

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

SENATE.

Tuesday, March 19, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Livingstone of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, "An Act relative to the payment of deposits in the name of two persons." This bill in the House, under suspension of the rules, was passed to be engrossed without reference to any committee. On motion by Mr. Mills of Hancock the bill was tabled.

House Bills Read and Assigned.

An Act to incorporate the Harrison Water Company.

An Act to incorporate the Prospect Harbor Village Corporation.

An Act in relation to sessions of the law court.

An Act to limit the time for bringing actions for the recovery of uncultivated lands in incorporated places.

An Act to grant additional powers to the Sebasticook Power Company.

An Act additional to Chapter 48 of the Revised Statutes relating to savings banks.

An Act in regard to the right of the peremptory challenge of jurors.

An Act to amend Section 54 of Chapter 49 of the Revised Statutes, providing a lien for a mortgagee of any mortgage of personal property upon any policy of insurance on such property.

Resolve in favor of William J. Maxwell.

An Act to incorporate the Lubec Trust Company.

An Act to incorporate the Somerset Trust Company.

An Act to amend Chapter 419 of the Private and Special Laws of 1897 as amended by Chapter 155 of the Private and Special Laws of 1899 and by Chapter 308 of the Private and Special Laws of 1901, entitled "An Act to incorporate the Penobscot East Branch Log Driving Company."

An Act to amend Chapter 193 of the Private and Special Laws of 1903 entitled, "An Act to incorporate the East Branch Improvement Company."

Resolve in favor of screening Kingsbury pond, in the county of Piscataquis.

An Act to provide for a license for unnaturalized foreign-born residents to hunt game and birds.

Resolve in favor of James W. Doughty.

Resolve in favor of Benjamin F. Brown.

Resolve in favor of an appropriation to erect a screen in the stream connecting Great Lake and Long Lake in the town of Belgrade, county of Kennebec.

Majority report of the Committee on Claims on resolve in favor of Michael Burns, submitting the same in new draft under same title; and minority report ought not to pass on the same matter, came from the House, both reports indefinitely postponed. On motion by Mr. Barrows of Penobscot the Senate concurred.

Bill, "An Act to enable the town of Danforth to purchase the stock and franchises of the Danforth Water Company or any part thereof, which on March 14th was passed to be engrossed by the Senate was returned from the House in that branch, passed to be engrossed as amended by House amendment A. The vote whereby the bill was passed to be engrossed was reconsidered. House amendment A adopted in concurrence and as amended the bill was passed to be engrossed.

Bill, "An Act to amend Sections 41, 42 and 43 of Chapter 15 of the Revised Statutes relating to superintendents of schools," passed to be engrossed in the Senate, March 13, was returned from the House in that branch, passed to be engrossed as amended by House amendment A. The vote whereby the bill was passed to be engrossed was reconsidered, House amendment A was adopted in concurrence; and the bill as amended was passed to be engrossed.

The bill and resolve were presented and referred.

States Lands and State Roads.

By Mr. Staples of Knox: Bill, "An Act to amend Section 100 of Chapter 23 of the Revised Statutes, as amended by

Chapter 115 of the Public Laws of 1905, relating to State roads."

Appropriations and Financial Affairs.

By Mr. Ayer of Kennebec: Resolve in favor of Harry D. Hawes.

Reports of Committees.

The joint special Committee on Salaries and Fees on "Resolve in favor of the Committee on Banks and Banking," reported same ought to pass.

Mr. Page for the same committee on Bill, "An Act to provide for a clerk for the register of deeds for the Northern Registry of Deeds for Aroostook county," reported same that ought not to pass.

Mr. Sewall for the same committee on Bill, "An Act relating to the fees of register of probate of Aroostook," reported that same ought to pass.

Mr. Putnam for the Committee on Judiciary on Bill, "An Act to amend Section 47 of Chapter 47 of the Revised Statutes relating to corporations," submitted same in new draft under same title and that it ought to pass.

The same committee on petition of D. O. Coolidge and others of Farmington that there be established a "State police board," reported that the petition be placed on file.

Mr. Deasy for the same committee, on Bill, "An Act to amend Section 4 of Chapter 95 of the Public Laws of 1905, relating to appointment of receivers," reported that same ought to pass.

Mr. Rice for the Committee on Education, on Bill, "An Act to provide for instructor in music in the public schools," taken from the files of last session, reported that same ought not to pass.

The same Senator for the Committee on Inland Fisheries and Game on Bill, "An Act in relation to beaver," reported that same ought not to pass.

The same Senator for the same committee on petition of C. A. Judkins and others, "relating to fishing in Brushua lake," reported that the petitioners have leave to withdraw.

Mr. Mills for the Committee on Legal Affairs, also Mr. Rice from the Committee on Inland Fisheries and Game, severally submitted their final report that they had acted on all matters referred to them.

At this point Senator Hastings was called to the chair.

Passed to Be Engrossed.

An Act to amend Section 14 of Chapter 142 of the Revised Statutes, relating to earnings of prisoners, committed to House of Correction.

An Act to amend Section 51 of Chapter 23 of the Revised Statutes relating to the powers, liabilities and penalties of plantations.

An Act to legalize the doings of the Free Will Baptist Parish of Limerick.

An Act to amend Section 1, Chapter 129 of the Revised Statutes relating to Pollution of Water.

An Act to confirm the incorporation of the Maine Children's Home Society.

An Act relating to the Old Town Municipal Court in the county of Penobscot.

An Act to legalize the acts of Pleasant Ridge Plantation in the county of Somerset.

An Act amending Section 24 of Chapter 144 of the Revised Statutes, relating to the Insane Hospitals.

An Act to secure the preservation of, and to make public the early records of towns and plantations.

An Act to amend Section 6 of Chapter 113 of the Revised Statutes, to provide for the recording of assignment of wages.

An Act to incorporate the Central Maine Insurance Company.

An Act to incorporate the Danforth Trust Company.

Resolve in favor of building a breakwater in Moosehead Lake near Kineo.

Resolve, authorizing the State land agent to sell certain lots in the towns of Saint Agatha and Madawaska in Aroostook county.

An Act to regulate fishing in Meadow Brook, so called, and its tributaries, in the county of Oxford.

An Act to extend the open season on duck in Lincoln county.

An Act to regulate fishing in Wesserunsett stream and tributaries, in the county of Somerset.

An Act to regulate fishing in Bonneg Beg pond, in Sanford and North Berwick, in the county of York.

An Act to regulate fishing in Jimmy, Buker, Sand, Long or Purgatory, and

Little Purgatory ponds, in the county of Kennebec.

An Act to amend Section 116, Chapter 84, Revised Statutes, relating to witnesses.

An Act to amend Section 12, Chapter 135, of the Revised Statutes, relating to the challenge of Jurors in certain criminal cases.

An Act to amend Chapter 139 of the Public Laws of 1905, relating to register of deeds.

An Act to amend an act approved Feb. 22, 1907, entitled "An Act to amend Chapter 107 of the Private and Special Laws of 1905" entitled "An Act to incorporate the Stockton Springs Water Co."

An Act to provide for the remuneration of deputy sheriffs.

An Act to incorporate the trustees of Machiasport bridge.

An Act relating to the assessment of nesses at court.

An Act additional to an act providing an additional term of the supreme judicial court for the county of Oxford, approved by the Governor March 9, A. D., 1907.

An Act relating to the assessment of taxes.

Resolve in favor of the Maine Insane hospital.

An Act to amend Chapter 6 of the Revised Statutes relating to elections.

An Act to amend Section 11 of Chapter 23 of the Revised Statutes as amended by Chapter 79 of the laws of 1905, relating to boundaries of ways.

Resolve to appropriate \$100 to screen Lake Webb in the county of Franklin.

An Act to regulate fishing in Collins pond, so called, in the town of Windham.

An Act to repeal Chapter 248 of the Private and Special Laws of 1905, amendatory to Section 3 of Chapter 407 of the Private and Special Laws of 1903, relating to the time and number of fish that can be taken in the streams lying wholly or partly in the towns of Freeman, Salem and Strong.

An Act to regulate fishing in Loon lake and in Cow pond, so-called, in the county of Franklin.

An Act for the protection of deer in York county.

An Act to regulate fishing in Spear stream in the county of Oxford, also its tributaries.

An Act to amend Section 40 of Chapter 41 of the Revised Statutes, relating to seines.

An Act to repeal Chapter 582 of the Special Laws of 1868, and Chapter 191 of the Special Laws of 1903, relating to the taking of codfish, pollock, hake and haddock in the waters of Frenchmen's Bay.

An Act to amend Section 1 of Chapter 405 of the Private and Special Laws of 1901, relating to the taking of herring.

Resolve, in favor of the town of New Portland.

Resolve, in favor of Harry A. Furbish.

Resolve, in favor of the town of Meddybemps.

Resolve, in favor of the town of Barre in Washington county.

Resolve, in favor of L. C. Morse.

Resolve, in favor of the Maine Insane Hospital.

An Act to amend Sections 13 and 124 of Chapter 15 of the Revised Statutes, relating to the mill fund and school tax.

On motion of Mr. Sewall of Sagadahoc this bill was tabled.

An Act to amend Section 1, Chapter 317 of the Special Laws of 1901 entitled "An Act to protect lobsters in any waters adjacent to the shores of the towns of Lubec and Trescott."

An Act relating to corporations.

"Resolve in favor of the city of Gardiner and town of Randolph."

On motion by Mr. Bailey of Somerset this bill was tabled.

At this point the President resumed the chair.

Passed to be Enacted.

An Act relating to the Portland and Rumford Falls Railway and the Rumford Falls and Rangeley Lakes Railroad Company.

An Act to incorporate the Portland and Rumford Falls Railroad.

An Act to amend Section 1 of Chapter 381 of the Revised Statutes, relating to the taking of eels in the Damascotta river.

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

An Act to amend and extend the charter of the Union River Water Storage Company.

An Act to amend Section 79 of Chapter 15, R. S., of 1903, relating to the time within which academies shall receive State aid under Section 76 of said chapter.

An Act creating the office of probation officer for the city of Westbrook.

An Act creating the Ft. Kent Village Corporation.

An Act to incorporate the Wells Electric Light and Power Company.

An Act to extend the charter of the Bluehill and Bucksport Electric Railroad Company.

An Act to amend Section 7 of Chapter 47, R. S., relating to corporations.

An Act to amend the charter of the Milo Water Company.

An Act in relation to public landings.

An Act legalizing certain acts of the town of Stonington.

An Act to amend and extend the charter rights, powers and purposes of the Sebec Power Company as authorized by Chapter 209 of the Private and Special Laws of 1905.

An Act to amend Section 44 of Chapter 40, R. S., relating to sanitary conditions of factories, workshops, mines and quarries.

An Act to amend Section 13 of Chapter 4, R. S., relating to election of road commissioners.

An Act to amend Section 81 of Chapter 15, R. S., relating to State aid for academies.

An Act to amend and extend the charter of the Dexter Trust Company for two years.

An Act to incorporate the Suburban Water District of Farmington, Maine.

An Act to authorize Somerset Railway Company to issue additional stock.

An Act to amend Chapter 15 of the Private and Special Laws of 1905, relating to Lake Nequasset.

An Act to provide a salary for the judge of the municipal court of Dexter.

An Act to authorize the Atlantic Shore Line Railway to discontinue

operation of its ferry across the Piscataqua river in certain instances.

An Act to amend "An Act to enlarge the powers of the Carrabasset Stock Farms."

An Act to extend the charter of the Camden and Liberty Railway.

An Act to incorporate the Kingman Developing Company.

An Act to extend the rights, powers and privileges of the Brownville and Williamsburg Water Company.

An Act to provide for information to the board of State assessors, relating to transfers of wild lands.

An Act additional to and amendatory of Chapter 29 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Kennebec Light and Heat Company."

An Act to prevent the unlawful diversion of water.

An Act to amend Chapter 30, R. S., relating to apothecaries and the sale of poison.

An Act additional to Chapter 242 of the Private and Special Laws of 1895, entitled "An Act to incorporate the city of South Portland."

An Act to incorporate the Northern Railway of Maine.

An Act to incorporate the Caribou and Washburn Street Railway.

An Act to amend and extend the Mil-bridge and Cherryfield Street Railway charter.

An Act to incorporate Dr. King's hospital.

An Act to enable the town of Danforth to purchase the stock or franchises of the Danforth Water Company on any part thereof, (tabled on motion of Mr. Baldwin of Boothbay Harbor.)

An Act to amend the charter of the city of Rockland and to make legal and valid permits for wharves in tide waters.

An Act requiring steam plants in school buildings, churches, and other public buildings to be in charge of competent persons.

An Act to amend Section 9 of Chapter 27, R. S., relating to paupers, their settlement and support.

An Act to amend Section 66 and Section 80 of Chapter 15, R. S., relating to State aid to academies.

An Act relating to coroner's inquests in case of fatal accidents on railroads.

An Act in relation to employment agencies.

An Act to regulate the use of a certain road in the town of Readfield.

An Act to provide for sewage in the town of Stockton Springs.

An Act to change the name of the Deaconess Home Association of Bangor, Maine.

An Act to incorporate the North Bridgton Water Company.

An Act authorizing the payment of an annuity by the city of Portland to Ann M. Burnham.

An Act amendatory of Sections 67 and 68 of Chapter 79, R. S., relating to the reporter of decisions.

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

An Act to amend Chapter 315 of the Private and Special Laws of 1903, entitled, "An Act to incorporate the Mad-unkeunk Dam and Improvement Company."

An Act to amend Section 2 of Chapter 15, R. S., relating to Public Schools.

An Act to incorporate the Vassalboro Electric Light and Power Company.

An act for the protection of gray squirrels and black squirrels, so called.

An Act to make valid the acts of the Lewiston, Greene and Monmouth Telephone Company.

An Act to repeal Chapter 366 of the Private and Special Laws of 1903, relating to fire wardens in the town of Bucksport.

An Act to encourage the compiling and teaching of local history and local geography in the public schools.

An Act to amend Chapter 202 of the Private and Social Laws of 1895, relative to charter of the Fort Kent Telephone Company.

An Act to incorporate the Upper St. John River Improvement Company.

An Act to amend the charter of the Ossipee Valley Telegraph and Telephone Company.

An Act to provide for amendments to articles of association filed under

Chapter 53, R. S., relating to street railroads.

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

An Act to amend Section 63 of Chapter 15, R. S., relating to tuition in High schools.

An Act authorizing the construction of a wharf into the tide waters of Jerico bay in Deer Isle, Hancock county.

An Act to amend Section 1 of Chapter 75, R. S., in relation to the ownership of down timber and bark.

An Act to incorporate the Princeton and Grand Lake Stream Steamboat Company.

An Act to prevent the pollution of the waters of Cobbosseecontee Great pond, Jamies pond, Sanborn pond, Purgatory pond, Pleasant pond and Cobbosseecontee river.

An Act to incorporate the Winthrop Spring Company.

An Act to incorporate the Ocean and Northern Railroad Company.

An Act to incorporate the Wells Telephone Company.

An Act to amend Chapter 64 of the Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901, and by Chapter 48 of the Private and Special Laws of 1903, and by Chapter 205 of the Private and Special Laws of 1905, relating to the Wilson Stream Dam Company.

Finally Passed.

Resolve in favor of the town of Stockton Springs.

Resolve in favor of the town of Isle au Haut.

Resolve in favor of the town of Mariaville.

Resolve to provide water supply at State camp grounds.

Resolve in favor of Louis D. Greenwood.

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

Resolve making appropriation for the Penobscot tribe of Indians.

Resolve to provide for repairs of road leading from Roach river to the Grant farm.

Resolve in favor of Daniel R. Palmer of Buckfield.

Resolve in favor of Benjamin F. Brown.

Resolve in favor of the Norcross Transportation Company to aid in the erection of buoys as guides to navigation in North Twin lake and adjacent thoroughfares.

Resolve in favor of Elmira H. Dunbar of Cherryfield.

Resolve in favor of E. J. Crosby, secretary of the committee on agriculture.

Resolve in favor of Dana L. Theriault to reimburse him for expenses incurred in contested election in Fort Kent class.

Resolve in aid of navigation on Schoodic Grand lake.

Resolve in aid of repairs of road leading from Northwest Carry on Moosehead lake to the Pittston farm on the west branch of the Penobscot river.

Resolve in favor of Limerick Academy.

Orders of the Day.

Mr. CURTIS of Cumberland: Mr. President, I move to take from the table Senate Document No. 248, and I ask the Chair to state the present status of the bill and rule thereon for the information of the Senate.

The PRESIDENT: The senator from Cumberland moves to take from the table Senate Document No. 248 "An Act to amend Section 24 of Chapter 2, of the Revised Statutes, establishing the seat of government.

The motion prevailed.

The PRESIDENT: The same senator asked the Chair for a ruling.

The Chair, after careful examination of the joint rules, standing rules of the Senate, Reed's Rules, Cushing's Law of Legislative Assemblies, the Rules and Practice of the United States House of Representatives and having consulted with the compiler of those rules, who is acknowledged to be the greatest parliamentarian in the world, finds that Senate Rule 17 provides that "every paper shall be once read at the table before any senator shall be obliged to vote upon it," and that Senate Rule 20 provides that "no bill or resolve shall pass to be engrossed without being twice read."

"Cushing states that according to the ancient practice and rules of the English Parliament a motion that the bill be given its first reading was in order and if desired in the negative rejects the bill and it could not be brought up again during that session of parliament.

"The rules of the United States House of Representatives in Washington require all bills and joint resolves on their passage to be read twice, first by title and the second time in full, and under the practice of that body, no objection can be made to the first or second reading, and no voting takes place thereon until upon the question 'of its being read a third time and passage to be engrossed.' The Rules of Parliament set forth by Cushing being inconsistent with the Senate rules and practice do not govern this body. (Senate Rule 37) and the rule of the United States House of Representatives relating to the reading of bills is analagous to our Senate rule which requires a bill (or paper) to be read before a senator is obliged to vote upon it and which requires every bill or resolve to be read twice before they pass to be engrossed.

"Under the rules of the Senate bills are entitled to their first reading as a matter of course. Without suspension of the rules action of the Senate with reference to such reading is not in order except to determine the time of such reading. The vote of the Senate on Friday last with reference to the first reading of the bill now under consideration was in order, and could be of effect, only to the extent of determining that the bill should not have its first reading at that time. To give it other and further effect would require to give it the effect also of a suspension of the rules which requires a two-third's vote, which was wanting.

"That the vote of Friday was not intended by the senator demanding it or by the Senate as a vote to reject the bill is apparent from the fact that the senator immediately thereafter made a motion to that effect in the form of a motion to indefinitely postpone the bill, which motion was rejected by the Senate and the bill subsequently by

vote of the Senate laid upon the table and specially assigned for today.

"This action of the Senate would be futile and vain if the former vote was held to be a vote of rejection of the bill.

"I therefore rule that the bill has not been rejected by the Senate and having been especially assigned for today is now before the Senate and entitled, unless the Senate shall assign some other time therefor, to its first reading under the rules."

Mr. HESELTON of Kennebec: Mr. President, I take an appeal from the ruling of the Chair.

The PRESIDENT: The senator from Kennebec takes an appeal to the ruling of the Chair and the question is: Shall the decision of the Chair stand as a judgment of the Senate?

Mr. HESELTON: The question before the Senate is simply a preliminary question of, whether the President's interpretation of the rule is the correct one. I believe, in addressing the Senate, that every one of its members recognize that any assembly of this kind should be governed by rules, and that they should adhere to those rules, if they understand them. That these rules should not be lightly brushed aside, or arbitrarily overruled for the purpose of gaining a point in parliamentary tactics as to enact some law. I think that it is well understood by the members of this Senate that every question that comes before an assembly of this kind must come there by motion and by vote. I have before me the "Law and practice of legislative assemblies," by Cushing, which has been invoked by the President, in his ruling just read to us. I have before me what every one of you have, the rules which are adopted by the Senate for the guidance of the Senate. The last rule in that book, Rule 37, reads as follows: The rules of parliamentary practice comprised in "Reed's Rules" and "Cushing Law and Practice of Legislative Assemblies" shall govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules of the Senate or of the joint rules of the two Houses.

Now in order to find what Cushing says upon this subject matter before us, if you will refer to his book, on

page 834, you will find this statement: "A bill having been received, as above mentioned" (and the process of legislative procedure is well known to the members of this Senate—the order or bill goes to the committee, it is reported by the committee to the Senate, the President asks the Senate: Shall the report of the committee be accepted? And we vote upon it and then, it says in Cushing's Manual) "the bill having been received as above mentioned, it is then in order to move that it be read or." (what is the same thing) "that it be read the first time;" (and that is the authority which governs the practice of procedure in this Senate.) "It is then in order that it be read or that it be read the first time. If this motion is decided in the affirmative, the next step is to fix the time on which the first reading shall take place: if in the negative the bill cannot be read at all, or proceeded with any further because no subsequent steps in procedure can be taken but in the regular course."

Now, Reed's Rules, which I have before me here, state nothing to the contrary. The rules of the United States Senate and of Congress have no force or effect here excepting as they are incorporated in Reed's Rules. Rule 17 of this body says in referring to the practice of the constraining power which obliges us to vote upon a question, that until that subject matter is read to the Senate you cannot oblige the senators to vote. It has nothing in construction at variance with Cushing's Manual which I have just read to you. The 17th rule of the Senate reads as follows: "Every paper shall be once read at the table before any senator shall be obliged to vote on it."—it does not say that it must not come here by vote or by motion and vote; it simply says it must be read, before a senator is obliged to vote upon it.

I think it is well recognized, here as elsewhere, that legislative bodies can not consider any question before them, unless it is presented by a motion and then determined by a vote. That is the only question before the Senate at the present time. Whether we can now take from the table without a motion to reconsider, and every one recognizes that a motion to reconsider at this time

would be a nullity, if you can take that from the table now, and arbitrarily place it before this body to accomplish a result. That is all there is to the question. As well might the President of this Senate, in a court of justice ask to take off the statute of limitation, because by neglect, an individual had allowed six years or more to elapse on an account or a note which he had against an individual.

The only question before us is this: Whether the President by this arbitrary ruling shall overturn the established rules of practice in all legislative assemblies and especially in this legislative assembly which invokes the authority upon which it rests, Reed's Rules and Cushing Manual.

I trust that the Senate will sustain the appeal from the Chair. I believe the ruling is unfounded in good parliamentary practice. I do not believe that Asher Hinds understood, or had before him, the rules of this Senate or the facts, as they should have been, stated clearly and fully to him. I believe that, if Asher Hinds sat in that chair, he would sustain the position that I am here advocating. It is our desire to take advantage of the neglect of our opponents in their parliamentary procedure in this matter. They took their own position; and if, by neglect, they have lost their rights, they should abide by the results; and not ask us, senators, at this time to go away from the established rules of this Senate and the Legislature assemblies here for the purpose of giving them an opportunity to carry forward their measure.

Mr. MERRILL of Cumberland—Mr. President, I think that the senator from Kennebec is hardly fair in his statement of the case. If he will read rule 37 he will see that the rules of parliamentary practice comprised in Reed's rules and Cushing's law and practice of legislative assemblies shall govern the Senate in all cases to which they are applicable, in which they are not inconsistent with the standing rules.

Now the rule which he refers to in Cushing's manual related to the English Parliament, and as I understand it there was no rule governing the subject in the English Parliament. He says we do not wish to set aside all

the practice of legislative assemblies, and so forth, and yet in the breath before he said that the practice of Congress had nothing to do with it. Now if he will look also at rule 17 he will see that every paper shall be once read at the table before any senator shall be obliged to vote on it.

Now what was the course that the matter took on Friday? The senator made a motion that the bill be given its first reading. That motion was defeated. Then immediately he made the motion that the bill be indefinitely postponed. Now if his contention is correct at the present day, what could be the force of that second motion, that the bill be indefinitely postponed? After considerable discussion that motion was defeated, showing very plainly that it was the intention of the Senate that the bill should be refused its reading, by the first motion at that time. There can be no other thing which you can decide which would be consistent with the procedure right through; for, subsequently to that, the bill was laid on the table and assigned for a day certain.

Now gentlemen it seems to me that this is a very simple subject. I do not believe that any senator here thinks that it was the intention of the Senate to settle that bill one way or the other; but in all fairness that it should come up on Tuesday and then should be decided by the Senate one way or the other as in its judgment seemed best.

The ruling of the President seems to me to be based not only the best authority, but also to be fair and square, giving every senator a chance such as he should have on this matter.

Mr. PARKHURST of Penobscot: Mr. President, The Senate will, I trust, bear with me if I to some extent retrace the steps already so carefully taken by the senator from Kennebec, for it is necessary for me to do so in order to lay before the Senate my understanding of this ruling, and my reasons for believing that it does not give effect to our procedure.

At the moment, the question involves two principles: First, whether a motion is required for the progressive advancement of an act of legislation; second,

whether that motion, having been denied, it in effect disposes of the bill unless it be reconsidered within the prescribed time, or sent back to this body from the House of Representatives.

To the first principle, that a motion is required for progress, I beg to submit the following reasons:

Legislative practice necessarily throws safeguards around and against hasty legislation. Those safeguards require proposed legislation to pass through several distinct stages. In our practice which has been established by the rule which has been quoted here, Rule 27, which makes the rules of this body control us so far as they go, and then sets up Reed's Rules, and Cushing's Parliamentary Digest, contemplates a measure of this character receiving the following consideration in detail. It must originate by order or by introduction. It must be considered in committee. It must be reported from committee. When it is reported from committee, before any action is required upon the measure submitted by that committee, under Rule 17, which has been invoked, it is necessary that the substance of the report, and the substance of the resolve accompanying it shall be put to the House so that, when we vote upon that committee report, we may know exactly what we are voting upon.

I submit that Rule 17 in plain terms contemplates informing this Senate of the substance of matters when they are first introduced. It reads that "every paper shall be once read at the table before any senator shall be obliged to vote upon it." This paper was voted upon in substance when the committee report was submitted here, and acted upon when that report came in. Had it been the desire of the Senate to act upon it without having it printed, it must necessarily have been read to the Senate, or we would not have known what we were acting upon. I submit that Rule 17 applies clearly to the reading of the paper at that time, when it is reported from the committee. The word "paper" is used advisedly. It is not "bill." It is not "committee report." It is a comprehensive and distinct term—"paper." Any matter coming into the Senate must be read be-

fore we shall be obliged to act upon it. If it is introduced in the form of an order, it must be read; and if it comes from a committee and we are asked to vote upon the report of that committee, it must then and there be read. It does not, in any sense relate to the legislative progress. Legislative progress demands a first reading—that is a term applied to a step—a progressive step. It does not relate to, and is not in any sense controlled by Rule 17. Under the joint rules of the House and Senate which in fact control us, as well as our other rules, you find Rule 10. Every bill or resolve reported in either House by a committee, and laid upon the table shall be printed and distributed in both Houses before having its first reading." That, I submit, brings the matter up in its joint relation. That contemplates giving notice to the House.

Now, in fact, this particular measure came before us in the form of a report, without an attempt to act then, therefore without there being a need of having its reading, it was laid upon the table to be printed; and it was printed. The House was informed of it; and the reason of Rule 17 did not apply.

No senator here needed to be told what was in that bill. He had seen it. It had been put upon his desk. If he had desired to know what was in it, he could have asked for its reading before the committee report came in here. It is a false and constrained deduction from that rule to ask that it shall enter in here and become a part of our parliamentary progression. If I am right in my attitude toward the matter, Rule 17 does not apply. Rule 17 does nothing more than give the Senate a right to have any paper submitted and read. It gives a right to the Senate to take it into its hands and consider it; and this right had been exercised under the joint rules; and that paper was within our knowledge.

Now, upon that question, it having been established: First, that our rules control us; second, that Reed's Rules and Cushing's Manual control us, I wish to offer to the Senate from Cushing's Manual, which has been brought into this discussion, the following paragraph. It is found on Page 833, Section 2134: "Ac-

ording to the modern practice, each of the different steps in the progress of a bill can only be taken in pursuance of a motion regularly made and seconded, or supposed to be so, and resolved in the affirmative by the House; and, if, at any point in the regular course, the proper motion for proceeding with the bill is not made, it remains precisely in the state in which it is thus left. Thus, when a bill is received, it is laid on the table, and remains there without being read, until a motion is made for the first reading; so, when a bill has been read the first time, no further proceeding takes place, as matter of course, but a motion must be made and seconded for the second reading. All the other proceedings must, in like manner, be instituted by motions regularly made and seconded, without any interference or direction on the part of the Speaker. If the proper motion for proceeding with a bill, at each of its several stages, is not regularly made, the bill is said to be dropped.

This, gentlemen, is according to modern practice, and not ancient; so, when a bill has been read the first time and no further proceeding takes place, as a matter of course, a motion must be made and seconded for its second reading and other proceedings must, in like manner, be instituted by motions regularly made and seconded, without any interference or direction on the part of the Speaker.

I submit that under this section of Cushing it is evidently modern practice that these stages must be had by motion. Coming down directly to this question that is before us, this is an abstract of the record upon which this question was determined; after the discussion as to what the status of the bill was, this question was preferred to the President: "Mr. President, did I understand the Chair to state that the first reading of the bill was not a matter that went forward by motion? To be sure it is our habit to do these things as a matter of practice, but as a matter of fact would it not require the vote of the Senate that it should be given its first reading?"

The PRESIDENT—Certainly.

And upon that question and reply, or that ruling, a motion was understood for the first reading of the bill and that motion was denied. It has been suggested that whatever consequence attached to

the bill as the result of that note was lost because of the motion of the Senator from Kennebec to indefinitely postpone. Whether or not that motion was essential, the fact is that what the Senate did was done. It was not within the power of a friend or an enemy of this measure to take away from it its force and effect. The friends of the bill were conscious that it had in all probability been lost—that this measure could only be reached by one of two parliamentary proceedings which I have suggested, a reconsideration, or through action of the House; and that is demonstrated fully by the fact that on Saturday morning, when a motion to reconsider could be made, a senator friendly to this measure moved to take a recess for the purpose of continuing the parliamentary day and to have the motion to reconsider filed. The motion was not filed on the parliamentary day allowed for it; but they did consider it necessary to file a motion to reconsider, regarding it of importance, as is evident to every member of this Senate; and was so when on Saturday morning, after we had adopted the usual order relating to adjournment to 4.30 P. M. Monday, there came the motion to take a recess which in effect continued the legislative day until then.

I submit that in neither instance, whether for my contention or against it, does their action go to the merit of the case and I do ask that the Senate should not allow the fact that a motion was made to indefinitely postpone, to in any sense detract from the justice of our argument. When a bill comes here for its first reading and a motion is understood by the Chair—and let me say here that the habit of understanding motions by the Chair and putting them is a logical growth of parliamentary procedure. Two or three hundred years ago, when the Anglo-Saxon race first began to create parliamentary procedure, and it began to take form, men were not educated in respect to parliamentary procedure and coming together were presided over, as we are, by a man learned in the law; and it was the duty of that man to shape discussion by framing questions and motions. As time progressed, and average intelligence grew greater, this habit fell into disuse, until

we come to the present time when motions are supposed to be propounded from the floor, and are, in fact—although there is left this relic of the olden days, so that motions are sometimes understood.

Now this question of first reading comes to us in this form, in this particular bill—and this is as well, for the purpose of illustration, as any other bill. It is laid on the table, printed and the Senate informed of its contents. It comes up for consideration upon the question whether we shall adopt the report of the committee, and after discussion the Senate decide to adopt that report and put this bill before them. What for? To act upon it, to pass it or not to pass, to do what we please with it. That course was had. The bill was before us. Now the President says, being before us, we are perforce obliged to give it one of its parliamentary stages. He, by this ruling, takes away from the people one safeguard against hasty legislation. He might as well say it did not require to pass to be enacted. The rules as they exist demand that every step should be taken and taken logically to protect us against hasty legislation.

What is this motion for first reading? Under what does the President of this body claim that it is not necessary? He says we must have it, under this Rule 17. If I have succeeded in establishing anything, I must have succeeded in establishing the fact that this first reading of any paper has nothing to do with the bill. When it comes to us for first reading, the title must be stated to the Senate so that we may know what is before us and if it were to follow its legal course instead of the Chair's propounding: "Shall this bill take its first reading?" The title should be read by the clerk and then there shall be made a motion from the floor that this bill be given its first reading. That we do not thus do it is simply because we recognize that, where there is no objection, it is futile to require or oblige technical things; but, when there is objection, it is a right which is inherent in the people to have every single step voted upon and to demand that proponents of the legislation shall be present and that they shall have a majority for every single step from the adoption of the report of the committee

through the first reading, the second reading, the passage to be engrossed and the passage to be enacted, every one must be supported by a majority vote. In this instance one important stage was not so supported and if you change this rule you outrageously every rule of proceeding that has controlled this Legislature since the establishment of our Constitution.

Let me approach the second question as to the effect according to Cushing of an adverse vote; and here I may retrace the steps of the senator from Kennebec, but such good doctrine will not harm the Senate if they have it twice. In Chapter 834, Section 135, we find this significant paragraph which succeeds the section which I have previously read. It does not in terms mention modern procedure but is done by its reference to a preceding section which contained the rules according to modern practice, apply directly to modern practice; and what doesthis say?

"A bill having been received as above mentioned, it is then in order to move that it be read, or, which is the same thing, that it be read the first time. If this motion is decided in the affirmative, the next step is to fix the time on which the first reading shall take place; if in the negative, the bill cannot be read at all, proceeded with any further; because no subsequent step in the proceedings can be taken but in regular course, and a question once decided in the negative cannot be renewed in the same session of parliament. The motion for the first reading need not be made on the day on which a bill is received, but may be regularly made at any time afterwards. In the meantime, the bill may be suffered to lie without an order, or the house may order it to lie on the table, generally, or to lie for a certain number of days before being read."

Every senator knows that if we definitely and legally decide in the negative, a question cannot be brought up here again. If it could be, why should we require a motion to reconsider and a motion to reconsider within 24 hours should be allowed—that is a concession to the possibility of changing a negative action; and that concession having been given, no other should be employed.

The suggestion that the rules of the House of Representatives at Washington, of Congress can step in here, and against our established practice, be regarded as reason for overriding our rights is preposterous. Mr. Asher Hinds enjoys the reputation of being one of the ablest, if not the ablest parliamentarian in this country. I yield to no man on the floor of the Senate in my respect for his abilities; but I do declare that between Friday and Tuesday morning, Mr. Hinds in Washington it is not possible to lay these questions before him and to so acquaint him with this subject matter and to make him know the facts, that he can arrive at a conclusion which we should accept in opposition to our own idea of what is right. I trust the Senate will look at this matter as it relates to us, and will not sustain the Chair in his unfavorable ruling.

Mr. CLARKE of Lincoln: May I ask the senator from Penobscot a question?

Mr. PARKHURST: I will attempt to answer any question which the senator from Lincoln may propound.

Mr. CLARKE: You have been a member of four Legislatures have you not?

Mr. PARKHURST: It is a matter of record, Mr. Clarke. I should not attempt to dispute it.

Mr. CLARKE: Has there ever occurred, during your entire legislative experience, have you ever heard of, or do you know of anybody else who has ever heard or known of a single instance in which a bill ever took its first reading upon motion, after the acceptance of the committee report which it accompanied?

Mr. PARKHURST: In reply to the question, I will state to the senator that I do not have within my memory at the moment, any occasion when such a first reading has been required. Neither have I, within my memory as a member or as a spectator seen any measure so completely infamous as this one; and therefore there has not been the same occasion to require specific, direct, progressive action in every instance. (Applause.)

Mr. MERRILL of Cumberland: Mr. President, I am very sorry to hear the senator from Penobscot talking about

infamy in connection with this matter. I would say as regards the point that is made by him as to my construction of this rule, that the word "paper" is broad enough to cover bills and resolves. We all took the same view of that, because the committee's report came to the Senate and the Senate voted that it ought to pass. Then the bill was in order for its first reading. Whether that motion was made or not, it was in order for its first reading. Immediately afterward the same senator made a motion that it be indefinitely postponed. Now what other construction of that could there be than that the motion to postpone would be a reconsideration of the reading. That is all there can be to it. Then the vote was taken and agreed to by all to lay on the table. Now the senator has chosen to refer to the fact that on Saturday I made a motion that the Senate take a recess. And I made that motion in ignorance of the fact that a joint motion had already been made before I came into this Senate that morning that: When the House adjourned it adjourn to half past four on Monday afternoon. The reason I did that was because I had heard that some of these gentlemen had suddenly discovered a technical point on which they thought it would be a good thing to make a try. I did not know anything about that technicality, but I said I wanted time to consider it. I came back here. I was under agreement, as far as I can make an agreement—that is, when I tell a man that we will let that go until Monday or Tuesday, I mean what I say. I came into this body Monday afternoon and at once as I had told these gentlemen before that I would do, made a motion to adjourn. I told them that I had not done this thing to take advantage, but I wanted to look up the matter. There is the statement, gentlemen. He seems to point to this motion as some of the infamy which he likes to talk so much about; but the gentleman was present and every one else here, and there was not an objection made to that motion.

Mr. PARKHURST: I desire to say to the Senate and to the senator from Cumberland that no man within my acquaintance as has a larger measure of

my confidence than he has; and that by no word or thought did I intentionally ascribe to him anything but the highest and most honorable conduct. The introduction of this recess motion I made solely to show that there did exist some doubt as to this question and that doubt found expression in the motion. If I have conveyed any idea to this Senate that in the slightest measure reflects upon the senator from Cumberland I most earnestly desire to withdraw it.

Mr. HESELTON: Mr. President, I think that every senator who was present on Friday and Saturday last fully understood every progressive step that this measure took. For one, I heard the order which was a joint order asking that when this Senate adjourn, it adjourn to meet Monday afternoon at 4.30 o'clock. For one, I did not hear the senator from Cumberland use the word "recess," but the apt and open ears of our President received it so that it was quickly announced in the Senate chamber here that the recess was taken. For what purpose? For the sole purpose of arresting the time limit that the senator from Cumberland knew was being attached to this motion which was presented to the Senate when it was asked if this matter should receive its first reading. It was made for the sole purpose of arresting the 24 hours within which he could make a motion for reconsideration. Now, what is the next step? I did move to indefinitely postpone because, before this body, a deliberate assembly, it was possible to immediately put through a motion to reconsider the vote whereby we refused to give this bill its first reading. The senator from Cumberland, well acquainted with parliamentary law and parliamentary tactics, understood that. The motion to indefinitely postpone was voted down. Then, for the purpose of avoiding the limitation of time which he well understood and which time limit he lightly brushes aside now and reconsidering that question, he asked for a recess; and it was granted. But I doubt if there was a senator on the floor who understood that the word "recess" and not "adjournment" was asked for by the senator from Cumberland. Now what is the position today?

He asks you not to decide the question—not to decide the question upon its merits, but to decide the question whether it is fair to choke off this measure in this manner. I simply say this: That this does not end the question. It simply puts you upon record of deciding parliamentary law according to precedent and practice. It does not destroy the opportunities that you may have for taking the original question up if, in the lower House, the matter receives a majority vote. It does not end if, in the lower House this original question does receive a majority vote.

Now, gentlemen, it is simply a question of deciding right the rules that govern this deliberative body. I do not care whether you have been talked with over the original measure and changed your views on that subject. The original subject is not before us now. It is simply a question of whether the arbitrary ruling of the Chair shall be the ruling of this body; and it has not back of it either Cushing's Manual or Reed's Rules of Practice. It only has the reported verbal statement of Asher Hinds, who, if he came here and told us what was right or wrong, I would yield to without a question. But when he is 1500 miles away and cannot be acquainted with all the details of this matter I do think we should proceed slowly before we overturned the rules of practice which we have adopted and which our predecessors adopted to guide this body.

Mr. MERRILL: Mr. President, before the question is put I would like to have you read your ruling in full again to the Senate, if you would please to do so.

The President thereupon reread the ruling already given.

The PRESIDENT: Is the Senate ready for the question?

Mr. PARKHURST: Mr. President, before the question is put will you be good enough to give to the Senate the exact reference to that portion of Cushing which you invoke as to its ancient practice? I have here a copy of Cushing.

Mr. HESELTON: And I have a copy.

The PRESIDENT: The chair has one also. The Chair read from Cushing from a duplicate copy which each of you have. The Chair's reference to the ancient practice was a statement by the Chair.

Mr. PARKHURST: That was not contained in Cushing.

The PRESIDENT: I do not recall seeing it. The Chair stated that it was an ancient practice of parliamentary law in relation to that matter.

Mr. PARKHURST: I want to clearly understand that. You do not claim that Cushing itself charged this rule in regard to the first reading as being ancient practice? That was your interpretation of Cushing?

The PRESIDENT: The practice that the Chair referred to was the practice of about two hundred years ago.

Mr. PARKHURST: Will the President give me the section of Cushing in which that fact is stated?

The PRESIDENT: The Chair has not the section at hand. The senator has no doubt read Cushing oftener than the Chair.

Mr. PARKHURST: I have no knowledge of that section, but directly to the contrary.

Mr. PUTNAM of Aroostook: Mr. President, I wish to say that with my understanding of the argument, whether right or wrong, that I believe that this ruling of the President today is wrong; and while I regret very much that this occasion has arisen, I wish to go on record as voting not to sustain the ruling of the Chair.

Mr. SEWALL of Sagadahoc: Mr. President, I move that the motion before the House, which is to support the ruling of the Chair, be laid upon the table.

The PRESIDENT: The senator from Sagadahoc moves that the motion made by the senator from Kennebec to appeal from the Chair be laid upon the table.

Mr. CLARKE of Lincoln: Was there a motion made by the gentleman from Kennebec? I intended to make a motion.

The PRESIDENT: The senator from Kennebec appealed.

Mr. CLARKE: I intended to make

a motion that we sustain the ruling of the Chair.

The PRESIDENT: The Chair made a ruling to which the senator from Kennebec took an appeal. The motion of the senator from Sagadahoc is that the appeal lie upon the table.

Mr. HESELTON: The Chair then puts the statement to the Senate: Shall the decision of the Chair or the ruling of the Chair be the ruling of the Senate? And that is not what the senator wishes to put upon the table with my appeal?

Mr. SEWALL: My motion is to table the appeal of the senator from Kennebec from the decision of the Chair.

Mr. PARKHURST: Will the President state the exact question. I believe there is a parliamentary rule which requires it to be put in certain languages. What is the exact question?

The PRESIDENT: The exact language is: Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PARKHURST: Mr. President, it seems as if this matter might be properly acted upon now.

Mr. MERRILL: I rise to point of order. Is the motion to lay on the table debatable?

The PRESIDENT: It is not debatable.

(Question, question).

The PRESIDENT: The Chair will state the question once more.

Mr. HESELTON: I ask for information. I wish to know just where we would be in case that got upon the table, whether it would be before the House?

The PRESIDENT: The question before the Senate is this: Shall the decision of the Chair stand as a judgment of the Senate? To this the senator from Kennebec takes an appeal.

Mr. HESELTON: The Chair made its ruling and I took an appeal from the Chair's ruling.

The PRESIDENT: The senator from Kennebec takes an appeal from the ruling of the Chair; and the senator from Sagadahoc, Mr. Sewall, moves that the appeal lie upon the table.

Mr. HESELTON: If that is so is the question before the House?

Mr. MERRILL: Mr. President, as I understand it if that motion prevails, that carries the whole matter, which lies on the table until it comes off the table and the question then to be considered is the question of the motion on the appeal of the senator from Kennebec.

The PRESIDENT: The Chair rules that that is correct. The question is, shall the whole matter lie upon the table? Are you ready for the question? Those in favor will say yes and those against no.

The vote being taken the Chair declared itself in doubt. A second vote being taken the President declared that the motion did not prevail.

The yeas and nays being called for the same were ordered and vote being had in favor of sustaining the Chair, the same resulted as follows: Those voting yea were Messrs. Clarke, Curtis, Deasy, Foss, Garcelon, Hastings, Houston, Irving, Merrill, Page, Philoor, Proctor, Sewall, Staples, Tatre, Theriault, Wynan (17). Those voting nay were Messrs. Ayer, Bailey, Barrows, Brown, Eaton, Heselton, Libby, Mills, Parkhurst, Putnam, Rice, Simpson, Stearns (13). The President declared that 17 had voted in the affirmative and 13 in the negative and that the motion of the senator from Kennebec was lost and the ruling of the Chair sustained.

The PRESIDENT: The question is now upon the first reading of the printed bill.

Mr. HASTINGS: Before the vote upon the main question I desire to make a statement to the Senate. Last week relying upon my judgment and what I understood to be the wishes of my constituents in Oxford county I voted against the bill. Since that time I have become firmly convinced I mistook the wishes of my constituents and I am also firmly convinced that the county is in favor unanimously of the submission of this matter to the people. For this reason, because I wish to be fair with my constituents, I shall vote in favor of its reference to the people.

Mr. EATON of Washington: Mr. President when I voted last week I voted against the removal of the State House. I had a telegram from my people asking me to vote in that way but

it seems, through some mistake, that it was intended to ask me to vote in favor of removal. Since then I have had a large number of petitions asking me to vote in favor of removal. I feel the same as I did before but as the senator before me has said I must yield to my constituents.

Senate Document No. 248 thereupon took its first reading and on motion of Mr. Heselton of Kennebec, the same took its second reading under the suspension of the rules and was passed to be engrossed.

Mr. PARKHURST: Mr. President, there was passed, this morning, at the opening of the session an order in regard to the attorney-general in relation to the trial of Judge Harry J. Chapman. I move that the Senate reconsider the vote whereby this was passed.

The motion prevailed.

Mr. PARKHURST: I move that the order be indefinitely postponed; and upon that question I wish to speak briefly; and, before doing so I ask that the clerk read the order as some of the senators may not be familiar with the contents.

(Order read by the clerk.)

Mr. PARKHURST: Mr. President, I will state in connection with this order an explanation of the situation that, under a joint order with the House a committee was appointed consisting of certain members of the House and Senate charged with the duty of arranging this matter so that a trial could proceed with full justice and result in a proper determination of the facts. The members of that committee made a careful investigation of the situation, and formulated rules which were submitted to the House and adopted by the House and Senate in concurrence. Of that committee one member was Mr. Dow, who introduced these resolves. To that committee he explained that, previous to the introduction to the resolves, in order that this matter might be fully prepared that they had taken up the question of employing counsel; and that they had finally determined upon the employment of Judge Cleaves and Mr. Emery and that Judge Cleaves and Mr. Emery were preparing the case and were ready to

proceed with it. He urged upon the committee to prepare procedure, so far as they had authority to confirm the choice of attorneys so that this case might be tried out as its proponents desire. Whether we did or did not have authority in regard to the matter of attorneys was uncertain, although there was another order directing our choice and some allusion to attorneys, but in any of them it was tacitly understood that so far as he did have authority we would approve of the choice of the prosecution, so that the prosecution might be fully and fitly represented. If this order should take effect it would take out of their hands the attorneys the prosecution have chosen for the direction of this case. It is needless for me to say to the Senate that I hope the Senate will not impose such a hardship upon the prosecution. The attorney-general, as a matter of fact, may not be within reach so that he can attend; and in any event it is additionally unfair to him, without notice or preparation to put upon him the charge of the case. I trust the Senate will postpone the order.

The question being put the motion prevailed and the order was indefinitely postponed.

On motion by Mr. Stearns of Penobscot Senate Document No. 266 "An Act to establish salary for judge of the Rumford Falls municipal court" was taken from the table. On further motion by the same senator the bill took its first reading. On his further motion Senate amendment was adopted and the bill as amended was assigned for its second reading.

On motion by Mr. Staples of Knox House Document No. 469 "An Act to authorize the Sebasticook and Moosehead Railroad to extend their line to Elliottville plantation and Albion" was taken from the table. On motion by the same senator, Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by the same senator Senate Document No. 244, "An Act to incorporate the Kittery Water District" was taken from the table and on further motion by the same senator, was reassigned for tomorrow, March 20.

On motion by Mr. Sewall of Sagada-

hoc House Document No. 320, "An Act in relation to compensation for clerk hire in office of clerk of courts for Androscoggin county" was taken from the table. On further motion by the same senator the bill took its second reading and was passed to be engrossed.

On motion by the same senator House Document No. 566 "An Act to amend Revised Statutes relating to mill fund and school tax." was taken from the table and on further motion the same was read and assigned.

On motion of Mr. Simpson of York, the following resolves were taken from the table.

Resolve in favor of building a bridge in town of Forest City.

Resolve in favor of Howland.

Resolve in favor of Trescott.

Resolve in favor of Whitneyville.

Resolve for assistance in rebuilding East Branch bridge in Oakfield.

Resolve in favor of Howland.

Resolve in favor of Howland and Enfield.

Resolve in favor of Bingham.

Resolve To rebuild State bridge across Depot stream.

Resolve in favor of Concord.

Resolve in aid of bridge in Connor plantation.

On further motion by the same senator the committee reports accompanying same were accepted and the resolves severally took their first readings. On motion by Mr. Heselton of Kennebec, under suspension of the rules the said resolves severally took their second readings and were passed to be engrossed.

On motion of Mr. Bailey of Somerset, under suspension of the rules, the Resolve in relation to the Gardiner and Randolph bridge took its second reading and was passed to be engrossed.

On motion of Mr. Heselton of Kennebec, report, ought to pass, from committee on ways and bridges on Resolve fro Deer Isle, was taken from the table and on further motion by the same senator the report of the committee was accepted. On further motion by the same senator the bill took its two several readings and under suspen-

sion of the rules was passed to be engrossed.

On motion by Mr. Parkhurst of Penobscot House Document No. 304 Resolve in favor of the University of Maine" was taken from the table.

Mr. PARKHURST: Will the Chair inform me what the pending motion is?

The PRESIDENT: If the Chair's memory is good, the senator from Androscoggin, Mr. Philoon, made a motion that we insist and that a committee of conference be appointed; and the senator from Penobscot, Mr. Parkhurst, moved to lay his motion on the table.

Mr. PARKHURST: That motion of mine to lay on the table, was withdrawn. In the final adjustment of it the two motions were withdrawn so that it lies on the table pending motion to insist and asking for a committee of conference. If that is the case, I move that we recede and concur. I have a feeling that there has possibly been a change in the Senate on this Resolve; and if that is the case the sentiment of the Senate is now friendly to such a motion.

The question being put the yeas and nays was called for and ordered.

Mr. STAPLES of Knox: Mr. President, if I am in order, when this matter was before the Senate, I voted against the University of Maine without, perhaps, so full consideration as I ought to have given. In examining this matter and conferring with my constituents I believe that I should do injustice to myself and to my constituents, if I took away from the boys of the State of Maine the right to take the degree from the University of Maine. I believe it would be a blow at the educational interests of the State. Therefore I shall change my vote and vote with the institution. (Applause.)

Mr. PARKHURST: Will the Chair be good enough to state the effect of the vote. Possibly it may not be understood.

The PRESIDENT: The House passed the bill to be engrossed with House Amendments A. and B, which carried an appropriation of \$65,000 a year, and the B. A. degree, both. Now the question is: Will the Senate recede, and concur with the House? This is the motion upon which the Senate is to vote.

Those in favor will say yes and those opposed no.

The vote being had resulted as follows: Those voting yea were Messrs. Ayer, Bailey, Barrows, Brown, Deasy, Foss, Houston, Irving, Mills, Parkhurst, Putnam, Simpson Staples, Stearns, Tartre, Theriault, Wyman (17). Those voting nay, Messrs. Clarke, Curtis, Eaton, Garcelon, Hasting, Heselton, Libby, Merrill, Page, Philoon, Proctor, Rice, Sewall (13). So the motion prevailed.

Mr. PARKHURST: Has the bill had its several readings and its passage to be engrossed?

The PRESIDENT: It has already been passed to be engrossed.

Mr. MILLS: Mr. President, I move that the vote to recede and concur, in regard to the University of Maine, which vote has just been had, be reconsidered; and I trust that my motion will not prevail.

The question being put the motion was lost.

Senate Document No. 268, "Majority report of committee on Insane Hospitals on order about insuring insane hospitals from loss by fire, that legislation is inexpedient; minority report from same committee, on order, the accompanying resolve was taken from the table by Mr. Parkhurst of Penobscot.

Mr. PARKHURST: Mr. President, for the information of the Senate, I will explain that the order was introduced March 6th, directing the committee on insane hospitals to inquire into the expediency of insuring the hospitals. This matter came before the committee and while the members of the committee believed that such an insurance should be effected, there was a feeling in the committee that it might with propriety rest upon a discussion of the House and Senate, so that if insurance were denied and, as has been thought possible, the buildings were destroyed in the interim between Legislatures the Legislature itself should assume the responsibility of adequate insurance which would provide for their buildings and as a consequence the two reports were sent in, report A and report B. Report B was accompanied by a resolve which

authorized the insurance of the building and provides an appropriation for the purpose; and I move that the Senate accept report B, accompanied by that resolve.

Mr. GARCELON of Androscoggin: I would inquire of the President if that resolve carries the insurance.

The PRESIDENT: It does.

Mr. GARCELON: I hope the Senate will vote not to accept report B inasmuch as we have been expending vast sums of money for fire proof buildings and to provide increased water for fire purposes and the State should take a chance to insure her own buildings. The purpose of this divided report was to get the judgment of the Senate upon that matter; and it is up to individual senators to express his opinion whether the State is capable of carrying its own insurance or not. A vote against the motion of the senator from Penobscot will be in favor of the State's carrying the insurance.

Mr. MILLS of Hancock: Mr. President, I have no desire to debate this matter. It is a purely business question. The senator from Androscoggin brings up the matter that we have been expending vast sums of money for fireproof buildings. I understand, and I think it is true, as stated to me by the trustees, that these buildings are not fire-proof. They are built of wood in the interior, entirely, and a fire there could not be easily prevented. Further than that, if a fire should occur in any of these buildings and if one should be destroyed, in order to rebuild one of them it would be necessary to call a special session of this Legislature. That, I understand, is the status of this matter, and to call a special session of this Legislature would cost several thousand dollars and would cost more than it would cost to insure the whole of them for five years. So the State is not only carrying its own risk as to fire, but is taking the risk of being obliged to call a special session of the Legislature and as a business proposition it seems to me a reasonable thing that we insure these buildings and vote to appropriate a proper sum of money for these buildings. I understand that the resolve carries enough

to ensure them for about one-half of their value; and I trust that report B will be accepted.

Mr. WYMAN of Washington: Mr. President, I would like to inquire from the senator from Hancock: provided that the buildings should burn, who is authorized to use the money to contract for another building?

Mr. MILLS: That is a question to which I have never given any consideration. It would seem to me that the trustees would have power to rebuild.

Mr. GARCELON: I would like to inquire whether they have ever been insured by the State.

Mr. MILLS: They never have and consequently they lost a large sum of money last year, \$12,000 I understand.

Mr. GARCELON: That was a laundry that had not been insured.

The question being put upon the acceptance of report B seven senators voted in the affirmative and 11 in the negative. So the motion was lost.

On motion of Mr. Garcelon of Androscoggin report A was accepted.

On motion of Mr. Houston of Piscataquis, adjourned.