistry, reported that the same be referred to the committee on agriculture.

By Mr. Simpson for the committee on appropriations and financial affairs, on order relating to pay and mileage of Leon S. Lippincott, an officer of the last Senate, reported that he be paid \$19 and usual mileage, and that the same be included in the pay roll of the Senate.

Mr. Putnam for the committee on judiciary, on Bill, An Act to incorporate the Mount Abram Telephone and Telegraph Company reported that the same ought to pass.

Mr. Stearns for the committee on education on petition of Peter C. Keegan and trustees of the Van Buren College, for an appropriation to aid in the erection of an additional building for college purposes, submitted "Resolve in aid of erecting a building at Van Buren College for college purposes.

Mr. Page for the committee on banks and banking, on Bill, An Act additional to and amendatory of Chapter 336 of the Private and Special Laws of 1905, entitled "An Act to incorporate the Central Safe Deposit Company" and to change the name of said company, reported that the same ought to pass.

The same senator for the same committee, on Bill, An Act to extend the charter of the City Trust Company of Bangor, Maine, submitted the same in new draft under title of "An Act to extend the charter of the City Trust Com-

pany of Bangor, Maine, and to change the name of the said company."

The same senator for the same committee on Bill. An Act to extend the charter of the Bluehill Trust and Banking Company, reported that the same ought to pass.

The same senator for the same committee on Bill. An Act to extend the charter of the Cumberland Trust Company, reported the same ought to pass.

Majority report of the joint special committee on salaries and fees, on order directing said committee to inquire into the expediency of increasing the pay of the members of the Legislature and of placing them as regards free passes and mileage on an equality with other State officials, submitted Bill, "An Act to amend Section 11 of Chapter 116 of the Revised Statutes, as amended by Section 1 of Chapter 53 of the Public Laws of 1905, relating to compensation of members of the government. Signed by Messrs. Sewall, Milliken, Stevens, Skidmore, Newbert, Peacock.

Minority report of the same committee on same order, that legislation thereon is inexpedient, was signed by Messrs. Staples, Page, Giddings, Reynolds. On motion by Mr. Staples of Knox both the majority and minority reports were laid on the table for printing, together with the accompanying bill.

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

An Act to extend the powers and rights of the Brunswick Electric Light and Power Company. On motion this bill took its second reading under the suspension of the rules and was passed to be engrossed.

Passed to Be Engrossed.

An Act relating to the issue of bonds by Van Buren Water District.

An Act authorizing the construction of a wharf into the tide waters of Casco bay, in the town of Falmouth.

An Act to enlarge the powers of the Auburn, Mechanic Falls and Norway Street Railway, and to change its name to Lewiston, Augusta & Waterville Street Railway.

An Act to extend the charter of the Mount Desert Trust Company.

An Act to set off the real estate of Mary E. Warren from the town of Brownfield and annex it to the town of Denmark.

An Act to exempt blind persons from the payment of poll tax.

Passed to Be Enacted.

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

Orders of the Day.

On motion by Mr. Staples of Knox, House Document No. 230 "Bill to amend Revised Statutes, relating to lime casks" was taken from the table. On further motion by the same senator the bill was passed to be engrossed.

On motion by Mr. Mills of Hancock, Senate Document No. 163 "Majority report, ought to pass, in new draft," minority report, ought not to pass, on bill relating to Union Water Power Company" was taken from the table.

Mr. MILLS of Hancock—Mr. President I trust that the motion of the senator from Oxford that the minority be accepted will not prevail.

Mr. HASTINGS of Oxford—Mr. President, the question before the Senate, the Legislature, and the people of Maine is whether or not the Union Water Power Company of Lewiston shall be allowed, by legislative act, to draw down the water of the Rangeley lakes below the low water level, whether or not this Legislature shall extend to this powerful corporation a right never before granted in the history of the State. This was the proposition submitted in the bill that was presented to the Legislature in the early part of this session; this was the proposition that was placed before and submitted to the committee which reported the bill now under consideration in a new draft, which contains several limitations and provisos which are valueless and of no consequence, failing completely to touch or affect the viciousness and enormity of the measure. It is the same old bill tho' becomingly decked and attired.

In order to get at this let us see what the original bill was, let us see what this company tried to get, for it is to be presumed that they could not get a favorable report on it as it then was drawn. (Reading the bill) That, gentlemen, was the bill, as simple and honest a bill as words could formulate, before it encountered difficulties and troubles on its way. Now let us see what the bill is before us as it has finally come from the committee, after having been given long and faithful consideration.

The first change which catches the eye is this "when necessary to maintain a flow of water in the Androscoggin river through Errol dam in the state of New Hampshire, of not more than 1400 cubic feet of water per second." Now, gentlemen of the Senate, does that add anything to the bill? Who can know outside of the Union Water Power Company whether or gates at Errol fourteen hundred cubic feet of water? Who could find out how much was going through if he should make the attempt? What cottage owner, what hotel-keeper, what steamboat proprietor, what one of the citizens of Maine could ever go there from December 1st to the first of April and find out how many cubic feet of water was being used per second? Every senator in this Chamber knows that the company would draw what it needed during those months, and no one, even if he knew they were exceeding the limit, could help himself. An utterly worthless and useless limitation in the bill.

The following proviso locating the elevation of the sills of the deep gates simply makes clear and plain what they said they meant in the first draft.

But next comes a great and surprising concession in this provision relating to the construction of a dam across Rapid River below the Pond-in-the-River for the purpose of facilitating the driving of logs and thereby saving water. On the face of it, this seems like an honest plan on the part of the company to save up and store an enormous amount of water. But, gentlemen, anyone familiar with the driving of small streams knows that

dams like the one suggested are comparatively small and inexpensive affairs and are built in large number in all parts of the State to aid log drivers in dry seasons. The only wonder is that it has not been done before. Some water might be saved and probably would, but it would be merely a drop in the bucket, a bucketful in the sea compared with the whole product of this Rangeley water basin. And the claim of the company that water would be saved by the dam sufficient to make up the extra amount which could be drawn off under this bill is absurd, a matter of guess work and conjecture. But, gentlemen, if the company puts this forward as an honest proposition, why not say to them "Build your dam, save the water, and see if you cannot tide over the low water period a year or two and possibly you may find that you will not need to dredge the outlets of the lakes. Possibly you may not require the great concession from the State.

Section 2 has been added. In this section provision has been made for holding the company liable for any legal damages sustained by any person, etc. Note the wording "legal damages" and "legally recoverable." The damage must be legal; the damage must be legally recoverable.

Now, gentlemen, I am not going into the technical part of this matter. I am not going to array legal authorities or cite precedents but I am going to say that in my judgment there is not an attorney within the sound of my voice who thinks or believes that any damage whatever could be legally assessed against this company when it had been given the right by the State to use and draw off the water of the State thereby leaving the land of the State exposed to the air, an unsightly, foul-smelling border around the lake in front of the hotels and cottages. Does anyone think this section makes the bill more acceptable to those who are immediately interested? But admitting for the sake of this argument that the damages would not be "damages without injury" and not too remote, who could afford to test this out in the courts with this powerful corpo-

ration, and of what avail would it be after one disastrous season at the lakes.

I submit, gentlemen, it is a fair statement to make that the bill before us differs not in the essential features from the bill as first drawn. It simmers down to one and the same proposition, the drawing down of Mooselucmaguntic and Richardson Lakes some six or more feet below the present low water level without let or hindrance from December 1st to April 1st; the opening of the door of the last asset of the people, an asset growing and increasing in value year by year and destined to be in the future the most wonderful lake and inland resort on the face of the earth, to a private corporation, animated only by a desire for more dividends, a corporation without soul asking this mighty concession from this Legislature, that they may have a little more water for a week or two, a few weeks, now and then a year. In our whole State there is nothing dearer to the hearts of the people than these lakes, given to us in abundance by the Almighty to be held inviolate through the ages. Our beautiful rivers now contaminated and poisoned were dear to the people, our boundless and magnificent forests now beyond our reach, were our pride, but it has remained for the corporations to touch the tenderest chord of our heart-strings by this proposition of levying upon our lakes.

Oh, but they say, "we will do no harm, we will not mar the scenic beauty; we will not destroy the fish in the lakes." But, gentlemen, that is conjecture only, and this is but the first step. In this bill they are merely getting a foot-hold. What has been our experience this winter? Is it not true that three-fourths of our time has been spent on these corporation matters? Is it not true that they get what they can the first time and then in two years, or when conditions are more favorable, they come back for more? Once given the key that unlocks the Rangeleys and the other corporations will come trooping in for the same treatment. After the

beautiful Rangeleys, then will come the great Moosehead.

Indeed in this contest not the Union Water Power Company alone is interested. The International Paper Company with its representatives, the Berlin Mills Company, too, a corporation in another State, but located on the Androscoggin, are standing about in more than an interested manner and feel a bond of sympathy with the struggling power company and attend upon us with hungry and greedy eyes, each apparently vieing with the other in their enthusiasm and determination to get the bill through.

But, gentlemen, does this company deserve more at the hands of the State and that too free of cost? For now thirty years or more this company, made up as it is of representatives of five or six great manufacturing companies, in the city of Lewiston, has at the trifling expense of keeping up their dams received and enjoyed the magnificent power of these Rangeley Lake waters free of cost from the State. The whole product of this great watershed has been caught up, harnessed and distributed, contributing to their profits and dividends to an extent beyond computation: this whole lake region, an area ninety square miles, with the dams as now located, has rushed down the valley of the Androscoggin and made the city of Lewiston, contributing and perpetuating and making fixed and permanent her prosperity. On the water, as now stored, in wet seasons and dry seasons other great manufacturing centers have grown up even beyond the dream of their most sanguine promoters. Berlin Falls, Rumford Falls, Livermore Falls are thriving and prosperous.

But Mr. White, the treasurer of the Union Water Power Company, in a communication to the Lewiston Journal of Monday last, said that "they needed a supply for a few weeks in the winter months, not every year perhaps, but every few years," and that their need was "no trifling handicap to the mills," and in that article he tells of the "various expedients that were studied by their engineers," but which were "dismissed

as not practical or reasonable"—couldn't be done or cost too much.

But, gentlemen, did he say that they had exhausted their storage powers in that Rangely lake region? Why did he not canvass the practical question of storage in the valley of the Magalloway in which valley for years this company has been planning to create additional and supplementary storage, till this project of lowering the outlets, which was cheaper, was ventured upon?

The Senate may recall that the Magalloway is a river flowing into the Umbagog lake, the last and lowest of the Rangelys, the immediate source of the Androscoggin river, and that in this valley above all settlements of the Magalloway and Lincoln plantations is a magnificent natural storage basin requiring only a dam at the falls of Aziscoos. I say, gentlemen, it has for years been planned by the directors of this company to utilize this power and I was told by a representative of these great companies only the other day, a man high in the confidence of that company, a man who knows the possibilities of that region, that the utilization of that opportunity for storage would furnish all the water needed at any time of shortage in our, driest years. This same representative further told me that it had never been considered possible to get from the State the right to dredge these outlets. But here we have it. We are face to face with the proposition in the year 1907. It is cheaper, as the treasurer of the power company, in his article, says. A dam at Aziscoos falls would flow timber land, cause damage that would be legal. This poor company with this magnificent power falling from the beautiful Oquossoc to its dams at Lewiston cannot afford to develop other storage, but comes here and asks of us to imperil the summer interests of the whole State, bound from their very nature to last for all time, for the purpose of saving a few paltry dollars.

The manufacturing interests of the State are great. They deserve well at our hands. The private corporations contribute wonderfully to the prosperity of the people; they deserve well at our hands. The summer interests, as yet in their infancy, are boundless in their pos-

sibilities. Within the past few years the tide of summer travel has turned rapidly here. The nerve-racked, the brain-worn and the pleasure-seekers of the nation have sought rest, recreation and renewed health and vigor in the region of our beautiful lakes, till in summer months our State has become the playground, the resting place of the nation. These Rangely lakes now surpass all other inland lake resorts, and bid fair to become as famous as those of the Adirondacks, excelling as they do in beauty of surroundings the far famous Trossacks and the Lakes of Killarney.

These business corporations, these summer interests, each have their special right. The one should not be allowed to encroach upon or jeopardize the other.

Now, whether the granting of this bill would destroy the scenic beauty of our lakes, and I do not doubt that it would; whether the granting of the bill will cause the destruction of the fish in the lakes, and the authorities on fish culture say that it would, whether the granting of this bill will damage and injure and possibly wipe out all individual interests about these lakes, I do not propose to discuss. No one knows; no one can know. The lakes may fill up, if drawn down; they may not. One thing, however, is certain, is sure. If we do not grant this bill, if we do not open this door, then we may be sure, then we may know that all interests are safe. We must take no chances.

If the manufacturing industries are suffering, let the Union Water Power Company develop and exhaust the storage resources of the Magalloway river, even though it costs a hundred or two hundred thousand dollars, let them construct the dam at the Pond-in-the-River and thus save and conserve the waters of the Richardson lakes to what extent they can, and they will have no cause to complain of short water for years to come.

To my county and the county of Franklin, in which these lakes are situated, this is the most momentous and far-reaching proposition that has come before the Legislature in the history of the State. To the whole State it is a proposition that overshadows and obscures all others presented at this Legislature. It is a step which, if taken,

may cost us our property; it is a step which we can never retrace.

This is a contest on one side of which are the private interests with their force of trained and skilled lobbyists, on the other side the plain people, strong in the justice of their cause.

We are here sitting in judgment under our oaths, representing no one interest, no corporations; but the people of the State. Let us, gentlemen, bring to bear upon the solution of this question each his own best conscience and all will be well and will be content.

Mr. MILLS of Hancock: Mr. President and Gentlemen. In the discussion of this question I wish to be governed by those interests which are for the welfare of the people of the State.

As the senator from Oxford has just said, the only desire I have in the matter is that it may be decided in the interests of the majority of the people who are concerned.

I wish to state briefly—and briefly only—the reasons which influenced the majority of the committee in making this report and in recommending this legislation; and before doing that it seems to me fitting to say that the senator's allusions to the lobby and to the corporate interests which have been, and are, represented here, and especially his statement made a week ago when this question was tabled, is rather out of place.

Inasmuch as the men who are opposing this bill were opposing it vigorously before the friends of the measure undertook the work or ever took any steps towards its passage, and inasmuch as the friends of the senator from Oxford have done everything in their power and have left no stone unturned, it seems to me it comes in rather poor taste for him to make the suggestion which he has regarding the influence of the lobby.

As a matter of fact, Mr. President, I believe that every citizen of the State has a right to come to this capital and, by conversation with the members, undertake to secure the passage of legislation which he desires.

I believe that is the privilege which every citizen should by right enjoy. I believe it is proper, and further than

that I am quite certain that it is beneficial for the purpose of giving to members information generally from different parts of the State.

I want to say also along that same line that, when the senator from Oxford spoke of our passing this bill in the interests of certain large corporations that that argument did not really appeal to me so much as it would have appealed to me had I not known that some of the richest corporations in the State are today opposing the bill.

Some of the corporations whose water flows every day in the year and every hour in the day and which sell their water all over this country, come here opposing a corporation which desires the use of this water in the lakes four months in the year.

What would they say if we should say to them: You must shut off your business at a certain period of the year—you must restrict it on account of other interests which are to be served?

This corporation, Mr. President, by an act passed in 1885, acquired the right to flow Mooselucmeguntick Lake and lower Richardson Lakes.

Under that charter they erected a dam twenty-one feet high. They stored water and do now store water fifteen feet above the natural level of the lakes. They have a right to use this water at any time of the year and at all times of the year. They have a right to draw this water down and they have that right legally and equitably at any time of the season.

Now they come here, Mr. President, and ask us to grant them the use of six feet more of the waters during four months of the winter.

They ask the privilege of lowering the waters of Mooselucmeguntick and also Richardson lake, during these four months in order to keep the mills in constant operation along the banks of the Androscoggin River.

We claim, Mr. President, that it is a reasonable and fair request. The opposition say that this will prove to be of great injury to the lakes. They say that the lakes will not refill. That is the main opposition—the main argument of the opposition,—that the

lakes will not refill. Now, it seems to me that it cannot be questioned that the lakes will refill to the natural low water level. It is an absurd proposition to say that they will not refill to that point, and that is as far as this company is bound to keep them filled. They have erected a dam at an enormous expense. They have purchased flowage rights all around that lake. They have a right to use this water which is stored there and they are only bound, by law and equity, to keep it up to the natural low water level. That is all that can be asked of them. Above that the water rises and falls for the space of—to be exact, fourteen feet, possibly it may rise fifteen. It is in actual practice fourteen.

This water rises and falls on the shore of the lake to that amount.

But we claim, Mr. President, that according to the facts of history, and according to all reasoning, that the lakes will not only refill to the natural low water level, but they will refill to the top of the dam. They have always done this in the past, practically; and there is no reason, considering the hundreds of square miles of area that drain into these lakes, that they will not do it in the future.

There is no argument to convince us that the course of Nature is going to be changed—that the rain-fall is going to be materially less. Every possible reason argues to the contrary.

As a matter of fact, these lakes since 1887 have not only refilled but they have begun to waste every year since that time. In 1887 they were filled to the extent of twenty feet on the ninth day of May, and they began to waste on that date. In 1888 they refilled from May 14th to April 19th and so on to 1895, May 13 and water was wasted in each and every one of those years.

Now, provided that, by any possible contingency, these lakes should not refill to the top of the dam, we put this provision into the bill, namely, that, before exercising the rights which will be granted by this bill the company must build a dam below what is called Pond-in-River. On account of the physical surroundings

at what is called Pond in the River a great deal of water naturally goes to waste. We provide that the company, at an expense of \$500,000 which the senator from Oxford says is practically no expense or does not amount to very much—we provide that they must build this dam and save twice as much water as they ask to use. In other words, they ask to draw from the lakes now, during the winter months, two and one-half billion feet of water; and we say that they must, by this dam save five billion feet of water—there are six billion feet going to waste, according to the figures of the record now kept. It requires one million feet, according to the records which we must go by—and it is the only authority we have to go by—one million feet only is required for flowing the logs. Building the dam will make a saving of five billion cubic feet of water, and they only ask the privilege of using two and a half billion during the four months of the winter. In other words they have come to this Legislature and are seeking to borrow water and they guarantee to return it. It is a guaranty, if you can make a guaranty by letters and figures and provisions in a bill. If the lake would not refill, what would be the sense or reason of drawing the water out and what would be the use of that extra water during the summer and if the water did not come up to the top of the dam? Why? It is so much money wasted. It is \$30,000 if I remember the figures correctly, which were given as an estimate of the cost for dredging this outlet. Thirty thousand dollars could be thrown away; and is this corporation, which the senator from Oxford represents as being so greedy and so selfish, inclined to throw away \$30,000 for a purpose which will not benefit them in the least? It will not, if the lakes do not refill to the top of the dam. That is a clear proposition; and it is not open to argument, and that is the whole thing in a nut shell. The corporation and those who have its affairs in charge claim that they can keep their mills running during the winter with the privilege; and they guarantee to return in the spring and summer more than the amount

which they use extra, as provided for by the bill.

The senator speaks of the "viciousness" and the "enormity" of this bill, but he does not point out the facts and conditions which make the bill vicious or enormous. It is nice to use those big words and they sound fine when they go out over the State and are read by the people out on the farms; and I want to say right here that I will admit that the people in Oxford and Franklin, to the best of my judgment—the majority of them—are opposed to this measure. I believe it is because these big words would have been used in regard to the effect of drawing down these lakes. I believe more than that, it is because misrepresentations have been made through those misleading communications which have been issued and paid for in different papers.

I believe, if the thing were stated fairly to the people of Oxford county, and not only stated fairly but so that they could understand it thoroughly and could know what the effect would be and how it would affect the working people in Lewiston, in Rumford Falls and in other places, I believe they would vote for the bill.

Further than that, Mr. President, I believe that the men that are said to be opposed to the bill if they came down here next July, provided the bill were in operation, would not know that the lakes had ever been drained. The trouble is that the probable results are not correctly stated to the people and they are not correctly and properly understood. It comes down to this proposition: It is simply an issue between the manufacturing interests of the State and the summer industry. Both of which are important. I believe there is room enough for both on the Rangeley lakes and the other lakes—to expand and get all that water that is required and needed, but if we are to discriminate in any respect, or in the slightest degree, I believe we should legislate in favor of that industry which keeps the people—the operatives busy all the year round. If there is to be any favoritism shown—if the word is properly used—let it be shown towards that business which keeps 15,000 people busy from January 1

to December 31, provided the water power is sufficient strong. Let it be in favor of that industry which pays over three hundred thousand dollars weekly to operatives along the banks of the Androscoggin river.

But I believe that nobody's interests will be injured; and, if there is any question or any doubt, give the operatives the benefit of it. True: It may effect favorably the owners or the stockholders of this corporation as well as the operatives, but the operatives are those who are principally effected because, as I say, more than three hundred thousand dollars is kept from their pockets every week that the mills are not in operation.

In Rumford Falls today one-half of the mills the running or one-half of the machinery, and that has been so for four weeks continuously; and it is so because there is not water power enough to keep the mills running, and that is a fact.

The senator mentioned the fact that you could not control these corporations—that if you were to give them certain rights—give them a foot, they would take ten. Now Mr. President, I cannot see any reasonable argument in that. If the corporations do not act in accordance to the provisions of this bill, it is an easy matter to secure an injunction. Judge Savage of Auburn would grant an injunction inside of 24 hours and I cannot see any reasonable argument in the assertion that they will go beyond the provisions of the bill. The principal thing is not as to its legality, possibly, although that is an important argument; and I will touch upon it in a moment, but the principal thing is: What is for the best interests of the majority of the people?

Last week when this matter came up for discussion, 3000 operatives, with their dinner pails, were walking out of the mills in Lewiston at 10 o'clock in the morning, and why? Because the water power was not sufficient to keep the mills in operation. Forty-eight thousand dollars a week in Lewiston is lost every week that they are not in operation. The senator declines to cite any precedents to support his argument because, though he does not state it, there are none to be cited. He states

further that this is a thing which has never been done in the past, or words to that effect, which to my mind is a misunderstanding on the part of the senator from Oxford; for, if you will look into the Private and Special Laws of 1891 and Chapter 60 of those laws, you will find a paragraph which reads like this: "W. G. Alden, Knowlton Bros., Megunticook Woolen Co., Camden Woolen Mills, A. L. Alden, the Knox Woolen Co., etc. of Camden, Knox county, this State, are hereby authorized to deepen the channel of Canaan pond to the depth of four feet and to use the waters of said pond and all its tributaries thereto to that extent, or the purpose of running mills on said stream."

That is just exactly what this company is asking for. In the town of Bluehill, county of Hancock, a right was granted to certain parties to drain Noyes pond three feet during June, July, August and September and to keep the waters at their natural heights during the remaining eight months of the year; and it provided that the company should be liable for damages, if any—just exactly what this bill provides and exactly the same principle which is incorporated in this measure.

Chapter 399 in the Acts of 1893 authorizes parties to change the outlet of Kidder pond, provided, however, that the water in said Kidder pond shall not be drawn down lower than the actual level in time of drouth. I believe the principle is established. I believe that the State has absolute control of these great ponds. I think that cannot be questioned and I think it will not be undertaken to be questioned but that the State has full control and full power over these great ponds to grant their use for whatever public purpose it sees fit.

And we submit that this is a public purpose inasmuch as in 15,000 operatives is effected thereby and directly effected thereby, and their families are dependent upon the work which these operatives have.

We cannot anticipate anything. We do not know what they will ask for next. The senator from Oxford says that this is only a step and that we do not know what is coming next, but we are passing

upon this bill and not upon a bill that may come up two years from now. I have no doubt that the Legislature of that date will be able to take care of their own matters.

He speaks to some extent of the Magalloway stream and advises the companies to go up there and build a dam, and I wish the senator from Oxford would go into detail a little about it and tell this company how they can go up there and secure the property up there when it is not for sale and will not be sold and when no price can be obtained upon it. That is the fact, Mr. President and gentlemen.

Possibly some extra water might be secured at the Magalloway. It is barely possible that enough might be secured up there at an enormous outlay of money to carry out the purposes of this bill. It is possible but not probable. But it is true that the owners of property up there will not sell the land or put a price on their property. He speaks of this State being used as a place of rest and recreation and for the purpose of attaining good health and vigor. Must we follow that principle? Must we allow the summer people to come here and to monopolize these great natural powers, these water powers which furnish industry and occupation for our people? Must we say to the operatives on the Androscoggin: "You must lie idle in the winter for fear that the summer people shall not have enough beautiful scenery and enough water to look upon when they come here in the summer—you make some little sacrifice down on the Androscoggin river—you must rest a little while in the winter so that the summer people may have rest and recreation and become vigorous and healthful that they may go back to their winter homes and their palaces and enjoy for the winter all the luxuries that wealth can give, at the close of the season.

These, Mr. President, are facts, as nearly as I understand them. If I am wrong, I shall be glad to be corrected; but I understand that it would effect the people along the river in this way. They are the people that the senator from Oxford speaks of as the plain people and they are the people that the senator from Knox gets up here and calls the common people and you will see him standing

upon his feet denouncing the terms of this bill and claiming that it is a corporation measure. I want to remind him that the common people over whom he so often sheds tears in the Senate are the ones who are to be injured if this bill does not pass. I ask him to bear that in mind. One thing is sure—the senator from Oxford says—if we do not grant this bill, all interests are saved. Suppose we never do grant any rights on the lower Richardson lakes or the outlets thereof, all interests would still be safe. Suppose the State never made an advance legislation but walked on in the same old ruts, following the same old principles laid down hundreds of years ago—suppose we never dared to venture anything, all interests would still be safe according to the arguments made by the senator from Oxford. But would there be any progress?

Just one word more in the matter, the mills on the banks of the Androscoggin river are not operated under very favorable conditions. They are a long way from the cotton. It has to be shipped here at great expense, they do not secure labor so cheaply as it is secured in the South; and, if we can do anything by furnishing power for these mills, or by the granting of rights whereby they can furnish power for these mills and thus assist the laboring people down there, I believe it is the duty and the privilege of this Legislature to grant those rights.

Mr. President, I have nothing further especially to say. I might call the attention of the Senate to the fact that many opinions have been handed down showing that this is a legal right which the State has; but that question, so far, has not been raised; and I will not discuss it at this time, as I think it is probably admitted. It ought to be admitted and if it is not admitted, I believe, in fairness, it will be.

I trust the motion will not prevail.

Mr. STAPLES of Knox: Mr. President and gentlemen of the Senate, I regret very much what I feel to be my lack of ability to meet this important question in the manner in which it should be met. I am glad the senator from Hancock has anticipated what I might say. He was right in his anticipation in saying that I should take the side of the common people;

and if he has become education so that he will not forget it, I will say that I shall describe the common people so that there can be no doubt where the senator from Knox will stand on this question.

This is the most important measure that has come before this Legislature or any Legislature in the State of Maine for a great number of years. I approach it this morning with the kindest of feelings towards the manufacturing establishments upon that river. I come here with no feelings to befriend anybody upon either side. I must speak according to the dictates of my own conscience before the committee of which I had the honor to be a member. I come here this morning fully believing in the right of a corporation to be protected. At the same time I come here with the firm belief that the great beauties of Maine should also be protected. These beautiful lakes should not be obliterated. They should be kept in their primeval for the benefit of the citizens of the State. Never will I, as long as I am in this body, advocate that these lakes should be destroyed as they would be, if this bill is passed by this body. Maine, the grandest State of this Union—the State that brings to our shores every summer thousands of people to breathe the elixir of life and to sport upon our beautiful lakes. If you destroy them the grand scenic beauty of Maine is gone.

Let me reply now, for a few minutes, to what the senator said. I admit that the Androscoggin valley is a prosperous valley. Those manufacturers over there have as an end the promotion of the welfare of the people; and I would not harm them. Have they been harmed for the last twenty-five years in the city of Lewiston on the Androscoggin river? Let me state what the evidence was before the committee. If you go back twenty-six years from 1906 the Union Water Power Company has never drawn down the water excepting one year, in 1903—in the other twenty-six years they have had above their sill from one to ten and one-half feet.

Any one would suppose that the mills of Lewiston would be annihilat-

ed. They have had for the last twenty years a right to drain that lake to a certain extent every year; and for the last twenty years the property of Lewiston and of the Androscoggin valley has prospered as has no other section of the State. The Union Water Power Company has prospered by having the control of that lake to a certain extent as they can have it in the future. Do you tell me that the operatives in Lewiston have been injured in the last thirty years? It is in testimony, before the committee, Mr. President, that for the last ten years no mill in Lewiston has shut down excepting for about two hours in 1904—yes, within the last twenty years and within the last twenty-six years they have drawn down the water in that beautiful lake and have had a right to draw it. One year when there was a drouth all over the State of Maine, there was a foot of water over the sill; but, take it from 1906 back for twenty-six years this Union Water Company, this private corporation of Lewiston has had from one to nine feet by the testimony before the committee, more than they have used for twenty-six years.

Is it not reasonable to suppose that they will have the same amount of water in the future? Let me say to you that they must not forget that in that bill there is something a little more than six feet of water to be drawn down in this beautiful lake; and if you will look at the testimony in this case given by the engineer of the Union Water Company you will see that the head of that beautiful lake is five feet higher than it is down at the dam and that you would take eleven feet off of that beautiful lake and there is no one on the other side who will dare to deny it.

You do not dare to deny it. Your bill is infamous in this that it attempts to deceive the people of this State by saying: You want to draw down six feet when in fact by the testimony of the engineer you are to draw it down eleven feet from the whole service of that lake.

If you do that, do you think it will not do any damage to that beautiful lake? Let us look at it. Five times

within the last twelve years, as the evidence in this case shows—and I do not mean, Mr. President, to misquote the evidence—I am content with the facts in this case—I say: Take the last twelve years reckoning back from 1906, that that lake has not filled up to its level for five springs. And do you undertake to tell me, where it has not filled up for five springs within the last twelve years, that if you draw it down six feet more you would expect it ever to fill up at that time?

I have another proposition to make from a legal standpoint and it is a proposition which should settle this question. I do not believe that this Legislature, whatever they have done in the past or may do in the future have a right to take the property given to us for public uses and turn it over to a private corporation which this Union Water Company is. They care very much about the operatives of that city. They have done well for them I have not any doubt; but you must not forget, Mr. President, that this same Union Water Company came here for a charter and got it at one time and asked for further aid from the State and that corporation takes this water from these beautiful lakes and brings it down to Lewiston—and what do they do with it? They do not use it all for purposes of their own build, but they sell it to the extent of \$40,000, as the evidence shows, to other corporations which amount they put into their own pockets. Not only that, but there is a man here from New York today, a capitalist, of great wealth, in the interests of this Union Water Power Company, they comes from all the States of this Union and undertake to destroy these beautiful lakes which are the grandeur and glory of the State. Shall we allow it to be done. We will have you believe that the Union Water Power Company and the Androscoggin valley would be wronged by it. Under the right they have now and under the rights which they will have in the future, if this bill does not pass the prosperity of Livermore Falls, of Rumford Falls and all those other places which have prospered will prosper and I am glad of it.

Is it possible that anyone can be deceived in this great question? It is a fact that these waters were given to the State of Maine which is their guardian; and I make the legal proposition, Mr. President, that the State of Maine or this Legislature has no right to open that question and I desire upon that question to submit as a part of my argument a few citations. Under the Colonial Ordinance of 1641 and 1647 these lakes came to the state of Massachusetts and when Maine was separated from Massachusetts by those ordinances they became the property of the State of Maine and the courts of this State have defined the purpose for which they were given to the State; and I propose always to be governed by the courts of this State and the law of the land. Under the Colonial Ordinance of 1641 and 1647 the State owned the great ponds as public property, held in trust for public uses. Now they tell me, that to give it to this private corporation for private greed is for "public uses." Oh no. it does not mean that. That is too narrow a definition of "Public Uses." In saying that it shall be used for public uses, does it mean that the Union Water Co. shall destroy the scenic beauty of the State? Does it mean that it shall give it to this private corporation at Lewiston for the sake of private gain? Do you believe that?

I do not mean today to say one word or to do one thing to cripple those grand industries, because they have prospered in the past and we give them the same right to prosper in the future; but, if they want to enlarge their industries and to do more business, there are other ways they can do it without destroying the lakes in Maine; and that was decided in the case against Fall River, 107 Mass., which goes on to state other cases which I will not stop to read. "The public term use means a use which concerns an entire community as distinguished from a particular individual, firm, or private corporation."

These lakes are public property and the people of Maine are the guardians of that property. It is not necessary, however that every person in the community should be directly benefited by its use. It is, however, absolutely es-

sential that every person should have a right in common with all other persons to use the same upon the terms of equality. The Union Water Power Co. is a corporation organized under the general law for the purpose of private gain and there is no element of public use therein.

Every industry established upon the Androscoggin river was established with the full knowledge and understanding of the conditions prevailing along said river and in the lakes which are the source of said river, and every person knew the right of flowage and the amount of water available and with that knowledge the present industries have been established. Every person owning property relating to the Moose-lumegunticook and Richardson lakes, knows our law and takes title to it knowing the low water mark in common with the right of others to use the waters of said lake.

It seems to be a law that has been adopted in this county that you cannot take public property for private use; and I submit that that is good law.

Upon this question we have said something about corporative interests and the industries of Lewiston, and let us see what there is up around these lakes. It is well-known, and I have received letters within the last few days, letters from the most noted men of New England, that have asked me as a senator in this body, to protect the grand lakes of Maine. It is well known to everybody—it is not hemmed in by State lines, but known throughout the whole of New England and the Middle States that Maine has the most beautiful scenery on her lakes of any part of the country. There is nothing which can compare with the grand old Moosehead lake or the Rangeleys. If you destroy them you take from Maine her grandest scenery and make a desert of that beautiful country. It will be like a bon-fire going over a plantation. They should be protected in the interests of Maine. Millions of dollars have been spent to beautify and adorn those lakes which are yet in their infancy of development. Beside that we all know that in the last 20 years the State has spent a large sum of money for the propagation of fish. The scien-

tists tell us that it will draw down the water of these lakes and they do not fill up in the spring that you destroy the spawn. The best authority which I can get from the United States fish commissioners says that if you do that you destroy the spawn of the trout and annihilate the fish in those beautiful lakes and that is an element which makes these lakes valuable.

I am proud of these grand old lakes today as I see them pictured out on that map (referring to the map hung in the Senate chamber). It would be a sorry day for Maine when a private corporation under the figment of drawing down that lake six feet—when as I say they do not need it, destroyed those if the water was shut off today, they would use coal. They can get coal here in Maine I am told as cheaply delivered in Lewiston as at Newport News or a great many other places which I might mention. They would not be destroyed. I hope they will not be destroyed. I would not do a thing to injure the industries upon the Androscoggin river; but I do say, let us protect for the people of the State these grand lakes which are the pride of everybody. Shall we do it? We must cease giving away the franchises of the State. A man who has been here for five or six sessions of this Legislature well knows that there is hardly a stream in the State of Maine upon which corporations have not got their grasp. Let us call a halt upon the greed of the corporation of the State and protect these lakes and do not forget that, by the testimony before the committee they have not been injured within the last 26 years. Let them dam Rapid river if they please, spending their money there but let the lakes alone because it is an absolute fact that the Union Water Company knows that they can save the water that runs away in the spring by damming Rapid river but they don't want to do that because they would have to take the \$40,000 which they get for selling water power and put \$40,000 more with it to dam that river, but they would rather come to the Legislature of this State and by their powerful lobby which has been here for four or five weeks ac-

complishing in this way. I do not doubt Mr. President, that if they would take the money that lobby has used here this winter they could build half the dam on Rapid river. (Applause)

What is the occasion of their coming in here? It is not only the Union Water Power Company but the Great International Paper Company and the Berlin Mill Company whose stock is holden outside of the State of Maine that comes in here and undertakes to destroy that portion of Maine which lies in that region.

There is another principle involved in here that is worthy of consideration and that is the purity of these lakes and you will all agree with me about that. As the scenic duty is governed by the high water that covers up the mud and rocks, so is the purity of the water, in the opinion of the best scientists of the country, dependent on keeping that water at a high level and in drawing it down you destroy its purity and it comes polluted. Will anybody gainsay that? If they do let them refer to the best scientists of this country upon that question and they will find that I am correct.

For these reasons, standing here as I do, I must confess that I am surprised that any senator in this body, in view of all the facts that came before that committee will stand here and plead for the International Paper Company or the Union Water Company which want to take the water from these lakes not only for the use of these mills but to sell to other corporations and to pocket every year \$40,000 for such sales.

I tell you the people of Maine never will allow an entering wedge to be made to the 400 lakes of this State. We have given away too much, we have allowed corporations to creep into almost every avenue of public service of the State of Maine? It is now time to call a halt.

We shall not destroy the mills upon the Androscoggin river. I say again that my impulses are for the greater number and not for private corporations. I thank heaven if I have that reputation, I am proud of it, and—senator from Hancock—you may speak

wherever you please; and I will throw you a bouquet. (Applause.)

It would cost from the best information I could get, \$150,000 to dam Rapid river and they could have saved \$75,000 of that money, if they had gone to work instead of coming down here.

I have no interest in this question except as a citizen of the State. I believe in the industries and I have never wilfully tried to injure the incorporation of the State of Maine, but have always endeavored to do what my conscience has told me was right. As I go down the declivity of life I trust I will have no tormenting doubts and misapprehensions as to whether or not I have done my duty in this case. Let us say to the Union Water Company go and build your dam—but you ask too much of us when you seek to take these great lakes which have come down to us from our forefathers. As to which we pledge the people that we would be their faithful guardians. Let us not betray our trust but keep them for public uses and for the benefit of everybody and let us say to the Union Water Company: We admire your industry and will aid you all we can, but you must not destroy these lakes in order to increase or perpetuate your industry.

I may not live to see it, but I expect that within 10 or 15 years you will find more property, more industries, more wealth around the Rangeley lakes than you will find in any similar amount of territory of the State of Maine and I would not be surprised to find more wealth around those beautiful lakes than in the city of Lewiston today.

Mr. PHILOON of Androscoggin: Mr. President, it is important and essential in all causes that there should be gentlemen to represent the interests of the parties, special pleaders. It is also as important that there should be a jury to determine the truth and probability of the testimony as given to render, as in their best judgment they may be able to do, the righteous and honest verdict.

I make no claim to play the part of a pleader. The Almighty gave me no power or talents in that direction to

distinguish me in that line of work; but, as a juror, selected to determine on a verdict I have a right, and as a matter of personal privilege to I desire to state briefly some of the reasons to dispose some of my verdict in the way of my vote would indicate. I am thankful that like the senator from Knox I have no special interest in corporations in Maine or in combinations of men that will warp my judgment from the right so far as my poor talent may determine that right.

I have in the past few weeks read with great interest and considerable labor and time, through the misfortune of slightly impaired sight, what has been called "The Lawson Add" as it appeared in the papers. I had listened to the arguments of different parties before the committee and to the testimony with great interest. I will come to the point at once and will say that if I believed the one-twentieth part of the claim of the parties who are opposing this bill was founded on substantial business judgment, I am sure I should vote No on the adoption of the majority report. If I believed the Union Water Company's tabulations were lies or that the individual members of that great corporation were liars or were falsely and maliciously misleading the members of this Senate, I would of course vote against this proposition. I do believe that each cubic yard of water released from the lake and sent singing on its way to the sea to turn the wheels of the various and many industries on the Androscoggin river is worth more to the State of Maine and to the people of Maine than oceans confined within the limits of that lake which may invite a forty dollar man with a hundred dollar rod striving to kill a twenty-five cent fish. (Applause.)

I believe in the greatest good to the greatest number and I would inquire of the senator what has produced this great prosperity, this development of the State of Maine, if it is not the water power. Often we hear it said that our future depends on the railroads. It does, in a measure. But should we have railroads without the water powers? Never. On the water power

depends the whole system of our industries.

I have no fears that my conscience will be bothered at any time and in any place in the future, as I answer before my God, that I vote for this measure and to support this majority report in the interests of the people, I will confess in violation of a sentiment that pervades my town, that has been developed and cultivated by these brilliant articles on the scenic beauty of our lakes and forests. If I believed that the Rangeley lakes and the lakes in question would not fill and have not filled to the extreme limit under the conditions under which this water will be taken in the winter months, by these heavy beds of snow and the spring rains and that every cubic yard of water would not be turned to dollars and cents for the benefit of our State, for the benefit of our laboring people, for the enlargement of our cities and the development of our populations and for the comforts of their families, I am sure I would vote against it.

For these reasons I am firmly convinced, as a juror in this case and not as a pleader, that it is my duty that I support this majority report.

Mr. RICE of Franklin: Mr. President, I will not detain you but a moment. As a resident of Franklin county and voicing the sentiment of every man, woman and child, in that county, I wish at this time to protest for them in regard to this bill. That section that is situated on what is a very fine part of the State of Maine. It has the grandest beauty of any part of Maine; and we as citizens of Franklin county, enjoy its scenery and admire every foot of land and every drop of water in those lakes.

As far as the Union Water Company is concerned, we all know that they are for the interests of the Union Water Company. They are anxious to declare a little larger dividend. As the senator from Franklin county I have not been approached by any Union Water Power Company representatives or their attorneys but I have been approached by the International Pulp Company, by their attorneys and their representatives; and I think that

this is a matter that interests the International Pulp Company as much as it does any other concern. It is a matter which interests the county of Franklin and I for one am very anxious, and I hope that this Senate will not support this bill.

Mr. SEWALL of Sagadahoc—Mr. President, we are glad to have the senator from Hancock, the chairman of the committee which reported the bill, address us. It seemed at one time—in fact, it seemed until a very recent time, that this important bill was to be brought in here without any sponsor. I am not sure even now that it can claim a legitimate father.

If there is any committee, of all our committees, to which this question might properly have been referred, it is the committee on interior waters; and when the reference was made to the committee on legal affairs it was whispered that that very reference was made so that it could not excite suspicion—so that it could not be claimed that the reference was made to a committee which, from its natural make-up, would have a certain sympathy with the people who control the water powers of the Androscoggin and might report in their favor.

We are relieved to have the sponsorship of the bill assumed. I do not propose, as a member who intends to vote against that bill, to rest under the imputation passed here, passed outside, and passed in the public prints, that I am either indifferent to the laboring people on the Androscoggin valley tributary to my own section, or that I am in any way hostile to the people who have developed that section, or that I have been influenced one way or the other by the lobby that has been referred to.

I have never been charged by anybody who knows me with any lack of sympathy with those people who labor, and my regret in this case as regards the operatives on the Androscoggin is that nothing comes back to them. You might say that nothing comes back to the individuals of this State from the rich surplus which these mills earn yearly. save what the operatives themselves have paid for by the sweat of their faces or by the slow wearing out of the physical bodies. My affiliations as regards the captains of industry in this State who

have developed these great water powers and transportation facilities of the State have been close and intimate all my life. I take off my hat to them all, whether it be to that gentleman rather slurringly referred to who went into Rumford Falls and built up that magnificent city, all unaided, through his own strength and persistence and faith in the doing of things, or in that large-hearted, big-brained man who, more than any man living in our State today, has invited the whole world to come here and share the best of all that we possess.

For the lobby I have only kind words. I realize how difficult it would be for us to legislate, even with what intelligence we do, on the intricate questions with which they must be familiar and with which we are not. My criticism—my grief, as regard these gentlemen, the head of that great profession which, while laws remain upon our statute books, we must look to for guidance and help—ex-governors, ex-judges of the supreme court, leaders in all of our social, commercial and political life, my criticism and my grief is that they never darken our doors save when a question comes up which has the line sharply drawn between public and private rights; and then they are here to represent private interests and to get mercenary rewards which it will take us 10 or 15 years of legislative salaries to equal.

Here in this State today, distracted as we are with all the problems that concern our moral progress, trying to find some solution of the question how to secure temperance among our people, acknowledging our inability at times to devise fair and equitable system of taxation throughout the State—on all these questions we are deprived of the knowledge and advice they might give us, but it is only such a question as this, and then on the side which cannot escape the criticism of being on the side of private interests, they appear to give us their counsel.

I cannot wonder that they have come here on this question. It does not remain for me to repeat what is acknowledged throughout this chamber and throughout the State, that this very question which we have before us—whatever other questions we have been discussing as regards the moral and commercial

progress of our State—that this very question on the simple line-up of public or private wants whether it is time now for the State to step in and conserve what little she has left of our magnificent resources—is the most important question we have had yet to consider.

For the first time in the history of our State it is proposed to draw upon our great lake reservoirs. Before this we have had dams and water storage under our liberal flowage system and everybody welcomes an addition to the water power of the State so created and thus naturally created.

For the first time this proposition has been made. The Megunticook case is not in point, for it was practically unopposed, and it involved no question of tapping our great natural reservoirs. The question cannot be belittled by putting it as a question at issue between the thousands of operatives on the Androscoggin and the few camp owners and summer resort people in Franklin and Oxford counties; and if the question was raised on that issue—even if it involved the fate of those people and of that thriving town at Rangeley, of half of Oxford and all of Franklin county, even then the issue would be different and would be an easier issue for us to meet.

The question cannot be so belittled. I am not surprised that we have these people down among us, represented here by only two senators, pleading and begging for their interests. That map (pointing to map of Mooselucmeguntic lake and vicinity which was exhibited in the Senate chamber) shows you that even as the water is today, with 17 feet in those lakes, there are four and a half acres of mud flats already exposed; and when this bill provides that they can go down to mud sills 11 feet more, taking the full 21 feet of water for four months in the year I am not surprised that these people and all interests connected with them, rise up in alarm and plead to us for mercy.

Upon that map you have the lakes practically as they are today. I do not like to suggest that with the privilege of draining down eleven feet more and dredging so far as they may to secure

that drainage—I do not like to repeat the suggestion that has been made that when that is done, there is no guardian of the interests of the whole State there to see that they do not take that water, not only during the four months of the year, but during the summer months when they most need it, if they need it at all. I do not like to raise the question that, if that should be done, there is no ready remedy or any easy recourse to stop it. I do not like to suggest that, in the terms of the bill, while it provides for damages to those people along the shores of that lake, that that is an indefinite promise which they refuse to accept and they see more hardships in securing that remedy than they do in going without it.

Senators,—on this matter of water storage in this State it must come to every thoughtful and serious man—perhaps it is too late to stop it now—that our great State has not from the beginning, and is not now getting from its magnificent natural resources what the State, as a political entity, is entitled to. We have resources beyond those of any other state. We have illimitable wealth in our great water power and our timberlands. Once we had the fisheries which helped when we were a struggling people along the coast. Once we had ship-building in that section; but today, of all the resources available to this State, there remain only the timberlands and the water power—illimitable, both rich beyond computation.

What I would like to ask is this: What does this State of Maine represented here by ourselves, as a political entity and in its sovereign capacity—what does it draw from these vast interests? The timberlands have slipped away from us, and with the timberlands went numerous and unknown and undeveloped water powers all through that vast region. The water powers were developed, charters were granted, franchises in perpetuity granted and the State from all these riches gathered no toll and get no toll today.

Here we have within the area of our State a section which hardly has an equal throughout the world as re-

gards the impounding of water. Six million six hundred thousand horse power flows daily down our streams; and we are told, by those who have studied it; that this represents the work of over eighty million of men working for ten hours a day every day in the week—and yet, with it all, what do we get?

The elevation of the Rangeleys is as high as lake Itasca which feeds the whole Mississippi. The Kennebec has more lakes connected with it than the Oronoco and the Penobscot more than the Amazon and both have more lakes than all the rivers of the great continent of Africa combined. And what does our poor State get from it all?

From a time of these natural resources, if we husband them as we ought, we could have paid our State debt—we could pay the running expenses of this State and we need not do as we now do—come here and cut down a thousand worthy charities that appeal to our sympathies, or sell our good name and our virtue in order that corporations that have no right to live should receive here their creation and go out to the world with the good name of the State of Maine affixed upon them; and then try to remedy the situation by sending representatives to Washington to “bust the trusts.” ((Applause.))

Now, all through that vast territory, silently and stealthily there has been going on the purchase of our magnificent water power; and, gentlemen, the same influences—and I might say the same hands—that seek now to invade and spoliolate the Rangeleys are ready to stretch out to ravish Mooshead and the whole line of lakes along our northern boundary. If you permit the precedent to be established, that sober truth will come back to you almost before you return to your constituents. What have we left? Only the excellent and stretching waters which are the property of the State and we the trustees of the people whom we represent? Never before in this State has the proposition been made to tap these lakes from underneath. Always the proposition has been: Increase your dam, provide

your storage and draw upon the water in a natural way.

This is not a question of whether the Androscoggin valley shall be allowed to suffer. I stood in the library of Bowdoin College last Saturday before a map of our beloved State with a representative of the Hydrographic Commission, which with the aid of the United States Government is doing the great work of determining the water capacity of our State; surveying the streams; looking into the matter of water storage and doing work beyond any other work that is being done in our State today; and I asked him what he thought of this proposition. We turned to Moosehead. He said: The commission have just finished a survey of the region to the north of Moosehead, at Brasua Lake and at Attean Pond and at numerous other places, we have found that water storage can be provided which will provide Moosehead with all the power that can be ever used on its vast tributaries for now and forever, without disturbing that water level. And, he said, you can go to Rangeley—you can go north towards Parmachenee—you can go to the one hundred and thirty-three lakes that are tributary to the Androscoggin—you can go to over five hundred streams which carry down their floods to that river—you can go to the Magalloway river and you can store all the water that will ever be needed to double the Androscoggin in its capacity and provide all the mills with power from Rumford Falls to the tidal waters of the sea.

Now, gentlemen, if I did not believe that this could be done,—if I believed we were going to cripple those industries, there would be a different proposition for us to consider; but it is not so. The people on the other side will not deny that it is possible and feasible to build a dam and store water on the Magalloway and on the north of the Rangeley Lake system; and when they do it, the Union Water Power Company need not do it—no individual mill need do it, but the twenty-five million dollars capital of the Androscoggin properties returning the richest reward as it does

to the stockholders, can make a levy; and the sum has been put as low as one hundred and fifty to two hundred thousand dollars, accomplish that work and settle the question now and forever to the end that, when we have similar questions to this raised, the people interested shall contribute of their great means and solve them.

I have had it thrown up that with me it is a matter of sentiment.

If it is sentiment, to be proud of those resources with which God has endowed us, and to wish to preserve them, I yield to the sentiment; and, behind that sentiment there is a most profound mercenary reason for advocating this very step and that is, that that sentiment means a steady flow of wealth into this State distributed from the seacoast to the mountains, in a way in which a distribution in a more concentrated form either to mills or to camp proprietors cannot approach.

Cut out that sentiment if you will and you reverse the step which you have taken, and wisely taken, for years to preserve the so-called summer interests and scenic beauties to the people of our State and the United States. Throw down, if you will, all your appropriations which you have made to stock your fish as an incentive for people to come here—notify them if you will and you have notified them by this very agitation—and you have injured the people at the lakes. Now, whatever the end of this discussion may be—you have injured them beyond repair by the proposition going out to the United States that the very thought is harbored here of drawing upon these lakes. You can do it, if you will. You can turn back the tide of travel coming here at the rate of 400,000 people a year, and leaving here between a million and a half and two million dollars. It is within your power to do it; but, when you turn back that golden tide you turn it back not only from Rangeley and Moosehead, but you turn it back from the whole coast and the whole State, because those people who come here, come to not one section only but they spend their summer at the seashore and then go to the lakes and that is perfectly well known.

You have power to do all this; but,

when you cut out sentiment you cut out all these things, you cut out all the literature that has ever been inspired by the love of the natural beauty of our State.

I have heard of pessimistic pictures drawn of the future of this State of ours. I have heard men draw the picture that in our day and generation, we will live to see our forests stripped, our waters polluted, our fish killed, our lakes mud banks; and then six months of winter. In such an arid wintry waste what is there left to those of us who are established here, and whose children and children's children expect to live here after us? What is there, my friends, then left?

I do not take that view. I believe this very discussion is going to stimulate such a wave of enthusiasm, of interest and faith in our good State that we shall make a stand for what little is left for us of our great natural resources. I prefer to take the view of the most eloquent epitome I have ever read of our good State, which I would like to see in the hands of every man, woman and child within its limits where it is said that the State of Maine has yet much to enlist human interest and to inspire life and love—"its thousand lakes"—those very lakes whose lives you are asked to take now, embosomed in deep forests, a countless network of silver threaded streams and blue waters, this wonderful shore, these beaches and bays, bold headlands, sun-steeped in loveliness or storm-sweet in grandeur.

These invite the brave, the noble, the cultured. The weary with work come here to rest—those who love nature's simplicity and are partakers in her sacraments. Homes of wealth arise and scorn not humbler ones, but lend a helping hand to honest and homely toil. These things knit hearts together anew, and they will love the land, and the land will give back strength."

Mr. STAPLES—Mr. President, Since I spoke there has been put into my hands a resolution which I want to put into the case, from the Lewiston Labor Union composed of a large number of the laboring men of that city. (Resolution read.)

Mr. MILLS—Before the motion is

put I ask your indulgence for a moment, while I answer briefly, and I hope clearly and without argument, and I trust without any attempt at oratory, some of the statements which have been made probably under a misapprehension of the facts. The senator from Knox suggests that we lose no time now in the mills at Lewiston and other places on the banks of the river—only two hours in 1893, 1894. He further states that the requirements in this bill will result in lowering the lakes 11 feet instead of six. I know not where he gets his authority. I never have seen anything of that kind in the bill. I have never seen anything which will give the company those rights. I can only account for it by the fact that he has talked with certain people opposing this bill and that he may have been filled up with what may have appeared to him to be facts, but which were not borne out by the truth. I know he would not have made the statement unless he believed it to be true.

With reference to the idleness going on down there I want to tell you that the books of the company show that the men were idle four weeks in 1903 and 1904, and they are idle today when it comes to the latter part of the afternoon. There is not waterpower enough in those mills to keep them going.

I believe that the provisions of this bill if enacted into law will work for the interests of the laboring people and greatly promote their comfort and general welfare. For that reason, I shall vote for the measure.

The question being put upon the motion of the senator from Oxford to substitute the minority for the majority the yeas and nays were called for and ordered and the vote being had resulted as follows: Those voting yea were Messrs. Bailey, Barrows, Brown, Foss, Hastings, Irving, Libby, Merrill, Page, Proctor, Heselton, Rice, Sewall, Simpson, Staples, Tartre (16). Those voting nay were Messrs. Ayer, Clarke, Deasy, Eaton, Gargelon, Houston, Mills, Parkhurst, Phipoon, Putnam, Stearns, Theriault, Wynar (13).

So the motion prevailed.
A motion to reconsider the foregoing vote was lost.

On motion by Mr. Staples of Knox, majority report, ought not to pass, and minority report, ought to pass, on bill re-

lating to Biddeford police board, was taken from the table.

The same senator further moved that the said reports be reassignd for consideration on Friday, March 8.

Mr. TARTRE of York—Mr. President, it was very well understood by the senator from Knox that this should be taken up today; and I see no reason why it should not be taken up at this time. I insist upon action on this matter at the present time.

The question being put upon the motion to reassign the consideration of the reports, the motion was lost.

Mr. Tartre of York thereupon moved the acceptance of the majority report.

Mr. STAPLES of Knox—Mr. President, I regret that I should be compelled to speak upon this matter at this time. I regard it as of almost equal importance as the one we have been discussing. Had any senator made a similar request of me I should certainly have granted it.

In this State we all believe in self-government. For the last 10 years in the city of Biddeford they have had what is called a police commission—the only city in the State that is put under guardianship by the Legislature. What occasion there was for it between the two parties, at the time they came down here and changed the matter over I do not know and I do not care to know. I only know that the city of Biddeford, by an act of the Legislature, has been placed under guardianship and divested of the right through her own people to govern her affairs. In the city of Biddeford they have a "Boss Tweed" in a small way, Charles B. Harmon, who has dominated the city of Biddeford for the last 18 years. The best element of Biddeford was before the committee and I was surprised at the state of affairs which was shown to exist there. If you could have listened to the testimony given before the committee, it would have surprised you as to the way the matter was conducted there. I hold here in my hand 26 affidavits from the best people of Biddeford telling what has been done under the regime of this police commission, and they ask you not to defeat the present measure.

The whole proceeding is an outrage upon the principle of local self-government, and local taxation. It is subversive of the Constitution and the Declaration of Independence.

I was in hopes, Mr. President, that this matter would go over so that I might offer an amendment to this bill which I have not time to do at this session. I was going to offer an amendment in the nature of a referendum. This is a question which rises above politics and strikes at the very root of self-government, and I am surprised that the senator from York would not give me time to prepare the amendment. I cannot, at this time, go on further with this matter, but must submit it.

Mr. TARTRE of York: Mr. President: I did not intend to say anything at all in this matter, but the senator from Knox speaks in such a way as to the

management in Biddeford that I feel obliged to say a few words in favor of Biddeford, and I will say only this: In listening to the arguments of those in opposition to this bill, I wish to say that Mr. Walker, who was elected last fall for the very purpose of coming down here and getting this police commission abolished, in his remarks last week in the House, in the conclusion of his remarks said that Biddeford was the best city and I am proud to live in Biddeford.

The question being put upon the motion of Senator Tartre to accept the majority report, ought not to pass, a yeas and nays vote was called for and resulted as follows: Those voting yeas were Messrs. Ayer, Barrows, Brown, Deasy, Eaton, Hastings, Houston, Irving, Mills, Page, Parkhurst, Heselton, Rice, Sewall, Simpson, Stearns, Tartre, Theriault, Wyman—19. Those voting nays were Messrs. Foss, Garcelon, Merrill, Priloon, Proctor, Staples—6. So the motion prevailed and the majority report of the committee was accepted.

Under suspension of the rule House Document No. 332, "An Act to provide an additional term of the supreme judicial court for the county of Oxford took its two several readings and was passed to be engrossed.

On motion by Mr. Eaton of Washington the report of the committee on legal affairs relating to the care and support of paupers was taken from the table and on further motion by the same senator the report was accepted.

On motion by Mr. Staples of Knox, House Document No. 357 was taken from the table and on further motion by the same senator was recommitted to the committee on interior waters.

On motion by Mr. Staples of Knox the Senate adjourned.