

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

On motion of Mr. Goodwin of Sanford, bill relating to Atlantic Shore Line Railway was taken from the table, and on further motion by Mr. Goodwin the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Davies of Yarmouth,
Adjourned.

SENATE.

Wednesday, March 27, 1907.

Senate called to order by the President.

Prayer by the Rev. Mr. Kierney of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

The following House bills on motion, under suspension of the rule took their second reading and were passed to be engrossed.

An Act to amend chapter 352 of the laws of 1905 relating to the Caribou Municipal Court.

(House amendment A adopted.)

Resolve in favor of J. Merrill Lord, Chairman of House Committee on Elections.

(House amendment A adopted in concurrence.)

Resolve providing for the appointment by the Governor of a Committee to inquire into the advisability of creating a State Board of Charities and Corrections.

Resolve, that the land grant agent be authorized to convey to Lemuel H. Stover of Brunswick, Maine, certain ledges in Casco Bay known as "Irony Island."

Resolve in favor of W. S. Knowlton to pay expenses of investigation of office of State Superintendent of Schools.

An Act to amend chapter 47 of the Revised Statutes relating to the better protection of sheep, came from the House with House amendments A and B adopted in that branch. On motion of Mr. Bailey of Somerset this bill was tabled.

Resolve in favor of Moosehead Fish hatchery. House amendment A adopted in concurrence.

Majority and minority reports of the committee on Temperance on Bill "An Act to repeal chapter 92 of the Laws of 1905 entitled 'An Act to provide for the general enforcement of the laws against the sale and manufacture of intoxicating liquors.'" Majority report that it "ought not to pass,"

minority report it "ought to pass," came from the House, in that branch the minority report being substituted for the majority report and the bill passed to be engrossed.

Mr. Stearns of Penobscot moved to concur with the House in the substitution of the minority for the majority report.

The yeas and nays were called for and ordered and the vote being had resulted as follows: Those voting yeas were Messrs. Ayer, Bailey, Barrows, Curtis, Foss, Garcelon, Merrill, Page, Parkhurst, Philoon, Proctor, Staples, Stearns, Tartre, Wyman (15). Those voting nay were Messrs. Brown, Eaton, Hastings, Heselton, Houston, Irving, Libby, Mills, Putnam, Rice, Theriault (11.) So the motion prevailed.

On further motion by the same senator, under suspension of the rule the bill took its several readings and was passed to be engrossed.

Majority and minority reports of the same committee on bill "An Act to amend section 5 and 9 of chapter 92 of the Public Laws of 1905 providing for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, the majority report being "ought to pass," and the minority report being "ought not to pass," came from the House, in that branch the bill indefinitely postponed. On motion by Mr. Brown of Kennebec this bill was tabled.

Bill, "An Act to enable cities to assess taxes for street sprinkling," passed to be engrossed by the Senate February 25, 1907 came from the House, by that branch passed to be engrossed as amended by House amendment B. On motion by Mr. Irving of Aroostook the Senate voted to reconsider the vote whereby the bill was passed to be engrossed; and on his further motion House amendment was adopted in concurrence, and his further motion the bill, as amended was passed to be engrossed.

Bill, "An Act prohibiting publications relating to patent or other medicines in language of immoral tendency and ambiguous and protecting the public from the dangerous and indiscriminate use

of medicines," passed to be engrossed by the Senate March 21, 1907, came from the House, that branch refusing to adopt Senate amendment A and passing the bill to be engrossed as amended by House amendment A. Mr. Barrows of Penobscot moved that the bill be indefinitely postponed. Mr. Mills of Hancock thereupon moved that the motion of the senator from Penobscot be tabled.

Bill, "An Act to incorporate to the Wilton Water District" passed to be engrossed by the Senate March 26, came from the House passed to be engrossed as amended by House amendment A.

Mr. Rice of Franklin moved to reconsider the vote whereby the bill was passed to be engrossed, and further moved the adoption of House amendment A in concurrence. On his further motion the bill as amended was passed to be engrossed.

Mr. Simpson of York presented and moved the passage of the following order and that it take its several readings and pass to be engrossed without reference to a committee, namely: "Resolve in favor of the clerk of the committee on Appropriations and Financial Affairs" the motion prevailed, the resolve was read twice and passed to be engrossed.

Bill, "An Act to amend an act to incorporate the Livermore Falls Sewer District" came from the House in that branch read three times under suspension of the rules and passed to be engrossed on motion of Mr. Rice of Franklin, under suspension of the Rules the bill took its two several readings and was passed to be engrossed.

Resolve in favor of Hon. Lorenzo T. Brown, came from the House passed to be engrossed under suspension of the rules.

On motion by Mr. Tartee of York, under suspension of the rules, the resolve took its two several readings and was passed to be engrossed.

On motion of Mr. Heselton of Kennebec it was ordered that the State Terasurer be directed to pay \$50 each to the messenger and assistant messenger for services during the 73d Legislature.

Passed to Be Enacted.

An Act for the protection of deer in York county.

An Act to establish a salary of state superintendent of schools and further define his duties.

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

An Act to amend an act approved Feb. 19, 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 Company.'"

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

An Act to amend Section 95 of Chapter 49 of the Revised Statutes, as amended by Chapter 121 of the Public Laws of 1905, relating to notice of injury to Casualty Insurance Companies.

An Act to amend Section 32 of Chapter 8 of the Revised Statutes, relating to excise tax on palace or other cars for which extra compensation is charged for riding therein.

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

An Act to establish a salary for the judge of the Rumford Falls municipal court.

An Act to change the terms of the Supreme Judicial court in the county of Piscataquis.

An Act to provide for the transfer of persons from the insane department of the State prison to the building for the criminal insane upon the Arsenal grounds of the Maine Insane hospital at Augusta.

An Act to provide for a clerk for the register of deeds for the northern registry of deeds for Aroostook county.

An Act to amend Section 4 of Chapter 55 of the Public Laws of 1905, relating to the appointment of receivers.

An Act to incorporate the Maine Title Guarantee Company.

Finally passed.

Resolve in favor of the Senate postmaster.

Resolve relating to title and sale of gun house in Kitery, York county, formerly used by Company B, Artillery, 4th Regiment, Maine Volunteer Militia.

Resolve in favor of Harry P. Hawes.
Resolve in favor of aiding the build-

ing of a bridge between Machiasport and East Machias.

Resolve in favor of Benjamin F. Colcord.

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

Resolve in favor of the town of Verona.

Resolve in favor of the Maine Insane hospital.

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

Orders of the Day.

Bill, "An Act to abolish the office of public binder and to authorize contracts for public binding on the basis of competitive bids" came from the House, the bill passed to be engrossed as amended, by House amendments A and B. On motion by Mr. Mills of Hancock this bill was tabled. Subsequently on motion by the same senator the bill was taken from the table and the same senator moved that the Senate nonconcur with the House in accepting amendment B.

Mr. MILLS: Mr. President, in explanation of my motion, I will say that this bill came before the legal affairs committee and was recommitted to the committee after the first hearing, and was unanimously reported "referred to the next Legislature." The proponents of the bill asked that it take effect on the first of January 1909. The committee agreed that it should be referred to the next Legislature. House amendment B makes the bill take effect on the first of January 1908. So far as I am concerned and so far as those interested in the bill are concerned, they are willing it should take effect on the first of January 1909 but not on January 1st 1908. For that reason I move to nonconcur with the House and to have the bill take effect on the first of January 1909. That would be at the expiration of the term of office of the present State binder and would give time to get matters into shape so that the Governor and Council will be prepared to ask for bids on the work.

Mr. Gleason of Mexico came before the committee and urged the passage of the bill at the second hearing but he only asked that it be allowed to take effect in 1909. Some man who may pos-

sibly pose as a reformer in the other branch has added this amendment carrying the date back to 1908, and I trust that this will not be accepted.

The Senate thereupon voted to non-concur with the House in the adoption of House amendment B.

The PRESIDENT: Does the senator wish to move the adoption of House amendment A.

Mr. MILLS: I think it is entirely satisfactory to all concerned that the bill take effect on the first of January 1909.

Mr. Merrill thereupon moved that the bill be tabled. The motion prevailed.

Mr. Deasy of Hancock presented "Resolve to provide for expenses for justices of the supreme judicial court at sessions of the law court," and said: Mr. President we have passed a bill, introduced by Mr. Johnson of Waterville in the House, providing for an additional session of the law court and additional meetings of the justices. That act was passed by both branches some time ago. That act provides that the expenses of the justices in attending the extra sessions and also the law court sessions shall be paid by the State. No appropriation has been made for it and this Resolve is for the purpose of supplying that appropriation under the act which has been passed.

On motion by the same senator under suspension of the rules the resolve took its two several readings and was passed to be engrossed without reference to a committee.

On motion of Mr. Heselton of Kennebec House Document No. 648 "An Act to amend an act entitled 'An Act additional to Chapter 49 of the Revised Statutes, relating to insurance and to insurance companies approved March 6, 1907'" 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. Bailey of Somerset House Document No. 266, "An Act to amend Chapter 4 of the Revised Statutes, relating to the better protection of sheep" was taken from the table. On further motion by the same senator House amendment B was adopted; and on his further motion the bill as amended was passed to be engrossed.

On motion of Mr. Stearns of Penob-

scot Senate Document No. 152 was taken from the table and on his further motion the report of the committee was adopted.

On motion of Mr. Sewall of Sagadahoc Senate Document No. 55 "Resolve with reference to rebate of taxes to railroads" was taken from the table.

Mr. SEWALL of Sagadahoc: Mr. President, That resolve was introduced by me at the termination of our discussion in regard to the questions propounded to the supreme court as to rebate of taxation, on the motion of the senator from Knox.

The Senate took its position at that time, and I joined the majority. I believed then, and I believe now that those rebates previously granted by the State ought to stand. I believe they would stand if the question had been referred to the supreme court. I think the circumstances under which they were granted were perfectly well understood at the time. That is to say that those roads which were needed did need this assistance and the State had no money to pay them in the form of a subsidy and it had no land to give them at the time. For those lands had been given away to the European and North American Railroad. All the lands in that section would naturally have gone to those roads, and the action of the Legislature of those days will stand and would be exactly the action which we would take under similar conditions, did they exist today. We have no apologies to make for that action at all.

My Resolve is as follows:

Resolve, with reference to rebate of taxes to railroads.

Resolved: That rebates of taxes granted railroads by former Legislatures without regard to party to aid in the industrial and commercial development of the State, ought not on principles of equity, and in justice to contracting parties and innocent purchasers, be disturbed, but it is the sense of this body that such rebates should neither be newly granted nor extended in any manner that can be construed as an exemption from taxation.

At the time I introduced that resolve there were in the Legislature, and being introduced into the Legislature, several railroad bills, extensions of those roads, all of which I put upon the

table intending to embody, if the Senate adopted this resolve, the sense of this resolve in the amendment in those bills. At that time, after I had tabled the bills, I was called home and the situation in my family for 10 days was such that I did not expect to return here this session. Believing that the great corporations, whose interests were involved, ought not to suffer by reason of my absence, I telephoned the chairman of the committee on railroads to take from the table the most important bill, providing for the extension of the Somerset Railroad, and put it on its passage.

Previously two bills relating to the B. & A. R. R. were taken from the table and put on their passage, as they provided for no great extensions, being only cut-offs and short roads, which would relieve the other roads of a longer run and over steep grade. I am careful in explaining this to the Senate because the subject involved is rather intricate, and I want the senators to understand exactly the situation when I ask for a vote upon this resolve. The Bangor & Aroostook Road, which contemplates the largest extension of all, has had no bill in at this session authorizing that extension. They received their authority in 1903 in Chapter 22 of the Private and Special Laws at that time, which I believe was intended to give, and I believe it did give them the right to receive this rebate of State taxes on all their extensions. The Somerset Railroad bill, which was taken up by the chairman of the committee on railroads, which is now passed by both bodies, does not, on any construction that I can find, grant rebates to that road.

Now, without going into individual statements as regards the future prospect of our railroads in this State, I do believe that it will be admitted that the situation today is a different one from what it was when the Legislature authorized the contract to be entered into with the Somerset and Washington County and the B. & A. R. R., that they should receive this rebate of 95 per cent. taxes for carrying troops. While I justify in every way the authorization of those contracts at that time, I do believe now that no road will be project-

ed in the State of Maine which will need any such aid. If the road should depend upon that aid in its inauguration, I believe it would be proof positive that the road should not be built at all, and in any event, should any question like that arise, as in the times I refer to, I think it would not conflict with the sense of the people of the State so much to have direct aid given the roads as it would to give a rebate in the form and manner which this old clause provided. Therefore, this resolve meets my views. I am quite aware at the same time since the discussion of that subject and our refusal to refer to the supreme court the question of the validity of those rebates was one of the notable incidents of this session. I believe the adoption of this resolve by this body will state our own position clearly and rightly, and may be of aid in future legislation.

Therefore, I move you, Mr. President, the adoption of this resolve.

The resolve was adopted by vote of the Senate.

On motion by Mr. Merrill of Cumberland, the bill relating to State binder was taken from the table. The same Senator moved to reconsider the vote whereby the Senate non-concurred with the action of the House in the adoption of House amendment "B".

Mr. MERRILL: Mr. President, as I understand this matter the House has voted to abolish office of State binder. The difference now is simply, at what time this shall take effect. The House has passed to amendment providing it shall take effect on the first day of January, 1908, and I can see no good reason, if we are going to abolish the office, why it should not take effect at once instead of waiting until 1909.

Mr. MILLS of Hancock: Mr. President: I trust we will not reconsider the vote whereby we non-concurred with the House. The proponents of the bill have only asked that the bill take effect in 1909. They have not requested to have it take effect in 1909. They have not requested to have it take effect before that date. The incumbent is elected for the period of two years, and if we are going to do it at all, we ought not to abolish it until his term of office has expired. The committee thought it

should be referred to the next Legislature because there did not appear to be any special demand before the committee that the office be abolished. No one came before the committee at the first hearing and at the second hearing one man came before the committee and asked that the office be abolished and then the man representing a binding house, which I understood is a bankrupt concern, or has been recently, came before the committee and testified that the prices charged were high and that is the only evidence we have. I trust the motion will not prevail.

The question being put upon the motion to non-concur with the House in the adoption of House amendment "B," the motion prevailed.

Mr. Mills thereupon moved that the Senate concur with the House in the adoption of House amendment "A" and on his further motion the bill was tabled.

On motion by Mr. Stearns of Penobscot the Senate took a recess until 11.15 A. M.

SENATE 11.15 A. M.

On motion by Mr. Mills the bill relating to State binder was taken from the table and the question being put upon the motion to accept House amendment "A," the motion prevailed on further motion by the same senator the bill took its several readings and was passed to be engrossed.

"Resolve in favor of C. W. Perry, secretary of the committee on Mercantile Affairs and Insurance," took its two several readings and was passed to be engrossed.

On motion by Mr. Mills of Hancock, House amendment No. 531 was taken from the table, same being. "An Act prohibiting publications relating to patent or other medicines in language of immoral tendency, or of ambiguous character, and protecting the public against the dangers from the indiscriminate distribution of samples of medicine."

On motion by Mr. Barrow of Penobscot the Senate reconsidered the vote whereby the bill was passed to be engrossed and on his further motion House amend-

ment "B" was adopted, and on his further motion the bill was tabled.

The following resolves, under suspension of the rules took their two readings and were passed to be engrossed.

"Resolve in favor of special messenger to the Speaker."

"Resolve in favor of a memorial tablet at Fort Porham."

"Resolve in favor of the clerk of the committee on taxation."

"Resolve in favor of Leon S. Lippincott, substitute mail carrier of the House."

"Resolve in favor of Francis O. Hill of Monticello, Maine."

"Resolve relating to financial statement prepared by order of the Legislature."

On motion of Mr. Heselton of Kennebec "Resolve laying a tax upon the counties of the State for the year of 1907 and 1908" was tabled.

The Somerset County Delegation on Bill relating to the establishment of a municipal court in Skowhegan reported that same ought not to pass.

The same delegation on Bill "An Act to amend Section 16 of Chapter 440 of the Private and Special Laws of 1901, relating to municipal court of Pittsfield" reported that same ought not to pass.

Both the foregoing reports were accepted.

"Resolve in favor of clerk, stenographer and messenger to the Judiciary Committee" on motion, under suspension of the rule took its several readings and was passed to be engrossed.

"Resolve in favor of Walter J. Mayo, secretary of the Committee on Military Affairs, on motion, under suspension of the rules took its two several readings and was passed to be engrossed.

Passed to Be Enacted.

An Act to amend Section 10, Chapter 6 of the Revised Statutes relating to exemption from taxation of lands set apart for the protection of forest trees.

An Act to amend Section 25 of Chapter 8 of the Revised Statutes relating to the taxation of railroad companies.

An Act to amend Sections 4 and 7 of Chapter 92 of the Revised Statutes relating to the foreclosure of mortgages.

An Act to incorporate the Portland Water District.

An Act to amend Section 8 of Chapter 51 of the Revised Statutes relating to railroad maps.

An Act to amend Section 50 of Chapter 41 of the Revised Statutes relating to the taking of eels in the Piscataqua river.

An Act to amend Section 3, Chapter 80 of the Revised Statutes relating to cripples committed for crime.

An Act to amend Section 11, Chapter 80, Revised Statutes, relating to the power and duties of county commissioners.

An Act to authorize the county commissioners of Washington county to raise a sinking fund for the purpose of paying the bonded debt of said county.

An Act to extend the open season on wild duck.

An Act to provide for the State of Maine taking land for the purpose of building and operating fish hatcheries.

An Act to amend Section 42 of Chapter 8 of the Revised Statutes relating to the taxation of express companies.

An Act relating to the collection of taxes.

An Act in the interest of humanity of animals.

An Act to incorporate the Madison Power Company.

Finally Passed.

Resolve in favor of Rose Kelley.

Resolve for the rearrangement and better preservation of flags in cases in the rotunda.

On motion of Mr. Heselton of Kennebec the resolve in favor of the Jamestown Exposition was recalled from the House.

On motion of Mr. Barrows of Penobscot House Document No. 531 was taken from the table.

The same senator moved that the Senate nonconcur with the House in accepting House amendment A. The motion prevailed.

The same senator moved to reconsider the vote whereby the Senate adopted Senate amendment A. The motion prevailed. On his further motion the bill as amended passed to be engrossed.

Mr. HESELTON: Mr. President what is the present condition of the Jamestown Exposition Bill.

PRESIDENT: The Chair will state to the senator that the majority report of

the committee was accepted in the Senate and likewise in the House.

Mr. Heselton thereupon moved to reconsider the vote whereby the Senate accepted the majority report.

Mr. SIMPSON: Mr. President. I hope that motion will not be carried. I am glad to see that the senator from Kennebec has made good to the senator from Lincoln.

Mr. CLARKE of Lincoln: Mr. President, this bill, as I see, has occasioned considerable merriment and has been the subject of a great many jokes. My sole object in having this matter resurrected at this time is to have it disposed of upon its merits. I should like to have the senator from York give one reasonable statement as the basis of his judgment in this matter. Yesterday his excuse for opposing it, as he stated, was that \$5000 would not enable this commission to make an adequate representation of the State, but he failed to say for the benefit of the Senate that in addition to that \$5000 to be appropriated in the first instance there is an additional \$500 appropriated for each \$500 raised by the commission.

Now I am informed upon the best of authority that there will not be the slightest difficulty in obtaining \$5000 from private subscription and that amount would be the limit which the State could be called upon to pay in addition to the \$5000 originally appropriated. Upon that basis there would be in all \$15,000, that amount having been decided upon by the commission as being adequate for the performance of their duty; I cannot see why the question as to whether or not the recommendation of bodies of business men like that of the State Board of Trade should be accepted, ought to serve as such a jest. It seems to me to be a serious question. I believe there will be thousands of our citizens at the Jamestown Exposition, and I think it will be a matter of humiliation to them to think that our State could not be represented when we had such a good opportunity and when every other state practically this side of the Pacific coast is to be represented there.

An objection that was raised by the senator from Somerset, was based upon the idea that this building could not be completed in time to participate properly. As a matter of fact there is very little if anything, in that objection, when you take into consideration the fact that the Exposition proper does not get really to doing business until two months after the official date on which it opens and as I am informed upon good authority, this building could be put up easily inside of that time, every preliminary preparation having been made to enable the commission to accomplish its work quickly.

So far as the committee itself is concerned, one member, the chairman on the part of the House, at one time signed the minority report in favor of \$15,000, and expressed himself as in favor of it. For some reason he withdrew his name. Another member of it told me that he would have signed it if he could have gotten the committee to agree upon any reasonable sum. I do not believe that when large bodies of honorable, clean, fair minded business men, representing the great interests of this State, come to the Legislature and make a request, that it should be turned down as the result of prejudice, misinformation or the perpetration of jokes upon it; and as I said before, I insist that this matter be decided upon its merits. I do not believe it was decided upon its merits yesterday, because at least two members of this body have told me they voted against it under a misapprehension. I hope that the motion of the senator from Kennebec will prevail.

Mr. SEMPSON of York: Mr. President: As chairman of the committee, I will agree for my part, providing that they can raise \$5000 from outside sources that the State should grant \$5000. I will offer that as an amendment.

Mr. CLARKE—May I make an explanation to the senator from York? The provisions of the bill are that the State appropriate \$5000, and then appropriate what will amount to \$5000 additional in amounts of \$500 at a time, as similar amounts are raised by members of the commission. If it will be more satisfactory to the sena-

tor from York I will agree to an amendment by the terms of which no part of the first or subsequent \$5000 shall be paid unless \$5000 is first secured by the commission in a manner satisfactory to the treasurer of this State. Would that amendment satisfy the senator?

Mr. SIMPSON—That is not my proposition.

Mr. CLARKE—As I understand the matter one strong objection made by you is that the State will not be properly represented by the expenditure of the sum asked for. Now upon the most mature consideration this commission, which everybody must agree is composed of able business men, of good judgment, has decided that \$15,000 only will be necessary. If they raise \$5000 of that amount, why is not it a fair proposition for the State to meet them with \$10,000, which will enable them to carry out their ideas and afford us adequate representation? There is not a member of this body I believe who will deny that the reproduction of the home of Longfellow on those grounds would attract more visitors than that of the home of almost any man in America or that ever lived in America; and it seems to me that if we refuse this small appropriation, contingent, according to the terms of this resolve, upon the commission's raising the balance of it, that we are losing an opportunity to be represented at a nominal cost in a manner which would do credit to the State and that we shall be doing a positive injustice to the commission.

Another alleged objection to this project is that two years ago when the commission was formed there was an understanding that the State should not be called upon for any money. I think I know as much about the formation of that commission as any man. I was a member of the Executive Council at the time when its appointment was discussed in the Executive Council. I discussed the matter with a good many members of the Senate because I favored the formation of that commission. The real understanding was that the State should not be called upon for the expenditure of money for the Lewis and Clarke Exposition. Those commissioners were appointed, and probably when appointed they regarded it as an

honorary appointment, with the understanding that they should raise sufficient money to suitably represent the State at the Lewis and Clarke Exposition. On account of the delay of the Legislature in giving them permission to act authoritatively until the very last moment of the session, they were obliged to go down into their pockets to get that money instead of being able to raise it by private subscription. You understand they are not asking us to re-imburse them under the terms of this bill, because it is specifically provided that money appropriated now shall be used only for the Jamestown Exposition. Under the terms of the arrangement entered into by them they carried out the conditions on which the Lewis and Clarke commission was appointed, and themselves lost heavily financially in order to carry the thing through.

Mr. SIMPSON—May I ask the senator from Lincoln one question?

Mr. CLARKE—Certainly.

Mr. SIMPSON—Have they ever tried to get anything back from that property of the Lewis and Clarke Exposition? If I understand right, there are outstanding notes now which they have tried to get the State, through the Governor, to cancel or redeem.

Mr. CLARKE—That fact has been used against granting this bill. To any man who understands the whole truth concerning that matter and has one particle of honor, it ought to be an argument in favor of granting this appropriation. As a matter of fact the State of Maine, or this Legislature, ought to vote to appropriate money to re-imburse these people. There is a note outstanding today for \$1000 and men who are absolutely good for 50 times that amount have their names on it and are going to pay it, but I cannot see what that has to do with this appropriation. Your argument amounts to the idea that because those commissioners who were appointed by this State and accepted in good faith, lost money themselves on the other exposition, after creditably representing this State, that for that reason you should kick them in addition, by refusing this appropriation. I cannot concur with any such idea as that.

Mr. SIMPSON of York—Mr. President,

I will say as to agreement of two years ago that I know two of the parties. One is present in this room at the present time, one is a member lobbying this through. The agreement was made that if this commission was appointed, they would not ask for one cent, and also the agreement of Reed of Portland, simply saying that he would like to have the commission, through the Board of Trade of Portland, to go to work and furnish the capital.

Mr. CLARKE—I would like to ask the senator if he can prove what he has said and what authority he has for making such a statement; also what authority Mr. Reed or anybody else had for making such an agreement. The measure was in the hands of the commission, which is composed of responsible men, and how can you say that the inadvertent remark of any outsider should bind its members? It is a very easy thing to misunderstand the proposition embodied in this measure two years ago. Their proposition was that they would not come to the State and ask it to appropriate any money, to carry out the terms of the bill so far as the Lewis and Clarke Exposition was concerned. They did not in any way agree not to come to this Legislature for an adequate appropriation to carry on the Jamestown Exposition. I say whatever conclusion you arrive at so far as any agreement with outside parties is concerned, when you get down to the merits of the question there is no reason why the request of the Boards of Trade of this State, who are trying to advertise its resources, should not be complied with. For the last six years I have noticed that appropriations of this kind are 14 times as liable to fail if a clean set of honorable men in a dignified manner simply ask for them and make an appeal not backed up by personal solicitation or the employment of a lobbyist. In this particular case these men have made a dignified proposition to the State of Maine through a commission appointed for that purpose, backed up by various clubs and Boards of Trade and finally by the State Board of Trade itself, through its president and through a committee of five eminent men, and the only element of success they lacked was that which manifests itself in hanging to members of the committee

and members of the Legislature and in having friends in a position to assist in urging such members to act favorably upon their particular measure. Their lack of success, should they fail to get what they have asked for would be due to lack of personal solicitation on the part of the members of that commission. I understand there is some prejudice against the president of that commission. Several members of the committee have told me point blank that they were prejudiced against him because of his persistency. As a matter of fact I am personally acquainted with him and know that he has had charge of Expositions on more than 20 occasions; and there is not a man in Maine so well equipped by experience and all round ability along that line for the duties of that commission as is Mr. Jackson. Their objection is that they are afraid he is going to get a job out of it. I submit that if he has the ability to raise \$5000—which I am willing to make a condition precedent to the State's paying anything—

Mr. SIMPSON: What is his interest in this matter?

Mr. CLARKE: He is president of the commission, appointed by the Governor.

Mr. SIMPSON: For what purpose?

Mr. CLARKE: To represent the State of Maine. He was appointed to represent the State of Maine just as you are elected to represent your constituents. You do not come here for the \$150 you get, do you?

Mr. SIMPSON: What state was he a resident of four years ago.

Mr. CLARKE: I do not know.

Mr. SIMPSON: He was a resident of the State of Florida at that time. This is his profession going around through the states and raising money for these purposes.

Mr. CLARKE: Why then is he not a good man to represent us if he is an honorable man and accustomed to that business? Have you heard a word raised against that man's character, ability or integrity. For several years he has been a resident of my county, and is chairman of the Board of Trade of Damariscotta and Newcastle and he is a man who receives at the hand of every citizen of the community the highest

possible respect and esteem. I think your question ought not to be raised until you can show that his character and integrity are in question. When you impeach those, then you have grounds for opposing for personal reasons, but until then, I think that you have pretty narrow grounds on which to base your proposition.

The question being put the yeas and nays were ordered and the vote being had resulted as follows: Those voting yea were Messrs. Ayer, Brown, Clarke, Curtis, Deasy, Foss, Houston, Irving, Merrill, Parkhurst, Proctor, Staples, Stearns, Theriault, Wyman (15). Those voting nay were Messrs. Bailey, Barrows, Eaton, Garcelon, Hastings, Libby, Page, Putnam, Sewall, Simpson, Tartre (11). Paired Mr. Philoon voting yea with Rice voting nay. So the motion prevailed.

On motion of Mr. Clarke of Lincoln the minority report was substituted for the majority report.

Mr. Clarke then moved the suspension of the rules and that the bill take its several readings at the present time.

Mr. DEASY of Hancock: Mr. President I will make the suggestion that if it is the desire of the senator from Lincoln to submit the amendment, I should approve it—that no part of the \$10,000 provided for by this appropriation be called for until \$5000 be raised by private subscription. That being the motion proposed by the senator from Lincoln himself.

Mr. Clarke of Lincoln submitted and moved the adoption of Senate Amendment A to Senate Document 169 and on motion of Mr. Simpson of York the bill and amendment were tabled.

Mr. CLARKE: May I ask the purpose of the senator in tabling the matter at this time?

Mr. SIMPSON: I will take the matter up this afternoon.

Mr. CLARKE: May I ask the senator if he will withdraw his objection to the bill if the amendment carries out all his ideas.

Mr. SIMPSON: I will.

On motion of Mr. Putnam of Aroostock the Senate took a recess until 2.30 P. M.

SENATE 2.30 P. M.

Senate called to order by the President.

Bill, "An Act to amend Chapter 364 of the Private and Special Laws of 1905, entitled 'An Act creating the Portland Bridge District and to confer additional powers on said district,'" passed by the Senate to be engrossed as amended by Senate amendment A was returned from the House passed to be engrossed as amended by House Amendment A and Senate Amendment A. On motion of Mr. Curtis of Cumberland the Senate voted to reconsider the vote whereby the bill was passed to be engrossed. On further motion by the same senator Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

"An Act to provide schools with flags." On motion of Mr. Heselton of Kennebec this bill took its two several readings under suspension of the rules and was passed to be engrossed.

On motion of Mr. Heselton of Kennebec "Resolve levying tax on the counties of the State for the years of 1907 and 1908" was taken from the table. On further motion by the same senator the resolve took its several readings and was passed to be engrossed.

The joint committee on judiciary submitted their final report that they had acted on all matters referred to them.

On motion of Mr. Sewall of Sagadahoc there was taken from the table majority report "ought to pass" of the committee of forest preservation and water supply and the minority report "ought not to pass" on the same bill, House Document 604.

Mr. SEWALL of Sagadahoc: Mr. President, with the bill in hand I would like the attention of the Senate if I may have it. It is humiliating to ask the attention of members, but we are so destructed at this moment that we are not inclined to pay proper attention to these measures.

This bill which has come up from the House I believe in essence and substance should be as important as any measure which we have had before this Legislature. It is a measure which en-

lists no particular support or lobby, because it is designed in the interest of the people of the whole State. For that reason and because it suggests a new proposition, a new idea, it has met with the vicissitudes which such measures always meet. This committee has tried to take into serious consideration what the State as a State could do to prevent the deforesting of our country. We have suffered from it in our coast counties terribly. The portable mill comes in and sweeps over the land like a swarm of locusts over the fields, leaving nothing behind them. The farmer, if he possesses a wood lot, parts with his heritage. The wood lot is stripped and the farm loses its most important feature and so the thing goes on. I have had a painful and personal experience of the damage thus done. I enlisted in such an enterprise to aid a friend of mine. The operation took place in places remote from highways, not affecting water supplies or scenic beauties; but when I went upon those lots and saw the devastation that was wrought I was ashamed of the whole transaction; and I tried to expiate my crime a little later by going outside the city of Bath and buying some woodland along the public road and preserving it for the city of Bath, which I have done, and am about to present it when I get through with this session of the Senate. So I speak from experience and not as one who skirts are entirely clear. I do say that the stripping of young growth of our State, from six to 10 inches, of no value to those who take it, but of a great value failed to remain upon the farm is a matter of as far reaching moment as anything that has come before this Legislature.

Two years ago in the House we passed a bill in the House which would exempt the farmer's wood lot from taxation and try to encourage him to save his wood lot, but it did not pass this higher body; and if it had passed, I am not sure it was entirely a proper bill, not only because we want to reach the older counties in the State, but we want to reach the large forest counties where is situated our water power, our rivers, and our great lakes. So with the difficulties in mind, this committee in consultation with the forester of the

State and members of this body interested in lumbering, and with such talent as volunteered framed the bill which has come up from the House indefinitely postponed. It was a bill I believe of as great merit as was ever any bill ever introduced in this Legislature.

It was designed to save real estate in our counties opened up to the summer business, from ruin. It was a bill to design to protect the large operators themselves in the lumber industry; so that they might not cut wastefully. It was a bill especially designed, as I say, to protect the sources of our great water supply in this State, which after all is the only great resource we have left to us. Now the bill has been indefinitely postponed in the House, after a very unsatisfactory discussion of its merits, at this late hour I think there is no use to attempt to resuscitate the measure; but I am more a friend of it in its defeat than I would be if it had now its hour of triumph. It was the beginning of good legislation on this subject. It was in advance of the times. It was in advance of the education of the people on the subject so that it has to go over; and my motion at the end of my remarks, will be to concur with the House in its indefinite postponement.

Before making that motion however I want to show you what a large question that is, and how earnestly those of us who may ever serve in these halls again ought to work to accomplish this purpose. This bill prohibits an individual on his land from cutting down his young growth but it makes reasonable and generous exceptions.

Sect. 5. This act does not apply to the cutting of trees of any size under the conditions and for the purposes following: (1) trees unavoidably cut, injured or destroyed as incidental to conducting legitimate lumbering or logging operations; (2) trees owned by a natural person growing on his land cut for the construction or repair of his fences or buildings or for his domestic use as fuel; (3) trees growing on land suitable for tillage or pasture owned by any natural person cut for the purpose of clearing such and for improvement and use in agriculture; (4) trees nec-

essarily cut to clear or improve land for use and occupation in carrying on any legitimate business, trade or occupation, the opening of any road or way, or to provide a site for the erection of any lawful building; (5) trees cut to prevent the same from being blown down to the injury of other trees in case of reasonable grounds for apprehension of such injury; (6) trees cut in good faith for the proper thinning out, care and promotion of forest growth which is too thick.

I believe if we had passed this bill, we would have taken the largest step forward in the preservation of the natural resources of this State that has been taken by this Legislature. The bill is dead or will be dead when I make my motion. The question of doubt that has always risen in the consideration of such a measure as this, is this: And that has had as much to do with killing the bill as anything—Whether or not the State can reach and control the owner of land in doing with what grows on it as he will. That is a question which no member of this body can solve and which can never be solved unless it is brought up properly before the supreme court of the State.

While we have that question in doubt, we always have it said, you cannot do this because it is unconstitutional.

Now, after making the motion to concur with the House I have an order which I wish to introduce to settle once for all the question as to how far our sovereign State can act in its legislative capacity to preserve its forest growth, to protect its water powers, and to prevent this wanton, wasteful and cruel devastation of our forests.

I move that we concur with the House in the indefinite postponement of the bill.

The question being put the motion of the senator from Sagadahoc, Mr. Sewall, prevailed.

The senator thereupon introduced the following order and moved its adoption:—

STATE OF MAINE.

Senate, March 27, 1907.

Ordered the justices of the supreme judicial court are hereby requested to give to the Senate, according to the provisions of the Constitution in this

behalf, their opinion on the following questions, to wit:

In order to promote the common welfare of the people of Maine by preventing or diminishing injurious droughts and freshets, and by protecting, preserving and maintaining the natural water supply of the springs, streams, ponds and lakes and of the lands, and by preventing or diminishing injurious erosion of the land and the filling up of the rivers, ponds, and lakes, and as an efficient means necessary to this end, has the Legislature power under the Constitution.

1. By public general law to regulate or restrict the cutting or destruction of small trees growing on wild or uncultivated land by the owner thereof without compensation therefor to such owner;

2. To prohibit, restrict or regulate the wanton, wasteful or unnecessary cutting or destruction of small trees growing on any wild or uncultivated land by the owner thereof, without compensation therefor to such owner, in case such small trees are of equal or greater actual value standing and remaining for their future growth than for immediate cutting, and such trees are not intended or sought to be cut for the purpose of clearing and improving such land for use or occupation in agriculture, mining, quarrying, manufacturing or business or for pleasure purposes or for a building site; or

3. In such manner to regulate or restrict the cutting or destruction of trees growing on wild or uncultivated lands by the owners thereof as to preserve or enhance the value of such lands and trees thereon and protect and promote the interests of such owners and the common welfare of the people?

4. Is such regulation of the control, management or use of private property a taking thereof for public uses for which compensation must be made?

The Order was adopted.

On motion of Mr. Simpson of York the Resolve relating to the Jamestown Exposition was taken from the table.

Mr. CLARKE of Lincoln—Mr. President, in accordance with our agreement, fairly understood at the time that I assented to the tabling of this resolve. I trust that the senator from York will ask that the bill be put upon its passage.

Mr. SIMPSON—I think that the senator has a right to make that motion himself if he sees fit.

Mr. Clarke thereupon moved that the Senate adopt the amendment.

Mr. STAPLES of Knox: Mr. President, I voted to reconsider this bill this morning with no idea that it would pass this body. As much as I regret to discommodate the senator from Lincoln I must vote in the final passage of this matter according to the dictates of my own conscience. I may have friends to please or enemies to punish. The right of every senator of this body is to vote as his own good judgment dictates, and any member of this body that I may differ with has any right to criticise my vote upon a proposition of this kind. I never have been in favor of this kind of appropriation. I recall very well being in this body when the St. Louis Exposition went through, and we appropriated \$40,000; and if there was anything that the people of Maine would be ashamed in the expenditure of that \$40,000 for the State of Maine, it was the log cabin at St. Louis.

I have been annoyed all winter by the persistency of that man who has been pursuing the senators in and out at all times upon this Jamestown Exposition matter. Is there one in this body that thinks that \$15,000 expended in the reproduction of the Longfellow home would make anything to that expense which we would be ashamed of? What is to become of this \$15,000? Who pays this man who has been here all winter, for being here and urging this matter? I believe that I should not feel right to go home to my constituents, but although in my county there is one of the commissioners, Hon. William E. Vinal, one of the best men and one of the foremost friends I have—and I know he will not find fault with me if I believe I voted according to the dictates of my own conscience. I should not feel right in behalf of the taxpayers of this State to take \$15,000 of their money where we are needing it for other charitable purposes and give it, or throw it away. You may as well toss it into the Kennebec river as to appropriate \$15,000 to send Jamestown. Does anybody think it would be doing the people of this State any good?

I am as public-spirited as the average man; but in accordance with what I have

said in the past in regard to these appropriations I must practice what I preach and in view of these facts, I move that it be indefinitely postponed.

Mr. CLARKE of Lincoln: Mr. President, I will inform the senator from Knox that—to employ his own language—he has not by this extraordinary action on his part, discommoded me in the slightest degree. He has, however, by his conduct produced a radical change in my estimate not only of his judgment, but likewise of his sense of propriety and honor. This resolve was tabled at our morning session for the specific and sole purpose of enabling the senator from York to examine the phraseology of the amendment offered by myself, and with the distinct understanding that if satisfactory to him—and he subsequently stated to me personally that it fully met with his approval—the measure would meet with no further objection in this body and would be put upon its passage, our deliberate judgment of its merits having already been fairly and significantly expressed at that time.

Even in the face of that understanding, however, the somersault just performed by our genial and somewhat eccentric friend ought not greatly to surprise us, as he is simply following the long and notable line of precedent established by himself and occurring at regular intervals during the past three weeks.

Mr. President, I believe that an attempt of this character to kill a measure when some of its friends are absent, particularly after what occurred this forenoon, is positively dishonorable and that its accomplishment would be a reflection upon the integrity of this body.

One man at least cannot vote in favor of the motion before us.

The senator from York, in answer to a direct question from me, at the time when I allowed the matter to be laid on the table at his request, unequivocally agreed to thereafter withdraw all objection to the measure. After such a promise, deliberately given, he cannot honorably exert his influence against this measure. In support of my statement relative to his position I need merely to refer to the official record of our proceedings.

Mr. SEWALL of Sagadahoc: Mr. President, I do not think that the senator

from York has entered into a conspiracy in regard to this amendment.

Mr. CLARKE: May I interrupt the senator to say that I make no such accusation. I simply called attention to my question directed to the senator from York and his answer thereto given in the presence of this body.

Mr. SEWALL: Mr. President, I was not so much concerned about the senator from York, but I sympathize with his position.

Mr. CLARKE: My contention is that the senator from York has no moral right to take advantage of this situation when he knows that it is the result of a delay granted at his request, for his convenience, and upon the condition that thereafter he would withdraw his objections to this resolve, its terms having been made satisfactory to him.

Mr. SEWALL: Mr. President, I do not know about the ethical question involved, but I have remained silent on this question, always voting against an appropriation. I have remained silent out of regard for my neighbor, the senator from Lincoln. I do not know how far we are bound by our action this morning, but the bill having come up in this way and being before the body, not being a party to any arrangement any more than we all are, I feel better in regard to myself as against a measure. It is one of those actions we have to take from our friends and associates. I do it not altogether influenced because of the persistent attention of the gentleman who has been promoting this measure and who has made it a profession and who is until lately a stranger to our State, not altogether the propellor for that action, but I really believe he is one who loves his state and who believes it ranks with his own state of the Union, I would apply about the same rules to our State's participation as I would in my own in festivity. Unless our State can be recommended among the first in rank I think too much of her recommendation at all and to do that would require an appropriation far beyond what the gentleman priation far beyond what the gentleman has asked for and far beyond what the legislators would vote. But I was solemnly and reasonably that should the committee on appropriations report \$25,000 or \$30,000 for participation in this ex-

position I would give it my hearty support and my vote.

We are old—I was going to say that we are as old as the state of Virginia. The ships that landed at Popham for which you have voted a memorial tablet this morning sailed out of the English port the same year as the ship for Jamestown. We have nothing in our history as regards Virginia or any state in the Union to make us take an inferior place. We may not have an overflowing treasury, but at least we have state pride and self-respect; and with our history, with what we have done and achieved and the men we have sent out, I do grieve for our State to think of her going to Jamestown where an exposition opens the 29th of April and putting up such a construction as we must put up if we are limited to this appropriation. I had conversed with the promoter of this enterprise today long enough to ask him how he could put up an imitation of the Longfellow house at Jamestown in that short time—a brick house as it is, and I have seen it. I supposed of course he intended to put at least brick on the front, but found they had imitation brick fronts and they could not tell the difference. I told him I thought I could tell the difference, but to get down there and to put up a tin beer front, whatever it may be considered from, would give me a sense of personal humiliation.

I expect to be there and if my feelings correspond with every other party of this body I think we should regret our action very much indeed. The trouble is at this state of our legislative proceedings where we all have a measure which we know is more or less impaired, when men can go outside and can judge their vote so quickly it makes one's head ache; and we want to part on good terms with all our associates. It is a painful moment to speak out on any proposition. I would much rather remain silent, but from the conversation that I have had with the chief promoter this afternoon I feel it is better to speak than to remain silent. I believe it is wasteful for the State and humiliating to our citizens to put through any such arrangement as is now pending before this body.

Mr. SIMPSON of York: Mr. President, I wish to state that I did not know there was any opposition coming up this after-

noon until the senator from Knox informed me and I do not see now I can very well go back on the report I made and on the vote to indefinitely postpone the matter.

Mr. CLARKE of Lincoln: I would like to ask the senator from Sagadahoc a question. As I understand the matter your opposition is based upon the supposition that we cannot be adequately represented at an expenditure of only \$15,000.

Mr. SEWALL of Sagadahoc: Yes, chiefly.

Mr. CLARKE: What was the other objection?

Mr. SEWALL: It is too late for me to rehearse the remarks I have made and if you would satisfy me as an individual senator that this would be a worthy representation and a reproduction of the house you propose to reproduce so that it would be open on the 29th of April, I confess I should be very much relieved as regards voting upon it.

Mr. CLARKE: The opposition to this measure—with all due respect to the senator from Sagadahoc, for whose judgment and sense of propriety I have as high regard as I entertain for that of any member of this body—has been based in nine instances out of ten upon misinformation or has resulted from taking certain things for granted without going to the sources from which accurate information could be obtained. As I understand the matter, Smith and Rumery, who, as everyone knows, are absolutely reliable contractors say that the building can be reproduced in a remarkably short time at Jamestown. It is not proposed to erect a permanent building. It is to be simply a temporary affair. According to their specifications it can be gotten up in such shape as to be an accurate reproduction of the home of Longfellow. Why should it cost to reproduce that simple house more than \$10,000?

Mr. SIMPSON: What is the estimate given by the firm in Portland?

Mr. CLARKE: Between six and seven thousand dollars for the reproduction of the building. The balance would go for expenses in connection with taking exhibits back and forth, for salaries and other incidental expenses.

Mr. SIMPSON: Nine thousand dollars.

Mr. CLARKE: The commissioner estimates that \$10,000 would be expended in connection with the building, and \$5000 was to cover expenses connected with the exhibits and everything of that kind. I cannot go into full details regarding the cost as apportioned between the building, exhibits and salaries.

Mr. SIMPSON: They gave the committee an estimate of \$6000 as the cost of a building.

Mr. CLARKE: First one man argues that this building cannot be reproduced for the amount asked for, and then somebody else gets up and kicks like everything on the ground that it will cost a great deal less than the estimate given, so that between the two arguments a man seems to be somewhat at a loss. I will leave it to this Senate to judge whether the commission the members of which were duly appointed by the governor of this State is not in a better position to estimate the cost of reproducing that building than some one who has not considered the matter and who simply jumps at some conclusion based upon his own experience concerning structures of an entirely different character.

Now I do not believe that the senator from Sagadahoc wishes for an instant to maintain the proposition that the members of that commission, some of whom he knows personally and one of whom is the mayor of Portland, would put up a building there that would not reflect credit upon the State.

Mr. SEWALL: The senator from Lincoln has had plans of the new State House at Portland and I think he might have some representation of this house as it would be constructed. Is it a beer front that is proposed, with tin painted brick, or is it out of stucco or wood?

Mr. CLARKE: It is to be neither a beer, whiskey nor even old cider front. As I understand the matter it is to be emblematical of our actual status, which means, of course, distinctively prohibition.

Mr. SEWALL: Is it brick?

Mr. CLARKE: It is to be brick, certainly.

Mr. SEWALL: I think the information which I obtained from the promoter was that it was not to be composed entirely of brick and whatever it would not be necessary that it should be en-

tirely brick as it was not recommended as a permanent structure.

Mr. CLARKE: That part of the argument of the senator from Sagadahoc which is based upon historical associations paralleling our history with that of Virginia seems to me to contain the strongest reasons why we, of all states of the Union, should participate in this exposition. It seems to me it would be humiliating to have people who go down there discuss the proposition that Maine, although closely allied with Virginia historically, failed to participate because she was not able to raise the money necessary for a suitable representation.

So far as time is concerned there is no doubt whatever that the proposed building can be reproduced in time and more than get ahead of the procession. I understand that the exposition is to open about the 29th of April, but that it does not get into full swing for more than a month after that date. The plans of the commissioners are all matured and ready to put into operation so that it will not take any time at all comparatively speaking to carry them out along the lines indicated.

The personnel of this commission is a guaranty that there will be no beer front or imitation that would reflect upon this State in any way whatever.

Mr. SEWALL: Does the senator from Lincoln really know of what this is really to be constructed?

Mr. CLARKE: It is to be constructed of brick and other suitable material. It is not necessary in order to reproduce that house down there to have it constructed entirely of brick. The outside would consist of brick but wood and other material can be used in other parts. The Longfellow Association, which has at its head General Chamberlain of Portland, and which is composed of other men equally eminent, are heartily in favor of this movement and have consented to allow many of the relics connected with the house to go down there properly safeguarded and to be put upon exhibition. It seems to me that the request for this appropriation comes from a source which we cannot properly or decently ignore. I do not see how you can question the ability of the duly appointed members of this commission to carry out plans which they have care-

fully considered, deliberately entered into and which they, after giving the matter due consideration, believe can be carried out with credit to the State.

Mr. PAGE of Somers.: I would like to ask the senator from Lincoln how many brick it would take to reproduce this building?

Mr. CLARKE: I will reply to the gentleman's conundrum that while as a boy I was a fairly good mathematician, I am not at this time prepared to do sums in multiplication or to enter upon the solution of any other arithmetical problems. I assume, as I have before stated, that the gentlemen who compose this commission are competent and able men, that they have looked into your question, and that their figures thereon formed a part of the basis of their estimate. They have never asked for more than \$15,000; and if we give them that amount I think we are justified in assuming that they will attend to details of that nature.

Mr. SEWALL: I would like to say to the senator from Somerset before going through this very simple argument at this stage of the session, that one reason which has led me to take the stand I have this afternoon is, that when, about 2 o'clock, I understood from the promoter of this enterprise—I do not refer to the senator from Lincoln—in saying that there would be any bricks and that bricks were not necessary and that I could not tell the difference.

Mr. CLARKE: I will say for the information of the senator from Sagadahoc that such is not the case. It will be brick. But there will not be any gold bricks used. As I understand it they are to be made of common clay.

The question being put, the motion was lost.

Bill, relating to the publication of patent and other medicines of an immoral and ambiguous character, etc., came from the House, that branch insisting on its action and asking for a committee of conference.

On motion of Mr. Mills of Hancock voted to insist and to join the committee of conference. The Chair appointed upon that committee Messrs. Mills, Philoon and Barrows as conferees on the part of the Senate.

On motion of Mr. Houston of Piscata-

quis, "Resolve in favor of screening Kingsbury pond, in the county of Piscataquis," was taken from the table. On further motion by the same senator the Resolve was indefinitely postponed in concurrence.

Presentation to the President.

Mr. STAPLES of Knox—Mr. President and fellow senators, I am charged with what to me is a very pleasant duty, in the closing hours of the session.

There is always a tinge of sadness in such an hour and we look for a token to present to our friends in amelioration of that feeling, that as we go home to our firesides we may feel that our better nature has predominated.

It has become my duty and pleasure to present to the presiding officer of the Senate, in recognition of his great ability, impartiality and genial disposition, holding as he does the scales of justice between party and party without partiality and remembering how he has endeared himself to every member of this body, such a token.

We feel, Mr. President, that we should be remiss were we to allow this session to close without presenting to you a token of our great love and esteem. Therefore the members of this body through me present to you this clock as a token of our appreciation of the great service you have given us and of the impartiality with which you have presided over our deliberation.

There is a sadness in parting but it is not unmixed with joy as we go to our firesides and homes knowing that our presiding officer has given every man an equal chance in the battles we have had.

I present to you, Mr. President, in behalf of this Senate, this clock; and as it strikes the hour from time to time, as you go down the declivity of life, may these strokes be to you as sweet as the music of an angel's song.

I wish to express, Mr. President, not only for myself but for every senator, the wish that your future life may be surrounded with comfort and joy, and when you come to the river that divides the mortal from the immortal, and the clock upon this shore shall sound no more, may the clock in the great chamber of the Almighty sound unto you a joyous welcome.

With these remarks, trusting that "it is not life to live, nor all of death to die," allow me to wish that you may be surrounded by all the blessing of this life, and when you hear this clock strike may you think of us, knowing that as long as human heart has passions we shall not forget the kindness and the love which has come from you to us. (Applause.)

The PRESIDENT—Senators, I wish to thank you each and every one, from the bottom of my heart, for these kind words expressed by Senator Staples in your behalf. I also wish to thank you for this beautiful token of your kindness to me during this session and to assure you that it will be prized as one of the sweetest memories of my life.

We have had a long and busy session. We have had our divisions and each has taken sides upon various matters; but with it all, senators, there is not left in the hearts or the feelings of anyone the slightest feeling of ill will or regret.

Senators, I thank you again for your kindness to me during the whole session, and I assure you that the memories of my relationship with you here during this session will never be forgotten. (Applause.)

Passed to Be Enacted.

An Act to incorporate the Wilton Water District.

Resolve in favor of the clerk in the office of the commissioner of highways.

On motion of Mr. Hastings of Oxford, the Senate took a recess until 5 P. M.

SENATE 5 P. M.

Majority and minority reports of the committee on temperance on bill "An Act repealing Sections 14 to 35 inclusive of the Revised Statutes, relating to the establishment of a State agency for the sale of intoxicating liquors." Majority that the "same ought to pass," and minority report "ought not to pass," came from the House, the minority report accepted. On motion by Mr. Hastings of Oxford the Senate concurred in the substitution of the minority report.

"An Act to amend Section 4 of Chapter 508 of the Private and Special Laws of 1885 as amended by Chapter 230 of the Private and Special Laws of 1895 and the Private and Special Laws of 1907, entitled

'An Act to amend Sections 4 and 5 of Chapter 508 of the Private and Special Laws of 1885, relating to the municipal court of Norway and to establish a salary of said court' came from the House, in that branch passed under suspension of the rules. On motion of Mr. Hastings of Oxford, under suspension of the rules the bill took its two several readings and was passed to be engrossed.

An Act to fix the compensation of the clerk of the municipal court of the city of Lewiston, passed to be engrossed by the Senate February 18, came from the House passed to be engrossed as amended by House amendment A. Mr. Hastings of Oxford moved that the Senate non-concur with the House and adopt the amendment. The motion prevailed.

Resolve relating to disposal of insurance due the Moosehead Lake Hatchery, recently burned, came from the House indefinitely postponed. On motion of Mr. Houston of Piscataquis the resolve was tabled.

The conference committee on the disagreeing action of the two branches, on Bill to provide for transferable two-cent mileage on the B. & A. Railroad, reported that the committee cannot agree. This report was accepted in the House, that branch voting to adhere. On motion by Mr. Irving of Aroostook, the Senate voted to accept the report of the committee; and on further motion by that senator to adhere.

Passed to Be Enacted.

An Act to amend Section 1 of Chapter 55 of the R. S. relating to telegraph and telephone companies, gas and electric light and power companies.

On motion of Mr. Sewall of Sagadahoc the report of the committee on salaries and fees, to which was referred expense account of the insurance committee, was tabled to be printed.

Mr. Sewall presented the following order which was passed: Ordered, the House concurring, that the committee on salaries and fees, meeting under joint order of the Legislature passed February 14, is hereby authorized to meet after the adjournment of the Legislature for the further performance of the duties with which it is charged and to report to the Governor and Council.

The committee on appropriations and financial affairs on 'Resolve in favor of F.

O. Hill, to pay expenses for State School for Boys, etc.," reported same ought not to pass. Report accepted.

On motion of Mr. Sewall of Sagadahoc the following resolve was received under suspension of the rules and took its several readings and was passed to be engrossed, namely: "Resolve providing for additional quarters for State departments."

On motion by Mr. Putnam of Aroostook, Adjourned.

HOUSE.

Wednesday, March 27, 1907.

Prayer by Rev. Mr. Clark of Gardiner.

Papers from the Senate disposed of in concurrence.

The following came from the Senate and received their several readings and were passed to be engrossed in concurrence under a suspension of the rules:

Resolve being an amendment to a Resolve entitled "Resolve making appropriations for the Penobscot tribe of Indians, passed by this Legislature."

Bill, to open Brassua lake to ice fishing.

From the Senate: Majority and minority reports of committee on appropriations and financial affairs, on resolve providing for the participation of the State of Maine in the Jamestown Ter-Centennial Exposition.

These reports came from the Senate the majority report "ought not to pass" adopted in that branch.

On motion of Mr. Smith of Patten, the House concurred with the Senate in the adoption of the majority report.

From the Senate: Resolve to reimburse the State treasurer for the expense of surety bond. (Read twice and passed to be engrossed under a suspension of the rules.)

From the Senate: Resolve in favor of the clerk in the office of the commissioner of highways. (Read twice and passed to be engrossed under a suspension of the rules.)

An Act relating to domestic animals, came from the Senate indefinitely postponed.

Mr. Libby of Amity, moved to recede and concur with the Senate.

On motion of Mr. Flaherty of Portland, the bill was tabled.

Bill, to provide a way to free toll bridges, came from the Senate with Senate Amendment "B."

On motion of Mr. Gleason of Mexico, the vote was reconsidered whereby the bill was passed to be engrossed, Senate Amendment "B" was adopted and the bill was then passed to be engrossed as amended.