

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

**SENATE.**

Thursday, March 21, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Hayden of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill. "An Act to regulate the establishment of mileage rates for the conveyance of passengers over the steam railroads within this State," reported by the committee on railroad and express "ought not to pass," came from the House, the bill being substituted for the report and in that branch passed to be engrossed as amended by House amendment A.

Mr. Irving of Aroostook moved to nencencur with the House and that the bill be indefinitely postponed.

Mr. Heselton of Kennebec moved that the motion of the Senator from Aroostook lie upon the table.

The motion of the Senator from Kennebec prevailed and the bill was tabled and March 23 assigned for its consideration.

**Read and Assigned.**

An Act to amend Section 2 of Chapter 62 of the Revised Statutes relating to divorce proceedings.

An Act to amend an act incorporating the city of Waterville, and relating to the tenure of office of the members of the fire department of said city.

An Act to incorporate the Portland Water District.

On motion of Mr. Putnam of Aroostook this bill was tabled pending the acceptance of the report and March 22d assigned for its consideration.

An Act additional to Chapter 54 of the Special Laws for the State of Maine for 1895 creating the Rumford Falls Village Corporation.

Resolve relating to title and sale of gun house in Kittery, York county, formerly used by Company "B" Artillery, First Regiment Maine Volunteer Militia.

An Act to incorporate the Hancock and Sullivan Bridge Company.

This bill came from the House, in

that branch passed to be engrossed as amended by House amendment A. Amendment A adopted in concurrence.

Resolve in favor of aiding the building of a bridge between Machiasport and East Machias.

Resolve in favor of the town of Verona.

Resolve in favor of the town of Bucksport to aid in the repair and rebuilding of Verona bridge.

Majority report of the committee on State lands and State roads, on Bill, "An Act to provide for State aid and for the expenditure of public moneys for the permanent improvement of ways and State roads," submitting same in new draft under same title, and that it ought to pass, (signed) Parkhurst, Heselton, Lovejoy, Smith, Davis, Emerson, Stevens, Tarbox, Waldron. Minority report, same committee "ought not to pass," (signed) L. M. Staples, came from the House, the majority report accepted, and the bill by that branch passed to be engrossed.

On motion by Mr. Staples of Knox the reports were tabled and March 22d assigned.

Majority report of the joint special committee on salaries and fees on Bill

An Act to prohibit the issuance and acceptance of free transportation by state officials, from steam and other railroads submitting same in new draft under same title, signed, Sewall, Page, Miliken, Stevens, Skidmore, Newbert, Peacock. Minority report of the same committee "ought not to pass" signed Staples, Giddings, Reynolds, came from the House the majority report accepted; and in that branch the bill passed to be engrossed.

Mr. SEWALL of Sagadahoc: Mr. President, I move to accept the majority report in concurrence.

On this motion the subject matter is pretty well understood in the Senate, having been canvassed the other day when we had before us the bill increasing the compensation of members. Unless there is a desire to open debate on the subject, and to save time, I shall say nothing. I am ready to answer any questions in behalf of the members, or to say anything in reply to the senator from Knox, if he desires

to precipitate a discussion. I understand on his behalf that he is in favor of cutting out passes. He had a bill on the same subject which differed only in phraseology from the bill now reported; and I hope, in his large and catholic spirit that he will say nothing in opposition to the measure.

Mr. HESELTON of Kennebec: Mr. President, I would like to ask the senator from Sagadahoc, why, in the second section, attorneys of railroads were exempted?

Mr. SEWALL: Mr. President, I will reply to the senator from Kennebec and say: That that whole clause of exceptions was taken from the interstate commerce act, where they except officers, agents and attorneys. But the attorneys, you will notice, have to be registered in the State House, in the office of the Secretary of State, so that there is no secrecy about it. The attorney of a road who receives a pass, cannot come here, coming in a capacity which is not divulged to the public. Record is made of that kept in the office of the Secretary of State, and made public to everybody. These exceptions, I believe, were taken bodily from the inter-state commerce law.

Mr. HESELTON: Mr. President, I do not know whether, at the present time, it is proper to make any remarks about this measure, or not. I would like to call the attention of the Senate to that particular feature of this bill.

The senator from Oxford and myself were two members of a special committee appointed in vacation by the last Legislature. We were appointed by the last Legislature to act in vacation on this subject matter; and the committee then submitted a bill for the consideration of this Legislature, substantially as I take it.

Mr. SEWALL: Substantially this bill.

Mr. HESELTON: Now the question—and the senator from Oxford will bear me out—the question of attorneys for railroads coming under the excepted people, was discussed by us and examined into as fully as we could do so. It struck us as a very important feature of the bill to eliminate attorneys from exception under this measure. I cannot understand why they

should not be excluded. We realize, I think most of us do, that the lobby which is so effective in its work at every session of the Legislature is made up of attorneys; and every one of those attorneys carries in his pocket a pass; and that pass is given to him chiefly for the service he renders here in this Legislature.

Now I have no criticism to offer in regard to the lobby, as a rule. I think they furnish us a great deal of information, and do a great deal of service for the Legislature. At the same time, I do believe that, under the guise of attorneys for the railroads, we should not provide means of payment for a lobby here at this State House.

Mr. SEWALL: Mr. President, what the senator from Kennebec says on this subject ought to be received by the Senate with considerable weight; for he was chairman, I think, of the committee which was appointed by the last Legislature and which reported practically this bill. But I think—I think that had he been present with the committee when this subject was discussed, he would have concluded to include attorneys, following as I say the phraseology of the inter-state commerce act.

I can assure him that the committee itself started out with a prejudice against including attorneys, and only included them there because they were satisfied from the force of the reasoning that they should be there.

I hold no brief for the lobby in this, or any other matter; and my opinion does not differ very much from the opinion of the senator from Kennebec as regards the lobby about this State House; but it is unfair to say that the attorneys representing the railroads all over the State receive passes because of services they can perform under this roof. There are many of our most reputable lawyers scattered over the State who have charge of railroad business and who have had charge of that business for years; and have, in connection with that, and perhaps with the services they have to perform for the road, have passes from those roads. I think it would be wrong to say that all those attorneys receive those passes because of service expected of them

about this State House. At least the committee were so impressed. They felt that they received those passes out side of any consideration of political influence here—that they had had them for a long period of time—that when so rigid a measure as the inter-state commerce act committed the railroads of the country to grant passes to men who had the legal oversight of the matters of the road, that it was going rather far for us to cut them out. That was exactly the spirit of our discussion and of our action; and I can assure him that the committee, I think, started out with as much reluctance to include attorneys as he has now to them, with that sense of the great danger of corrupt influence and this State House which arises from men who come here apparently as private citizens, to work upon their friends and neighbors, that this was safe guarded by the clause that every one of this excepted class must have his name on record in a book in the office of the Secretary of State, free and open to the inspection of the public. Then if they choose to come here, with that record,—if they should appear, why, the public will be fully on their guard and will know in what capacity they are acting. That really is about as careful an explanation as I can make of it.

Mr. HESELTON: Mr. President, one word, and then I will let this matter take its course. I realize what the Senator from Sagadahoc has said is true—that there is a difference between the attorneys who are employed by the railroads of this State for their business and the attorneys who have passes in their pockets simply for services rendered here in the Legislature.

I know, and I think that every member of the Senate knows, that there is a force of attorneys who have simply passes in their pockets who never in the world appeared in any court in this land for any railroad. They never tried a case, some of them, in any court in this State and if they have these passes, they have them as a part payment for their influence which they exercise here in this house, for instance, by sitting down in one of these baize chairs and passing out petitions in front of the Senators and

in piling up telegrams in front of them to show how a Senator's constituents feel in that section of the State. That is what they are here for and that is what they carry these tickets for. Now it was a very difficult job to distinguish between the true, legitimate, legal attorney here who is doing business here and over the State for those railroads, and those regulation lobbyists who are active around this State House today and have been for a month past, who never tried a case hardly in any court in this State, who never could try a case because they have not information enough about the laws of this State to know how to try a case, yet they, as attorneys, lug these passes, and they lug them for one simple purpose as I have stated.

I do not believe in allowing those attorneys to have those passes. At the same time, I realize the difficulty of distinguishing between them; and if the Senator from Sagadahoc says that he finds it the best law possible to regulate this matter, I am willing to abide by his judgment.

Mr. SEWALL: Mr. President, the Senator has expressed my feelings very accurately. If he can devise a means or method to make that separation, I would gladly have it incorporated in the bill; but after the consideration we gave it, I would dislike to see the Senate strike at a large number of worthy attorneys who do not do the work which he suggests in order to reach what I think is a far more limited number of the undesirable class.

On motion of Mr. Sewall of Sagadahoc the bill took its two several readings and was passed to be engrossed.

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 the members of the government." passed to be engrossed by the Senate March 14th was returned from the House in that branch passed to be engrossed as amended by House amendment A.

The Senate voted to reconsider the vote whereby the bill was passed to be

engrossed and House amendment A was adopted in concurrence.

Bill, "An Act to amend Section 3 of Chapter 143 of the Revised Statutes, relating to the State school for boys," passed to be engrossed by the Senate March 15th was returned from the House in that branch passed to be engrossed as amended by House amendment A.

The Senate voted to reconsider the vote whereby the bill was passed to be engrossed, and on motion by Mr. Parkhurst of Penobscot the bill was tabled.

On motion of Mr. Heselton of Kennebec House Document 622, "An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within this State," was taken from the table.

Mr. HESELTON: I will withdraw my former motion on this bill and will yield to the Senator from Aroostook.

Mr. IRVING of Aroostook: Mr. President, unless some Senator desires an explanation or a definition of the attitude of the committee on this bill, I do not care to precipitate discussion. I will simply say that the subject matter of the bill was carefully considered by the committee; and it was unanimously reported "ought not to pass." The amendment, which I had seen for a short time this morning, which was passed in the House, has not changed the objectionable character of the bill as found by the committee on railroads. I therefore move to nonconcur with the House and that the bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed.

The following resolves were presented and referred:

**Appropriations and Financial Affairs.**

By Mr. Mills of Hancock: Resolve in favor of the clerk, stenographer and messenger to the committee on legal affairs

By Mr. Irving of Aroostook: Resolve in favor of the clerk and stenographer to the committee on railroads and expresses.

By Mr. Simpson of York: Resolve authorizing temporary loans for the year of 1907.

Also: Resolve authorizing temporary loan for the year 1908.

Also: Resolve in favor of H. R. Thompson.

By Mr. Brown of Kennebec: Resolve in favor of A. E. Irving.

**Read and Assigned.**

An Act to amend Section 47 of Chapter 47 of the Revised Statutes, relating to corporations.

An Act relating to the office of register of probate of Aroostook county.

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

Resolve in favor of secretary of committee on banks and banking.

**Reports of Committees.**

Mr. Simpson for the committee on appropriations and financial affairs on that part of the governor's message relating to financial conditions, reported that same be placed on file.

Mr. Brown for the committee on temperance, on bill, "An Act to amend Section 26 of Chapter 29 of the Revised Statutes, relating to city and town liquor agencies," reported same ought not to pass.

Mr. Simpson for the committee on appropriations and financial affairs on resolve in favor of Harry T. Hawes, reported same ought to pass.

The same senator for the same committee on resolve in favor of George W. Stearns, chairman of the committee on education, reported same ought to pass.

The same senator for the same committee on resolve in favor of A. M. Goddard for services before the committee on forestry preservation and water supply reported that same ought to pass.

Mr. Eaton for the same committee on "Resolve in favor of the secretary of the committee on public buildings and grounds," reported same ought to pass.

The same senator for the same committee, on "Resolve in favor of Frank Fellows, messenger to the President of the Senate," reported same ought to pass.

The same senator for the same committee on "Resolve in favor of R. G. Hawes," reported same ought to pass.

The same senator for the same committee, on "Resolve in favor of Walter B. Clarke, chairman of the centennial Longfellow committee," reported same ought to pass.

Mr. Simpson for the same committee on "Resolve in favor of Senate postmaster," reported same ought to pass.

Majority and minority reports of the committee on appropriations and financial affairs on "Resolve providing for the participation of the State of Maine in the Jamestown Ter-Centennial Exposition," was submitted the majority report being that same "ought not to pass," signed Simpson, Eaton, Merri-man, Newcomb, Stubbs, Joy. Minority report, submitting the same in new draft under title of "Resolve in favor of the State of Maine for the Lewis and Clarke and Jamestown Exposition, for participation for the State of Maine, in the Jamestown Ter-Centennial Exposition" and that it ought to pass signed Page, Scates, Jordan, Walker.

On motion by Mr. Clarke of Lincoln the foregoing reports were tabled to be printed.

Mr. Sewall for the joint committee on salaries and fees on Bill, "An Act in relation to the transportation of State officials" reported that same ought not to pass, as the subject matter is already incorporated in a bill by this Legislature.

The same senator for the same committee on Bill, "An Act relating to the use of railroad passes by State officials" reported that same ought not to pass as the subject matter is already incorporated in a bill reported by this Legislature.

At this point Mr. Parkhurst of Penobscot was called to the Chair and presided.

#### Passed to Be Engrossed.

An Act to incorporate the Municipal Light and Power Company.

An Act relating to proceedings to determine the title to goods in the possession of common carriers.

An Act to amend Chapter 52, Section 7 of the Revised Statutes relating to fraudulent evasions of payments of fares on steam railroads, street railroads, steamboats and ferries.

An Act in addition to Chapter 97 of the Revised Statutes, relating to waste and trespass on real estate.

An Act making valid the organization and records and confirming the title of the trustees of the Methodist Episcopal church in Old Town, and authorizing their sale of certain real estate.

An Act to establish a Board of Education in the city of Augusta, and to provide for a uniform system of schools therein.

An Act relating to locations of street railroads.

An Act to amend Chapter 73 of the Public Laws of 1905, entitled "An Act regulating the sale of bonds and other obligations on the installment plan by foreign corporations."

An Act additional to Chapter 48 of the Revised Statutes relating to Savings Banks.

An Act to protect milk dealers and consumers against the unlawful use and destruction of milk cans and other receptacles.

An Act to provide for the pay and care of the members of the National Guard for disability while in the service.

Resolve in favor of Mrs. Hannah McCabe, mother of the late Martin T. McCabe of Company E, Portland.

Resolve in relation to Fort William Henry in the town of Bristol.

An Act to prevent the haunting of heavy teams in the highways of Brooklin from the 15th of March to the 10th of May.

An Act to provide a way to free toll bridges.

Resolve in favor of the town of Union.

Resolve providing for the repair of bridges in Macwahoc plantation.

An Act to regulate fishing in Swift river and its tributaries in the counties of Oxford and Franklin and to prohibit the throwing of sawdust and other mill refuse into said waters.

An Act to regulate ice fishing in certain lakes and ponds and streams in Aroostook, Penobscot and Piscataquis counties.

An Act to extend the close season on muskrats.

An Act to amend Chapter 130 of the

Special Laws of 1822 as amended by Chapter 550 of the Special Laws of 1828, relating to taking fish in Dyer's river.

An Act for the protection of female deer in Cumberland county.

An Act to prohibit publications relating to patent or other medicines or language of an immoral tendency or ambiguous character and to protect the public against dangerous and indiscriminate medicines.

An Act to amend the city charter of the city of Portland pertaining to powers and duties of the mayor.

Resolve in favor of Edward Fahey of Lewiston. (This resolve was tabled for an additional statement of facts, which was lacking.)

On motion by Mr. Irving of Aroostook the vote was reconsidered whereby the Senate passed to be engrossed Bill, "An Act to regulate ice fishing in certain lakes and ponds and streams in Aroostook, Penobscot and Piscataquis counties, and on further motion by the same senator the bill was tabled.

On motion by Mr. Deasy of Hancock the Senate reconsidered the vote whereby it passed to be engrossed Bill, "An Act to provide a way to free toll bridges" and on further motion by the same senator this bill was tabled and Monday, March 25, assigned for its consideration.

At this point the President resumed the chair.

#### Passed to Be Enacted.

An Act to authorize clergymen to solemnize marriages.

An Act to incorporate the People's Trust Company of Houlton.

An Act to extend the charter of the Old Town Water District.

An Act to prohibit the taking of lobsters in Hancock county.

An Act to extend the charter of the Union Light and Power Company.

An Act to create a board of harbor commissioners for the city of South Portland.

An Act to amend and extend the Millbridge and Cherryfield Street Railway charter.

An Act to extend the charter of the Island Falls Water Company.

An Act to confirm the incorporation

of the Maine Children's Home Society. An Act to amend Section 40 of Chapter 41 of the Revised Statutes relating to seines.

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

An Act to regulate fishing in the tributaries of Mt. Blue pond in Avon, county of Franklin.

An Act to regulate fishing in Fender-son brook and all its tributaries in the town of Parsonsfield.

An Act to establish a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro.

An Act to regulate ice fishing in Coehnewagon, Dexter, Berry and Wilson ponds in the county of Kennebec.

An Act to regulate fishing for white perch in Lake Sebasticook in the town of Newport, county of Penobscot, and its tributaries.

An Act to enable the town of Presque Isle to purchase the stock or franchise of the Presque Isle Water Company or any part thereof.

An Act to provide for amendments to articles of association filed under Chapter 53 of the Revised Statutes, relating to street railroads.

An Act additional to and amendatory of Chapter 3 of the Private and Special Laws of 1887, entitled, "An Act to supply the people of the town of Presque Isle with pure water."

An Act to amend Section 2 of Chapter 46 of the Revised Statutes as amended by Chapter 90 of the Public Laws of 1905, relating to interest on loans of personal property.

An Act amendatory of Chapter 164 of the Private and Special Laws of 1903, entitled, "An Act to enable the Presque Isle Water Company to issue bonds to pay, retire and cancel its outstanding bonds.

An Act to amend Section 108 of Chapter 6 of the Revised Statutes relating to political caucuses.

An Act to regulate fishing in Pocasset lake and Pickerel pond in the town of Wayne in Kennebec county.

An Act to prohibit the throwing of sawdust and other refuse into Olamon stream, so-called, in the county of Penobscot.



An Act additional to and amendatory of Chapter 48 of the Revised Statutes as amended, relating to the organization and management of trust companies.

**Finally Passed.**

Resolve in favor of Harry A. Furbish.

**Orders of the Day.**

On motion of Mr. Staples of Knox Senate Document 244 Bill "An Act to incorporate the Kittery Water District" was taken from the table.

Mr. STAPLES of Knox: Mr. President, upon this question I desire to address the Senate. I regret that I am not in physical condition to discuss this matter as I think it deserves. I trust that every senator has this document upon his table. It is an extraordinary bill. I appear here as a citizen of this State and as a senator in examining this bill and in getting what information I can about it. I feel that it is one of the most drastic and dangerous measures ever introduced into the Senate of Maine. I am glad I can approach this subject without political partisanship. There are no politics in it. There is nothing in it excepting the welfare of the State to be discussed. I have ever been in favor of vested rights to all citizens. I believe this matter should be considered by every senator fully and completely, because it is one of the most important that has come before us at this session. We have granted charters to almost everything. I would have no objection to a charter for this water district, if I believed that it was by the request of the taxpayers of this water district; but, when I say to you, fellow senators, that it is a speculation and would ruin every property holder, as I will show you by figures in that district, and from the petitions that come in here signed by very few of the property holders of that district but by taxpayers who would not be holden by anything that comes up even if this water district was permitted, I have objection to it.

Kittery is a small town, and this only takes a small part out of the town of Kittery, running to the navy yard. There are only about 1500 to 2000 population in this water district. The valuation of the whole water district, as I

am informed, is about \$600,000—that is the valuation of this water district that they undertake to form. Who undertakes to form it? Not the citizens of Kittery, but one man who undertakes to condemn this property that has cost this company \$215,000.

Some years ago, I do not know just how many, there was formed a company and charter was granted to the Agatamicus Water Company in the town of Kittery. It extended from a line in the town of York to the Kittery Navy Yard, four and a half miles in length. That cost them a large amount of money,—some \$200,000. As the engineer says in his report, it was built by the late Frank Jones of Portsmouth, N. H. They issued no bonds. They took the money out of their own pockets and built this four and a half miles of water works. The great point was to extend it to the Kittery Navy Yard, because all the profit that came out of this matter would come from the government by supplying water to the Kittery Navy Yard, and that was done.

I think the people of the State of Maine should not take any property, and condemn it, without good cause. This bill, as you see, asked to take this property worth \$250,000, without the improvements that they intend to put on, when the profit alone comes almost wholly from, and is dependent upon whether the navy yard is going to have many men there or a few men. The profit from the navy yard, or the United States Government to this company has varied for the last ten years from \$11,000 to \$13,000. The old company has an unlimited supply of water. No one will deny that. They are willing to furnish to everybody upon the line of this pipe, to the takers; and have done so, have been urged to do so and are willing to do so—whoever wanted water from that pipe. Along the line of this pipe there have been but a few takers. They have been urged—a house to house canvass shows that of 191 houses upon this line only 60 men have agreed to take water. The company has done everything to induce them to take water, because of course: the more takers there are the more profit there is. There have not been and would not be enough takers as shown by the house

to house canvass to pay one per cent. upon the cost of construction of this water company.

Now it is said, and will be said on the other side, that they want to extend the line to Kittery Point,—this one man company who has been about this State House for the last ten days or two weeks. You see no men from Kittery here. It does not affect the town of Kittery. It only affects this water district, composed of a small part of the town of Kittery. They say furthermore that they leave this bill to be accepted by the water district. If they will amend this bill so as to leave it to the taxpayers of the town of Kittery I will accept their proposition; but I cannot stand here and see this bill go through on a valuation of this water district, if I am right in my figures; and I hold the report of the agent here in my hand, that it has cost \$215,000 and that the plant is worth that today; and that the water district would have to pay \$215,000 if they took over this matter; and if they go down to Kittery Point, which is about two miles, then, by the engineers report, it will cost \$55,000 more. Then to put the main pipe in to supply the water to Kittery as it should be, it will cost \$50,000 more, which makes \$313,000 that this man wants to put upon that water district, with only \$600,000 of valuation. You take a pencil and figure it and you will find it will put an obligation upon them of about 33 1-3 per cent. of all the valuation they have there and will ruin that district.

But you say, why do not the people protest? It is one man that is doing this over in Kittery. You know who it is. It is not the people of Kittery, it would be impossible for them to do it. That district could not do it because it would be a tax on them of 33 1-3 per cent.; but this is the method that they have taken in order to evade the constitutional limit to which they can raise money. They could not have done it in any other way.

I am not in favor of taking property in this way. I think it has been the settled policy of this State, and good policy that where an old company has done good service and is willing to supply water—and I challenge them to

come here today and say that the old company has not furnished them an abundant supply, to every man upon the line there. And this old company is willing to go down to Kittery Point and have made a survey of that point. We find that it will cost from \$37,000 to \$50,000 to put the line down there. This company says, and I think they are right, as a business proposition, that they canvass everybody down there on that point to see how many takers there would be at \$11,000 cost. There are on the line to Kittery Point 132 houses and one livery stable; and their canvass shows that only 21 will agree to take water. I think you will say with me that, if this old company is willing to go down to Kittery Point and furnish everyone with water who wants it, that only 21 on that line agreeing to take it, you would not expect this line to put it down there. So it is upon the other line. They cannot use the argument that they have not had an abundant supply. They have always had it and have it now. The trouble is this: That this party who desires to get control of this old company who put their money in there and did not issue bonds for it—their own money—and have supplied the Kittery navy yard, it is paying property of course an average of about \$11,000 that the government pays for water for the Kittery navy yard—this schemer undertakes to steal this company under a proposition not signed by the owners of the water district but by poll-tax payers who are not interested.

You will see at once that everything depends upon the navy yard. There they are there tonight and lots of these employees are not there tomorrow. It depends upon how much business is being done. We say that, under this proposition, it would be ruinous. I am not speaking for the taxpayers of that Kittery District, but I am speaking generally. I have the facts before me here, and I know whereof I speak. They do not intend to build it. They never intend to build. They cannot build it. They want to get this charter out of this Legislature and buy them out and put the money in their pockets. I challenge them to get up here and say that they have any intent to pay this company.

Oh, they say we will pay whatever the court says, if we cannot agree true. We say that. But I say to you that the engineer's report of what it would cost to put it down to Kittery Point in first-class shape will be \$315,000; and you know and I know that it is impossible for that water district to pay that sum of money. They never intend to. We say we have put out money in there, and I believe invested right. If you are going to take away and condemn this property when they have done everything they could and there is no complaint whatever, what is there left in the State of Maine today? Is there any safety in a man investing his money in water works, electric plants or anywhere else?

In Section 4 of this bill they ask to issue bonds to an unlimited amount, not content to say that it shall be \$200,000 or anything else; and they ask that they shall by this Legislature be made safe investment for savings banks. I would like to know, if they issue \$200,000 in bonds down in that district with only \$600,000 valuation, how many of those bonds they would sell to the savings banks of this State or to anybody else?

We do not want to be at the mercy of such a man. What have we done? We have done good service to the water district and we are willing to extend it whenever it will show by the takers down there that it will pay an interest of two per cent. upon the amount invested.

I ask you to consider this matter. I have no interest in it one way or the other, except as a matter of principle. No one dare to invest in any such business proposition if it is allowed to be done. I do not believe you are going to do it. With these remarks, Mr. President, I move that the matter be indefinitely postponed.

Mr. SIMPSON of York: Mr. President, I am surprised to hear the senator from Knox talk so much about a subject he knows so little. I also wish to state that I am not personally interested in the matter, but am interested simply for the people of the town of Kittery.

The people who have asked for this water district include in their number

many of the best citizens of Kittery, and many of those who are its largest taxpayers. It includes prominent town officials, headed by Mr. Paul, the town treasurer, and includes the selectmen, and many leading traders of the town.

Mr. STAPLES: Will the senator allow me to ask him a question?

Mr. SIMPSON: Certainly.

Mr. STAPLES: Do any of these men whom he has named, live in the water district?

Mr. SIMPSON: Practically all of them live in the water district, 90 per cent., I should judge.

This charter was granted in 1893 for the express purpose of supplying the towns of York, Elliott and Kittery with pure water for domestic and municipal purposes, including the extinguishment of fires and for the use of manufacturing establishments, also to supply any individual or corporation connected with the works of this corporation at any part of the State line.

The charter was amended in 1901 by striking out the word "York" as that town had, in the meantime secured a water supply.

The copy of the charter asked for is taken from a copy of the Kennebec Water District.

The senator from Knox also stated that the cost of the plant was over \$215,000. If I am correct, the actual cost of the plant was \$90,000.

He has read over a few articles here about the number of houses located along the water main. I will state that there are 263. He claimed 161; and this water main goes through only about one-third of a mile of the strictly thickly populated part of Kittery. Everyone on that line is taking water.

There was a special meeting called by the town of Kittery at the request of the late Hon. Frank Jones, whose estate now is the principle owner of this company. That meeting was called for the purpose of making a contract with said company to furnish the town with 40 hydrants. A committee was chosen to meet in conjunction with the selectmen; and make contracts. Permission was given by the town to the company through one of their streets; and the company completed a line to the Navy Yard. Before the contract was signed,

they informed the committee that the price of material had advanced, and they decided not to extend the line any further, and that left the town very badly situated as regards its water supply. For a third of a mile they were left free to take on water, but after that no more was ready to take on water until last fall, just before the Legislature convened, making a period of five years when no party was allowed to get water, except in the first year.

I will also state that the present location of the water main accommodates not more than one-eighth of the inhabitants of the town of Kittery. I will also state that through the influence of the secretary of the navy, as recommended in his report for the last four years, the price of the plant ranged from \$200,000 to \$170,000, which was recommended this year; but the people of Kittery know if this was carried through their water supply would be cut off.

But, through the influence of our representatives in Congress this matter was stricken from the bill and was added by Senator Gallagher of New Hampshire when it entered the Senate, who was very friendly with Judge Page of Portsmouth, who has charge of the Jones estate, but through Senator Frye, the amendment was defeated.

I also wish to say that this is the only supply that the town of Kittery can get, and I think they should have the first right. If this company is extended through the water district, it will take in 600 houses more than are now on the line.

I do not know of anything more I can can state. This was an undivided report of the committee and this matter was threshed out before the committee and the committee decided the water district should be granted, and I hope the senators will not vote with the senator from Knox to indefinitely postpone this matter. When the vote is taken I ask that it be taken by the yeas and nays.

Mr. STAPLES: Are you willing to submit it to the taxpayers of the town of Kittery?

Mr. SIMPSON: We are willing to

submit it to the Water District. The out-lying districts of the town is a farming community which, of course, would be opposed to it; but we do not want to ask them to come in and have their property taxed for the benefit of this water district.

Mr. STAPLES: What proportion of the town is this water district to the valuation and population?

Mr. SIMPSON: Two-thirds.

Mr. HESELTON: May I ask the senator from York a question?

Mr. SIMPSON: Certainly.

Mr. HESELTON: Does this water district which is asked for, Senate 244, embrace all of the municipal area which is now reached by the water system?

Mr. SIMPSON: Yes.

Mr. HESELTON: Is the outlying district which is not included, benefitted by this water system?

Mr. SIMPSON: It derives no benefit at all.

Mr. HESELTON: Under Section 12 of this document, the inhabitants of this district have the privilege of voting whether they will incur this responsibility or not.

Mr. SIMPSON: In the water district they have a chance to vote on the matter.

Mr. DEASY of Hancock—Mr. President, I did not intend to speak upon this question; but, when the senator from Knox attacks a unanimous report of the judiciary committee, of which I had the honor to be a member, it impugns the judgment of every member of it.

I propose to speak very briefly in justification of that committee's act.

If there is any senator here who opposes, upon principle, the establishment of water districts, who believes that, under no circumstances, should a water district be established, so that through it the people may break from a company and supply themselves with water, then he may properly vote against this measure; but if ever there has been a case in the history of Maine that justifies the formation of a water district and the taking over of a water company, this is the one.

The senator from Knox made one true statement. He says this is a contest between one man and the people. That is

true. The one man is the man for whom he speaks and the people are asking the enactment of this law.

He says another thing which is true: And that is that the company has always furnished an abundance of water. That is true. They have furnished an abundant supply of water to the Kittery navy yard but they have refused to put in a distributing system to supply the people of Kittery with water, and they have even refused to put in taps to allow some of the people along the line of the main pipes to take water. It is true that very recently, within the last month or two, since the proposition of this district has been before this Legislature, they have gone around among the people and canvassed them to see how many of them would take water from their distributing system, which they now propose to extend through the town, and they have come too late. They have come so late that the people do not believe in them, and therefore will not agree to take water from them. For years they have had this main pipe running through the town of Kittery to supply the Kittery navy yard, from which they receive from \$11,000 to \$13,000 a year. For years the people of Kittery have asked them to extend their system through the town so that they could enjoy the benefits of this water; but the water company has declined to do it and has declined, as I said before, even to allow taps to be put into the main pipes so that people along the line of the main pipe could be supplied with water.

Mr. STAPLES—Mr. President, I should like to ask the senator this question: If it is true and if he states it upon his word that there has ever been a time, from the formation of that old company down to the present time, that they have not offered everybody a right to hook on to that main pipe?

Mr. DEASY—I shall be pleased to answer the question. I will tell the senator that I do not know personally, but I will also tell him that it was charged before the committee that have refused to allow the people to hook onto the main line of the water company, and the committee admitted it.

Mr. SIMPSON—I would like to say that

I know personally that this request has been refused.

Mr. STAPLES—I am informed, Mr. President, by a reputable man of the town of Kittery, who lives in that same district and is a prominent man there—I could call his name if necessary—that the company have made more than once, yes, five times within the last five years—that a house to house canvass upon the lines where the main pipe is and that no one would agree to take it other than I have stated it. They have gone so far in their desire to furnish water because they have an unlimited supply, and the more takers there are of course the more income there is to this company. I cannot conceive why the water company would refuse supply takers when they have an unlimited supply, and could do it at a cost of \$11 and make money on it.

I am glad the senator says there is an unlimited supply of water but he replies to none of my statements in regard to the valuation of this little water district that one man wants to put into his own pocket.

I think I am justified in saying that the company will put it down to Kittery Point if the takers will justify the expense of doing it.

They have given the town of Kittery six hydrants, taxing the company \$400 a year, and they have willingly paid it and besides they have given them from four to six hydrants. I do not remember about the expense. They have been generous to those people, and now that Frank Jones is dead and his heirs are represented here, I ask you if you are going to condemn that property? If so, your property and mine, under the same measure, might be condemned. I trust my motion will be sustained.

Mr. SIMPSON—I wish the senator from Knox had posted himself on this matter. The town pays for four hydrants \$100 per year. The secretary refuses to recommend the purchase of this plant provided they allow any more takers.

The question being put upon the motion to indefinitely postpone. Those voting nay were Messrs. Ayer, Bailey, Barrows, Brown, Clarke, Curtis, Deasy, Eaton, Foss, Garcelon, Hastings, Heselden, Houston, Irving Libby, Merrill, Page, Parkhurst, Proctor, Putnam, Rice, Simpson, Stearns, Tatre, Theri-

ault, Wyman (26). Voting yea Mr. Staples, (1). So the motion was lost.

Mr. Simpson thereupon moved that the bill take its several readings under suspension of the rules and passed to be engrossed.

Mr. Staples of Knox thereupon offered Senate amendment A.

Mr. STAPLES: Mr. President, I desire in a very few words to explain this amendment. I have no doubt that the people of the whole town of Kittery know about the wants of that town, what has been done and what ought to be done, better than I do or the senator from York. I am willing to leave it to them. I have put in this amendment because I thought that every voter should know about it and if it is right I have no doubt vote for it. If the whole town is willing to do it I have nothing to say and it seems to me that the people of the district should be willing to have it submitted to the whole town of Kittery and let them decide it.

Mr. SIMPSON: Mr. President, I should strongly object to an amendment of the kind offered by the senator. Of course it has the effect of killing the whole bill and it seems strange that the senator from Knox should think that he could fool the senators in this way.

Mr. HESELTON: Mr. President, I have no personal interest in this matter, but I sincerely hope the amendment will not be adopted, because it seems to me it is covert attack upon the bill. We all understand that these water districts are carved out of the municipality and made a separate corporation controlling only that part of the territory which they are established in; and the outlying districts have nothing to do with them. This little water district in Kittery, as I understand it, is established for the benefit of the people in that district and they are the only ones interested and their property is the only property which receives the bonds issued on this matter. It seems to me that they are the only ones who should have the right to say whether the amendment should be adopted or not. I hope the amendment will not prevail.

Mr. STAPLES: Mr. President, I want to say one word to this Senate, that

they may think it over some time in the future, I say that, although you created this water district by your vote, it never will be condemned. The town or water district never intend to, and they never will. So I am pretty well contented as I am.

Mr. HESELTON: Then the senator and his friends who are covered by his plural pronouns "we" will not be hurt.

A vote being taken upon the adoption of the amendment, the amendment was rejected.

The question being put upon the motion that the bill take its several readings under suspension of the rules and passed to be engrossed, the motion prevailed.

The bill thereupon took its several readings and was passed to be engrossed.

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On motion by Mr. Putnam of Aroostook House Document No. 288 "Resolve in favor of screening Pleasant pond in the county of Somerset" 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 Mr. Libby of Waldo Senate Document No. 287 "An Act to prohibit the carrying on of the business of Bucket-shops" was taken from the table.

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

Mr. PUTNAM of Aroostook: Mr. President, I will say that this bill had an extended hearing before the committee of which I have the honor to be a member. It was considered to be a just and meritorious measure and it comes to this House with the unanimous report of the judiciary committee "ought to pass." I think that a careful examination of this bill will show that it is one that ought to pass and I trust that the motion will not prevail.

Mr. DEASY of Hancock: Mr. President, I introduced this bill into this Senate at the request of certain gentlemen whom I believe to be animated by public motive, and no other motive. At the time I introduced I had little knowledge on the subject of bucket-

shops and no opinion for, or against it. Since I introduced the bill, I have heard the evidence introduced before the committee on judiciary and I have also received some information upon the matter and have read somewhat about them; and from the information that I have received and from the evidence introduced before the committee, I believe that this is a meritorious measure and one which should receive the sanction of this Senate and this Legislature. The fact, I submit, that this bill is reported unanimously by the judiciary committee, while not entitled to much weight, very little perhaps, is entitled to be considered. The fact that before the committee and before this Legislature now were petitions numerously signed by the people in the State of Maine from all over the State and that there was not one remonstrance against it except from a firm of bucket shop people, Quinlan & Company, I think, should be entitled to some weight and some consideration at your hands. The fact that the Young Men's Christian Association of the State, which is not a money making institution, which is not a speculating institution, which I believe you think has the best interests of the young men and boys of the State at heart, came before the committee and asked for the enactment of this bill, is entitled to some recognition at our hands. This bill asks for the suppression of bucket shops and defines bucket shops. I will not attempt to analyze the bill. I shall not read it section by section or any part of it. But simply say this: That in substance and effect, this bill prohibits the keeping of a place resorted to for the purpose of betting on stocks. It does not prohibit trading in stocks. It does not prohibit trading on margins. It does not prohibit even betting and gambling in stocks, but it does prohibit men from keeping a place where young men and boys resort and are enticed for the purpose of betting on stocks, without any attempt or intention of engaging in any legitimate bona fide transaction.

The question being put upon the motion to indefinitely postpone, the motion was lost.

The bill took its first reading and

on motion of Mr. Deasy of Hancock, under suspension of the rules, it took its second reading and was passed to be engrossed.

On motion of Mr. Hastings of Oxford there was taken from the table House Document No. 618 'An Act to provide for a transferable two-cent mileage on the Bangor and Aroostook Railroad.'

Mr. HASTINGS: I do not wish to oppose the motion of the senator from Aroostook, and am cheerfully willing to acquiesce in his judgment in reference to this matter.

Mr. IRVING of Aroostook: Mr. President, I desire to thank the senator from Oxford for his courtesy in leaving this matter to me; and as a return courtesy, I will not consume a moment of the Senate's time unless compelled to do so.

I move that we non-concur with the House and indefinitely postpone the bill.

The motion prevailed.

On motion of Mr. Wyman of Washington Bill "An Act to amend Section 34 of Chapter 41 of the Revised Statutes, relating to the taking of clams was taken from the table and on motion of Mr. Foss of Cumberland the same was indefinitely postponed.

On motion of Mr. Hastings of Oxford there was taken from the table bill "An Act to provide for the election of a school board for the city of Biddeford and to define the duties of said board and to regulate the compensation of the members." On motion of Mr. Tartre of York the same was indefinitely postponed.

On motion of Mr. Parkhurst of Penobscot there was taken from the table House Document No. 593, "Resolve in favor of Edward Fahey." The same senator filed a statement of facts and on his further motion the bill took its second reading and was passed to be engrossed.

On motion of Mr. Hastings of Oxford House Document 158, Bill "An Act to amend Chapter 267 of the Private and Special Laws of 1905, relating to the Alfred Light and Power Company," was taken from the table and on

further motion by the same senator the bill took its second reading and was passed to be engrossed.

On motion of Mr. Staples of Knox Senate Document No. 57, majority report, ought to pass, from the committee on judiciary, with minority report of same committee, ought not to pass, on resolve proposing amendment to the constitution about power of Governor to cause laws to be faithfully executed.

Mr. STAPLES of Knox: Mr. President, in regard to this bill I suppose it may be denominated "the rum bill." We have had the water bill this morning and I think in fact the rum generally comes first and the water afterwards, but we will reverse it in this case.

I am opposed to this matter upon the ground that we have upon our statute books innumerable laws. The brains of Maine have been taxed to put upon the books a better enforcement of our liquor law. The laws of our State gives each county in the State the privilege and right to elect their own sheriff. I still believe that the several counties of the State are composed of law-abiding citizens who desire to see the law enforced in a proper manner. The constitution put that power into the hands of the sheriff and the county attorneys. There are men in every town, three or four in every town in the State, who are authorized under the statutes to enforce the prohibitory liquor law and to take over the sheriff of a county and place him at the beck of the Governor of the State and to cause him to be investigated by some fanatic. It seems to me to be going outside of what was intended to be the primeval form of our government. I cannot believe that the people today want such a measure submitted to them. It is an insult to every sheriff in the State of Maine. To be sure, in the new draft, they say, that the government may appoint a member of the same party; but that does not matter. You will have every county of the State in commotion if you do it; and I hope that the matter will not pass. I do not know what condition it is in.

The PRESIDENT: The question is upon the acceptance of either report.

Mr. STAPLES: I hope the report will not be accepted.

Mr. EATON of Washington: Mr. President and gentlemen, to my mind the question now before us is the most important one that has come or is likely to come before this Legislature, as it is relative to the great question of temperance, a subject that is in the hearts and minds of all our citizens; and if we can, at this time, adopt some measure that will help us out of our difficulties we shall confer a great boon upon the State. I beg leave to differ with the gentleman from Knox. He has called it a rum measure. I call it a temperance measure. When I presented this resolve that I have presented, I believed it to be a good one and worthy of a place upon our statute books, not that it is a new proposition, but because it is an old proposition. It is an old law on our books, placed there before the oldest senator here was born. I introduced this resolve on the first day of February. I am sorry that it comes up at this late date. I immediately went to my friends, on introducing it, to see in what way they would look at it; and, without exception, every man that I approached in the Senate here and in the House approved it. In fact the approval was so general that I was in doubt myself whether I really had the true sentiment or not and so I went still further in the matter and inquired of my friends and others outside of this body. An ex-Senator who was here two years ago, told me that he fully approved of this measure, that he had a resolve similar to this ready to put into this Senate. The friends of the Sturgis bill urged him to withdraw it, which he did. I also met a friend of mine who was a member of the last Legislature, and one of the ablest representatives in that Legislature; and he told me that he fully approved of this measure, and that he was desirous, two years ago, of having this same measure to go through, but that the friends of the Sturgis bill opposed it, and so it was withdrawn there. He felt that if this had been put through two years ago as could easily have been done, the great question now



before us would have been solved. I have other testimonies, gentlemen. Letters have come to me from different parts of the State from people I have never heard of before, approving it. It had approval in the papers and the only opposition in the papers that I know of came from Democratic papers; and they thought it rather a drastic measure, so that the resolve has been changed to meet the difficulties that they found in it. They thought that possibly it might be used by some of the Republican party against Democrats in power—against any sheriff who might be a Democrat, so that there was put into the bill the clause that "any vacancy which is caused by such removal shall be filled by the appointment of a political party to which the party removed belonged." So that objection must be done away with.

I also had testimony of approval from one of the candidates for Governor at our next election and from one of the judges of our supreme court; and last, but not least, came the report of the judiciary committee. The only opposition to that in this committee was from two of the members who are Democrats, and I am afraid that in their decision they were governed by party lines. But, in addition to this, gentlemen, we have strong precedents for this. It is not an untried measure but it is being used in other states and used to advantage. There are several states that have a similar law to this, but not exactly like it, the state of New York for instance, and three states in our Western country, Michigan, Minnesota and Wisconsin, that have laws exactly like this except they go farther than this and give the governor power not only to remove sheriffs but to remove many other officers. I have here copies of those laws of the three different states but I will not take your time to read them all. I will take the shortest one so that you may get an idea of it.

In Minnesota. Revised laws. 1905.

Sec. 2668. Removal by governor. The governor may remove from office any clerk of the supreme or a district court, judge of probate, court commissioner, sheriff, coroner, auditor, register of deeds, county attorney, county superintendent of schools, county commissioner, county treasurer, or any collector, receiver, or

custodian of public moneys, whenever it appears to him, by competent evidence, that either has been guilty of malfeasance or nonfeasance in the performance of his official duties; first giving to such officer a copy of the charges against him and an opportunity to be heard in his defence.

There are three of these enterprising states with laws exactly like this one proposed and we have Governor Folk of Missouri, and you all know how enterprising he is, and he has lately applied for this same law for his state and I am going to read you an extract from his message:

In his message Gov. Folk says: "In a large majority of the counties of the state the local officials at least endeavor to carry out the law, but there are some counties where the officials wilfully neglect their duties and where the sovereignty of the lawless liquor seller is greater than the sovereignty of the state, for they overrule the statutes of the state and set aside the mandates of the commonwealth with impunity, and the state is powerless. It is a travesty on state government to have the dramshop laws enforced where the governor has the power to enforce them—enforced in counties where the local officials want to enforce them—and ignored in counties where the officials either can not or will not enforce them." Governor Folk insists that some remedy must be found for this travesty upon state government. He justly says there can be no such thing as local option in obeying or not obeying state laws.

So you see their situation is similar to ours, and they want this law the same as we are asking here; and we have still further evidence that this law is a good one, and that is that in our own grand State, of which we are all so proud, in its early history from the time it left Massachusetts in 1820 until 1855 it had this same law which we are asking for now, or practically the same; and Governor Dingley, of whom we are all so proud, who represented his State here so well and who represented us in Congress so nobly and grandly, in one of his messages regretted that this was ever taken from our statutes and wished that it might remain there to our benefit. Would

it not be wise, then, Mr. President and gentlemen, to place again on our statutes an old law which has served us so well?

I would suggest that if this does become a measure—if it is voted here in that way, and if it ever does become a law, that the Sturgis law be done away with, and I have an act here to that effect which I will put in in case this has a passage; and I will move you, Mr. President, that the majority report be accepted and will ask that when the vote is taken that it be by a yea and nay vote.

Mr. SEWALL of Sagadahoc—Mr. President, before that vote is taken, as I was unable to hear all of the senator's remarks I would like to ask him the reasons, if he knows them, which influenced the Legislature to take away this power which the Governor once had.

Mr. EATON—I do not know the reasons why it was taken away. They were not moral reasons, but for some political reasons, I know not what.

Mr. SEWALL—It was a Legislature, as I understand, of distinguished Republicans; and I thought perhaps the senator would know the reasons which led a prohibition Legislature to take away this power which the Governor thus exercised.

Mr. EATON—I do not know.

The question being put upon the motion that the majority report "ought to pass" be accepted, the yeas and nays were ordered and the vote being had resulted as follows: Those voting yea were Messrs. Ayer, Bailey, Barrows, Brown, Clarke, Deasy, Eaton, Hastings, Houston, Irving, Libby, Mills, Page, Parkhurst, Putnam, Rice, Sewall, Stearns, Theriault, Wyman (20). Those voting nay were Messrs. Curtis, Garcelon, Merrill, Philoon, Proctor, Staples, Tatre (7). So the motion prevailed and the majority report was accepted. On further motion by the same senator the resolve took its two several readings under the suspension of the rules and was passed to be engrossed.

On motion of Mr. Staples of Knox, House Document No. 500, "An Act to incorporate the Waldoboro Water Company," was taken from the table. On motion by Mr. Clarke of Lincoln the bill took its second reading under suspension

of the rules and was passed to be engrossed.

On motion by Mr. Parkhurst of Penobscot, Bill "An Act relating to State School for Boys," was taken from the table. On further motion by the same senator the pending amendment was adopted and the bill as amended took its second reading and was passed to be engrossed.

Mr. Eaton of Washington submitted bill "An Act to repeal Chapter 92 of the Public Laws of 1905 entitled 'An Act to provide for the better enforcement of the laws against the sale and manufacture of liquors,'" which was referred to the committee on judiciary.

Mr. PARKHURST of Penobscot—Mr. President, may I inquire through you of Senator Eaton just the relationship of this resolve?

Mr. EATON—Should this become a law the Sturgis law would become null and of no effect.

Mr. STAPLES—Then we are to be cursed with a Sturgis commission for two years longer, are we? I want to say that until this time I have not believed in a political death but I think there will be one pretty soon when the people get to voting upon these matters. I hope that I may be there when the party dies which enacted these cursed laws upon the statute books. I shall not shed many tears of agony and despair but I shall shed tears of joy.

Mr. SEWALL—We have to vote yet on the Sturgis law.

Mr. STAPLES—You have got it now for two years by that act.

On motion of Mr. Hastings of Oxford the Senate took recess until 1.55 P. M.

#### SENATE 1.55 P. M.

The Senate repaired to the Hall of the House.

#### SENATE 6.50 P. M.

The Senate having returned to their chamber, adjourned.