

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

HOUSE.

Wednesday, March 17, 1909.

Prayer by Rev. Mr. Clark of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to amend Chapter 509 of the Public Laws of 1885 relative to the commissioners of cemeteries and public grounds. (Read a third time and passed to be engrossed under a suspension of the rules on motion of Mr. Beyer of Portland.)

An Act to amend Section 1 of Chapter 171 of the Public Laws of 1907 relating to the State superintendent of public schools.

An Act to incorporate the Union Cemetery Improvement Co.

An Act to regulate fishing in Medomac river and its tributaries in the towns of Union, Washington, Appleton and Liberty.

An Act to prohibit the use of boats or launches of any kind propelled by steam, naphtha, gasoline or electricity, or any other mode than the ordinary sailboat or rowboat in chasing, hunting or gunning any sea birds or other water fowl in the inland waters of the State. (Tabled pending second reading on motion of Mr. Havey of Sullivan.)

An Act prohibiting the depositing of sawdust and other mill waste in Jackson Mill stream and Joe Weeks' mill stream in Lincoln county. (Tabled pending second reading on motion of Mr. Wing of Kingfield.)

An Act relating to the powers of the board of prison and jail inspectors.

Resolve in favor of the town of Mount Chase.

An Act to amend Section 13 of Chapter 15 of the Revised Statutes relating to public schools.

An Act authorizing and empowering Albert C. Page and Roger G. Leonard to erect and maintain a boom and piers in the Passadumkeag river.

An Act to prohibit the use of firearms fitted with any device to deaden the sound of explosion.

Resolve in favor of the Northern Telegraph Co.

An Act relating to corporations.

Resolve in favor of Macwahoc plantation for \$100 on account of State road constructed in the year 1907.

Resolve in favor of the town of Frenchville for \$145.75 to be paid to the town of Frenchville on account of State road constructed in 1908.

Resolve in favor of Kingman in the county of Penobscot and Frenchville in the county of Aroostook.

Majority and minority reports of the committee on ways and bridges to which was referred bill, An Act to provide for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, county and town, the majority reporting bill in new draft, An Act to provide for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, county and town, and that it ought to pass, the minority reporting a bill in new draft, An Act relating to the construction and maintenance of bridges, and that it ought to pass.

This matter came from the Senate the minority report substituted for the majority report in that branch, the bill accompanying the minority report read once and indefinitely postponed.

Mr. DORR of Dresden: Mr. Speaker, I feel very sorry to make the motion which I am about to make. I have been deeply interested in the bridge question during this session, having been on the committee on ways and bridges. Especially true it is in regard to the so-called Donigan bill. I was and still am a firm advocate of that bill, believing that it possesses many points which would be of great advantage to the State as a whole. My opinion is the same today, and in making this motion which I am about to make I feel as if I was sticking the knife into a dear friend. As regards the county bridge bill I have no particular feeling one way or the other. If this bill had passed the Senate yesterday I should have supported it here today with my vote. We gave the so-called Donigan bill careful consideration and reported that

it should pass, or, at least, a majority of the committee so thought; but inasmuch as that report has been turned down in the Senate and inasmuch as the county bridge bill was refused a passage there, I think at this late day it would be very unwise to tamper with these reports longer; it could only impede pending legislation. And, gentlemen, while as I said I dislike to make this motion I move that we concur with the Senate.

The question being on the motion to substitute the minority report for that of the majority —

It was agreed to.

The question being on the motion to concur with the Senate in indefinitely postponing the bill accompanying the minority report —

It was agreed to.

An Act to provide for the examination and certification of all teachers of public schools. (Tabled pending concurrent action on the report on motion of Mr. Dunn of Brewer.)

Resolve in favor of the town of Rumford, came from the Senate amended by Senate Amendment A.

On motion of Mr. Lane of Paris the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

Report of the committee on ways and bridges to which was referred bill, An Act to authorize the construction and maintenance of a highway in the tide waters of York river, reporting that the same be referred to the committee on legal affairs, came from the Senate, that branch having accepted the report, the House having non-concurred, and the Senate now insisting upon its action and asking for a committee of conference.

On motion of Mr. Chase of York the House voted to insist and join a committee of conference.

The Chair joined to the committee on the part of the House Messrs. Chase of York, Peters of Ellsworth and Pike of Eastport.

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

Judiciary.

By Mr. Bourassa of Biddeford: Petition of H. J. Small and 41 others of Biddeford in favor of act relating to employes liability; of Elmer Davis and 27 others of Biddeford for same.

By Mr. Thompson of Skowhegan: Petition of school committee and health office of Skowhegan in favor of Skowhegan Water District bill; of Benjamin B. Merrill and others for same; of J. A. Savage and 16 others of Skowhegan for same; of the selectmen and 15 others of Skowhegan for same; of E. T. Goodrich and 18 others of Skowhegan for same.

Taxation.

By Mr. Wing of Kingfield: An Act to amend Section 58 and 59 of Chapter 9 of the Revised Statutes regarding roads in unincorporated townships.

Placed on File.

By Mr. Allen of Jonesboro: Remonstrance of Edward Avery and 31 others protesting against any repeal of the laws prohibiting the seining of herring east of Whitehead.

By Mr. Bogue of East Machias: Remonstrance of H. L. Grover, one of the selectmen of East Machias and 35 others against the passage of House Bill No. 147, relating to the Machiasport and East Machias bridge of Willard H. Wiswell of East Machias and 27 others against same.

Reports of Committees.

Mr. Higgins from committee on education reported "ought not to pass" on Bill "An Act to amend Section 2 of Chapter 15 of the Revised Statutes, relating to transportation of pupils."

Mr. Trafton from same committee reported same on Bill "An Act relating to State aid to academies."

Same gentleman from same committee reported same on Bill "An Act to amend Section 33 of Chapter 15 of the Revised Statutes, relating to the payment of superintendent of schools."

Mr. Bradford from same committee reported same on Bill "An Act to amend Section 2 of Chapter 15 of the Revised Statutes regarding the education of youth."

Mr. Additon from the committee on

taxation reported "ought not to pass" on Bill "An Act in relation to the collection of delinquent collateral inheritance taxes."

Mr. True from same committee reported same on Bill "An Act for the better enforcement of collection of the collateral inheritance tax."

Mr. Pattangall from same committee reported same on Bill "An Act to amend Section 13 of Chapter 9 of the Revised Statutes, relating to the assessment of taxes on logs and lumber."

Mr. Colby from same committee reported same on Bill "An Act to establish a State highway fund and to provide for distributing the same."

Mr. True from same committee reported same on Bill "An Act to provide for the construction and maintenance of highways."

Mr. Richardson from same committee on Bill "An Act to amend Sections 13 and 124 of Chapter 15 of the Revised Statutes as amended by Chapter 111 of the Public Laws of 1907, relating to the mill fund and school tax," reported that the same be placed on file as the subject matter covered by the bill has been reported in another bill.

Mr. Trickey from same committee on Remonstrance of the selectmen of Machias against the proposed law changing the present rule for the taxation of logs, reported that the same be placed on file as the subject matter has already been reported on.

Mr. Colby from the committees on forest preservation and water supply and taxation on Bill "An Act for the preservation, perpetuation and increase of the forests of the State of Maine," reported that the same be referred to the next Legislature.

The reports were accepted.

Mr. Richardson from committee on taxation reported "ought not to pass" on Bill "An Act to create a municipal fund and provide for its distribution."

The report was accepted.

Subsequently, on motion of Mr. Bigelow of Portland, the vote was reconsidered whereby the report was accepted, and the report was tabled, pending acceptance.

Mr. Andrews from the committee on

the judiciary reported "ought to pass in new draft" on Bill "An Act to prohibit gas companies from charging meter rents or service charges," under title of "An Act to prohibit gas companies in the cities of Bangor and Brewer from charging meter rents or making service charges."

Mr. Montgomery from same committee reported "ought to pass in new draft" on Bill "An Act to amend Chapter 140 of the Revised Statutes, relating to the powers and duties of coroners and to create in each county the office of medical examiner," under title of "An Act to amend Chapter 140 of the Revised Statutes relating to coroner's inquests and the appointment of medical examiner."

Mr. Hersey from same committee reported "ought to pass in new draft under same title" on Bill "An Act to incorporate the Farmington Falls Water Company."

Report of the committee on the judiciary reporting "ought to pass in new draft under same title" on resolve in favor of Herbert L. Kimball.

(Signed) Messrs. HASTINGS,
LOONEY,
BAXTER,
PETERS,
HERSEY,
ANDREWS,
BURLEIGH.

Mr. Hall from the committee on legal affairs reported "ought to pass in new draft" on bill "An Act establishing a juvenile court within this State and to prescribe the jurisdiction, powers, rights, proceedings and practice of such court, to define the rights, powers and duties of the judge and other officers engaged therewith and to provide for the maintenance thereof," under title of "An Act to provide for a special equity juvenile court, classifying infants under law; providing for the title, term of office and compensation of the judge; appeals to the supreme court; reporter for the juvenile court; and time and place of holding the court."

Mr. Bisbee from the committee on appropriations and financial affairs reported "ought to pass" on resolve for the maintenance of State bridges lo-

cated in the city of Old Town and the town of Milford.

Mr. Strickland from same committee reported same on resolve in favor of the committee on bills in the third reading for clerical assistance.

Mr. Joy from same committee reported same on resolve in favor of the University of Maine.

Same gentleman from same committee reported same on resolve in favor of the secretary of State.

Mr. Kavanough from same committee reported "ought to pass in new draft" on resolve to provide for the pay of the special messenger of the Speaker and extra page of the House, under title of resolve in favor of F. H. Hoar, special messenger to the Speaker of the House.

Mr. Jones from the committee on railroads and expresses reported "ought to pass" on bill "An Act to amend Section 1 of Chapter 52 of the Revised Statutes, relating to the management and operation of steam railroads."

Mr. Blanchard from the committee on agriculture reported same on bill "An Act to amend Chapter 83 of the Public Laws of 1905, relating to contagious diseases among cattle."

Mr. Wing from the committee on taxation reported "ought to pass" on bill "An Act to amend Section 42 and Section 44 of Chapter 8 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1907, relating to taxation of express companies."

Same gentleman from same committee reported same on bill "An Act to amend Sections 35, 37 and 41 of Chapter 8 of the Revised Statutes, relating to taxation of telephone and telegraph companies."

Same gentleman from same committee on order of the last Legislature relating to constitutionality and expediency of enacting a law providing for a tax upon lands in unincorporated places to be applied for the preservation and protection of the forests in such unincorporated places, reported bill entitled "An Act creating the Maine Forestry District and providing for protection against forest fires therein."

Mr. Trickey from same committee on order of the Legislature relating to the

advisability of modifying the provisions of Section 42 of Chapter 9 of the Revised Statutes, relating to advertising the lists of assessments of wild lands, reported bill entitled "An Act to amend Section 44 of Chapter 9 of the Revised Statutes, as amended by Chapter 174 of the Public Laws of 1907, relating to the assessment and collection of taxes on lands in places not incorporated."

Same gentleman from same committee on same order reported bill entitled "An Act relating to the collection of State, county and district taxes."

Same gentleman from same committee on same order reported bill entitled "An Act to amend Section 42 of Chapter 9 of the Revised Statutes, as amended by Section 2, Chapter 69 of the Public Laws of 1905, relating to advertisement of State and county tax lists."

The reports were accepted and bills and resolves ordered printed under joint rules.

First Reading of Printed Bills and Resolves.

An Act to provide a bounty on bears in Washington county.

Mr. Havey of Sullivan offered House Amendment A by inserting after the word "Washington" in the title of the act the words "and Hancock," and changing the word "county" to "counties." Amend Section 1 by inserting after the word "Washington" the words "and Hancock," and changing the word "county" to "counties." Amend Section 4 by changing the word "county" to "counties," and inserting after the word "Washington" the words "and Hancock."

The amendment was adopted, the bill then received its third reading and was passed to be engrossed as amended.

An Act to extend the charter of the Kittery Electric Light Co.

Resolve, in favor of screening Taylor lake, in Androscoggin county.

Resolve, in favor of screening Estes lake, so-called, situated partly in the town of Sanford and partly in the town of Alfred, in York county.

Resolve, in favor of a screen at the outlet of Messalonskee lake, or Snow

pond, so-called, in Kennebec county.

Resolve in favor of screening Worthley pond, so-called, in the town of Peru, in the county of Oxford.

Resolve in favor of screening Toddy pond in the town of Orland in Hancock county.

Resolve in favor of screening Biscay pond, so-called, in the town of Damariscotta in Lincoln county.

Resolve in favor of screening Spring River lake, situated partly in Washington county and partly in Hancock county.

Resolve in favor of DeForrest Keyes.

Passed To Be Engrossed.

An Act to incorporate the Belfast and Liberty Electric Railroad Co.

An Act to ratify, confirm and make valid the organization of the Mexico Water Co. and authorize it to issue bonds and extend its plant.

An Act to amend an act entitled "An Act to incorporate the city of Old Town."

An Act to amend the charter of the Messalonskee Electric Co.

An Act additional to Chapter 135 of the Revised Statutes, relating to witnesses in criminal proceedings.

An Act to authorize and empower Joseph Dresser to remove the remains of certain deceased persons from his farm in Cape Elizabeth to the public cemetery.

An Act relating to portable or movable saw mills in cities or incorporated towns.

Mr. Cousens of Standish offered House Amendment A: "Section 2. Said mill operators shall make application to the forest commissioner for printed blanks which shall be furnished free of charge, upon which they shall report the date of erecting the mills and location of the same, all fires and cases when known in the vicinity of said mill, and all damage to property not owned by them, and report to said forest commissioner."

Mr. COUSENS: Mr. Speaker, it will be seen by this bill that the forest commissioner "shall" furnish certain matter and he has informed me that it would be impossible for him to know where these mills were located, and therefore this amendment requires that

they shall notify the commissioner of the location of the mill and ask for these printed circulars upon which they will make their report. It is necessary that he should be notified by the mill owners in order to furnish them with the reports. This bill says he shall furnish them, and it is impossible for him to know where they are located to furnish the reports.

The SPEAKER: The Chair would inquire of the gentleman from Standish if the intention of his amendment is to add a new section to the bill?

Mr. COUSENS: No, sir, it is to amend Section 2. The amendment should be to strike out Section 2 and substitute Amendment A.

The SPEAKER. The Chair has added the words: "strike out Section 2 and insert."

Mr. COUSENS: That is all right.

On motion of Mr. Rounds of Portland, the amendment was laid upon the table.

An Act relating to frivolous exceptions.

An Act to regulate the taking of eels in Taunton bay, town of Franklin.

An Act to amend Paragraph V, of Section 20, of Chapter 18 of the Revised Statutes, relating to bylaws of local Boards of Health.

An Act to regulate fishing in Indian River stream, so-called, in the towns of Jonesport, Addison and Columbia Falls, in the county of Washington.

An Act relating to the catching of smelts in Damariscotta river, bays and tributaries.

An Act to amend specification 10 of Section 6 of Chapter 9 of the Revised Statutes, relating to the exemption from taxation of lands set apart for the production of forest trees as amended by Chapter 169 of the Public Laws of 1907.

An Act to amend Section 13 of Chapter 117 of the Revised Statutes as amended by Chapter 66 of the Public Laws of 1907, relating to the per diem attendance of expert witnesses.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes, as amended by Chapter 2 of the Public Laws of 1907, relating to the relief of poor debtors.

An Act relating to the transportation of animals.

An Act to create a cemetery corporation for the city of Rockland.

An Act in addition to Chapter 19 of the Revised Statutes, relating to contagious diseases among cattle.

Mr. Davies of Yarmouth offered House Amendment A by inserting after the word "dollars" in line 4 the following: "and there shall be left or deposited with the owner of the cattle so condemned a proper certificate duly authenticated showing the number of cattle condemned and the value at which they were appraised."

The amendment was adopted, the bill received its third reading and was passed to be engrossed as amended.

An Act in relation to political caucuses in the city of Old Town.

An Act establishing rules and regulations for Portland harbor.

An Act amendatory of Section 29 of Chapter 30 of the Revised Statutes, relative to the poisoning of animals.

Resolve, in favor of the county of Penobscot.

Resolve, in favor of town of Dexter.

Resolve, in favor of the town of Nobleboro.

Resolve, in favor of State aid for the support of the Eastport bridge.

Resolve, in favor of the town of Dexter.

Resolve, in favor of the town of Dexter.

Resolve, in favor of the county commissioners of Franklin county for the repair and permanent improvement of the road from Madrid line through letter E. Plantation and Sandy River Plantation.

Resolve, in favor of the town of Dennysville.

Resolve, in favor of the town of Perham.

Resolve, in favor of the town of Rangeley.

Resolve, in favor of Parker Pineo.

Bill, relating to payment of tuition in secondary schools.

Bill, regulating fishing in Muddy pond.

Bill, to regulate the taking of white perch.

Resolve, providing for deficiency in

appropriation for expenses of Australian ballot for year 1908.

Resolve, in favor of Harry R. Coolidge.

Passed To Be Enacted.

An Act to prohibit the hunting of ducks and other water fowl in Damariscotta pond in Lincoln county, by the use of steam, naphtha or gasoline boats.

An Act to incorporate the Androscoggin Valley Railroad Company.

An Act to incorporate the Guilford Water Company.

An Act to incorporate the Brewer Water District.

An Act granting additional privileges to the Peaks Island Gas Company.

Finally Passed.

Resolve, making appropriations for the Passamaquoddy tribe of Indians.

Orders of the Day.

Special assignment: Bill relating to Board of State Assessors.

Mr. Redlon of Portland: Mr. Speaker, I move that the consideration of this bill be re-assigned for next Tuesday. The matter is under consideration in the Senate and there upon the table. As the Senate has adjourned it is impossible to get the document at this time.

The motion was agreed to.

Special assignment: Bill relating to the purchase of second-hand books.

Mr. BURSE of Pittsfield: Mr. Speaker, this bill relates to the purchase of second-hand school books by our public schools. The bill prohibits them from purchasing second-hand books. The only objection that I find to their doing so is that it is possible that disease germs may be transmitted in these books. I never knew of a case that was traced directly to that. I think that the smaller towns, many of them, buy these second-hand books, and I think that they ought not to be refused the privilege of doing so; therefore I move the indefinite postponement of this bill.

Mr. BARTLETT of Stonington: Mr. Speaker, the idea of this bill was to prohibit the introducing of diseases into the schools, and we had a case

in our town only this fall. Our superintendent of schools purchased second-hand school books. Soon after the books were introduced in our schools diphtheria and scarlet fever appeared in the schools and we believed only on account of the second-hand books which had been purchased. When this matter came up before the committee on education there were several who spoke in favor of the bill and no one, not even the gentleman from Pittsfield, appeared against it. Dr. Young of the State Board of Health volunteered to go before the committee on education and speak in favor of the bill but it was decided that it was not necessary to send for him as no one opposed the bill. Since this measure has been introduced the concerns selling second-hand school books have got busy and have circulated reports among the members of the House that this bill would prohibit students of colleges and schools from the purchase of second-hand books. This is not the case. This bill only prohibits towns from purchasing second-hand books and does not apply to any one else.

Mr. DAVIES of Yarmouth: Mr. Speaker, it seems to me that this is a matter of considerable importance and I can see no reason why the State should engage in the matter of dealing in second-hand books. I believe the State is able to purchase and should provide new books in all cases where books are to be bought for the use of the schools; and I sincerely hope that the motion of the gentleman from Pittsfield will not prevail.

Mr. SMITH of Berwick: Mr. Speaker, I was not aware of the fact that any town in this State was so penny wise and pound foolish as to indulge in the purchase of second-hand books to put into the hands of the children. It seems to me to be false economy. We are passing laws at every session of the Legislature looking to the protection, interests and health of the children and now it is proposed to put into their hands books coming from the hands of children that we know nothing about. The purchasing agent of the town does not know where those books have been, he has no means of

knowing through whose hands they have passed or what disease they have been exposed to, and to place them in the hands of unprotected children is little short of a crime. If I had children to send to school I would as soon put a stick of dynamite into their hands as a second-hand book. Personally I will not read a second-hand book if I can avoid it; I buy my books new and read them. To place second-hand books in the hands of innocent children is a crime; and I trust that the motion to indefinitely postpone will not prevail.

The question being on the motion to indefinitely postpone the bill —

The motion was lost.

The bill then received its third reading and was passed to be engrossed.

Special assignment: Majority and minority reports of committee on interior waters to which was referred bill relating to the Shawmut Manufacturing Co., reporting the same in a new draft and that it ought to pass.

Mr. BURLEIGH of Augusta: Mr. Speaker, the two reports were tabled on my motion. I understood that there were certain objections to the majority report and therefore I made the motion to table. I have not had time personally, on account of the pressure of other matters, to give that investigation to this matter which I think it deserves, and at the same time I feel that personally I should not delay the progress of the bill at this time. I merely wish to take the attitude that in case one or the other of these reports should be adopted by the House this morning and the bill should go to the Senate and the matter should reappear later in the House, in consenting that the bill progress this morning I have not waived any rights to present any suggestion or objections that may occur to me when the matter comes up later on. I make this statement in justice to the friends of the measure that it may not be delayed.

On motion of Mr. Wing of Kingfield the majority report was accepted.

The bill then received its two readings, and on motion of Mr. Beyer of Portland the rules were suspended, the bill received its third reading and was passed to be engrossed.

Special assignment: Resolve in favor of Eastern Maine Insane hospital to provide for deficiencies.

The SPEAKER: The pending question is the final passage of this resolve. It contains an emergency clause. Under the Constitution if this resolve receives its final passage it must receive the affirmative votes of at least two-thirds of all the members elected to this House.

A division was had and 111 voted in the affirmative and none in the negative.

So the resolve was finally passed.

University of Maine.

Special assignment: Resolve in favor of the University of Maine.

Mr. STOVER of Brunswick: Mr. Speaker, I suppose an apology is due this House from me for having this bill tabled and assigned for today. It seemingly was done under a misapprehension of facts, thinking I had the same equal rights in this House which the learned professions enjoy, even if I did hail from Brunswick and had not asked permission from anybody, not even the gentleman from Saco, which shows my ignorance or forgetfulness of the wide chasm that separates me from the learned professions, especially the legal profession. The Legislature has always collectively treated me courteously, but a few individuals have treated me otherwise. It does not take a very high degree of courage to insult an old man unable to defend himself and if anyone can get any honor out of it he is welcome to it, it does not hurt me.

It has been intimated to me that this bill was tabled in the interest of Bowdoin College. God save the mark. Bowdoin College needs none of my puny efforts to keep it on its feet. It has an honorable record of its own. Its president has never been seen in this House lobbying and sitting by the side of his agents prompting them to insult the weakness of age, as was seen in this House two years ago. No, Bowdoin asks no help from me or assistance from the State. I am sailing under my own flag and am not ashamed of my colors. I take the ground that the so-called University of Maine

is not the legal heir of the Agricultural College, although it has hypnotized the watchman and crept into the nursery and smothered the Agricultural College in its infancy and now claims to be the rightful heir to the estate. I hope it will be found that the child is not dead but only a case of suspended animation and may be resuscitated and yet be made an institution for the farmer and the mechanic and not be run for the personal aggrandizement of any one man.

I tabled this bill, Mr. Speaker, on my own responsibility believing that this institution does not need a dormitory at this time and desiring to offer an amendment to the bill which strikes out the \$75,000 called for that purpose. This is not an emergency bill but an attempt to fasten this octopus more firmly on the State. Before offering an amendment I wish to say that my infirmities compel me to write down my thoughts or they are likely to get away from me. Therefore I ask the privilege of reading the disjointed remarks which I desire to make on this occasion.

I now offer Amendment A to the resolve in favor of the University of Maine, Senate Document No. 358, to strike out all in lines 5, 6, 7 and 8.

Mr. Speaker, I am well aware, at this time it is thought that children, especially those in their second childhood, should be seen and not heard. I had positively decided to take no part in the debates of this session, and for that reason. But when I see such an unprecedented onslaught on the treasury of the State, I can refrain no longer from entering a feeble protest and to plead for a calm consideration of these various matters that are being thrust upon us. Some seem to think that if the State can be made to build our roads and bridges, support our poor and care for the insane and endow universities that they will be relieved, in some way, from the burden of taxation. What is the State? And where does it get the money to do these things? It has to be procured by some form of taxation, levied on the individual members that compose the State. These raids upon the treasury are prompted by

personal ambition, local self-interest and the growing desire of the times to get the better of our neighbors and shift our burden on the shoulders of others.

My politics and my religion, if I have any, is equal rights to all and special privileges to none. Now every dollar expended on the University of Maine, so-called, is to increase the privileged class. Every lawyer and doctor that is graduated from that institution has the privilege to charge us what they please, if we are unfortunate enough to need their services, and we must pay their exorbitant charges or go to jail, or to the poor house. There is no law to restrain them, because they make the law and the court is selected usually by them, from their own class. The judiciary and legal affairs committees are packed with lawyers who smother every bill sent to them if it conflicts with their own special interests and it dies a violent death in that slaughter house of justice. The learned professions have got us by the throats and will soon have us tied hand and foot if we do not make a vigorous effort to free ourselves from their deadly grips. It seems that all political parties have strayed from this safe Democratic doctrine and are promoting jealousy and discontent among the people, dividing themselves into classes organized for mutual protection. Corporations and other privileged persons are clamoring for this Legislature to harness labor to haul the heavy burden of taxation made necessary by the action of their own representatives. The improvident are organizing to rob the provident of their honest accumulations and all parties are fishing for the votes of all the discontented, and, I might say, dangerous classes. And God grant that all political parties may awake to the grave dangers that threaten the country, before it is too late and destroy the mischievous "Isms" that are bringing to the people a pronounced unrest.

There is a blotted page in the history of Maine, a time of internecine war, when the loyal subjects were striving to conquer a rebellion and to save the unity of the nation, when men who were looked upon as our best citizens

laid aside their pretended love of justice and fair dealing and bent their whole strength to enrich themselves out of the miseries of the people. Governors, public officials and scheming promoters, thought it their privilege to fleece the sovereign people for their own profit. Gigantic schemes of robbery through land grants, and other cunning devices gave them an easy chance to speculate. This period between 1860 and 1870 covers the "paper credit scandal" that smutted some of our most prominent men.

This institution, the University of Maine, now clamoring for more of the people's hard-earned money, came into existence in that period of the State's dishonor. And it would be quite unreasonable to suppose that a chance like that would not excite the cupidity of men who would defraud the soldier in the field and steal from the people who were patriotically supporting him. I have no doubt, myself, that the land grant from the government would have been sufficient to found and endow such a college as was contemplated in the act, if it had been properly and honestly managed. But that is past and we must make the best of it. What seems worse to me, is that certain selfishly interested persons conceived the idea to change the name of the Agricultural College to the University of Maine, to make lawyers instead of farmers. Moreover, they made the Legislature see it in the same way and change it, which in my mind was a mistake. Now let us be careful not to make any more mistakes than we have already made. They come here year after year asking for large sums of money with which to continue the manufacture of a privileged class with a roving commission to make reprisals of the savings of us plebians. It is my belief that the three well-endowed colleges can turn out more lawyers and doctors than are really needed for the needs of the people without the State going to the expense of creating a surplus of even a good thing. We were told two years ago that the president of that institution had retained half a dozen, more or less, professors receiving \$250 a year, expecting the Legislature to furnish the money to

pay them \$1800 per year which they did. How many he now has on probation I don't know, but it would seem by their not very modest request that he has a dozen. By their admitted cunning, they have been throwing bait to the farmers by dedicating a hall as Agricultural hall instead of University hall. Whether there are any gudgeons who will take the hook remains to be seen.

Two years ago if anyone said anything against the \$180,000 asked for it was taken as evidence of the jealousy of the other colleges. I never went to college but I now wish I had, so that I could be able to show these schemers up in their true light. It is laughable to observe their egotism in thinking that Colby, or Bates, or Old Bowdoin would be jealous of that illegitimate unblushing pauper.

Now, Mr. Speaker, I hope to be pardoned for my effrontery in speaking on this subject in this pointed and illiterate manner, as the best part of my life was spent on the ocean, a bluff sailor, so-called, among men who were honest, outspoken and had the courage of their convictions. We have been creating new offices each year to provide soft places for the educated drones who have left the hive of industry. We have even made it lawful for the Governor to appoint extra officers to supersede those already elected by the people, when in his judgment it will promote the interests of his party.

Having taken care of the lawyer and doctor ought we not do something for the ministers? They have not been compensated for the separation of church and State and they are supposed to be liberally educated. Why not have an office of State butcher and pass a law to make the people have meat killed "A la Moses" by following the example of our Hebrew brethren, who will send 10 miles for a rabbi to kill a goose for Thanksgiving. (Laughter.) Why not have a pig sticker? Our cow tester receives a salary of \$3000 per year and I heard him plead for an additional \$2000 more per year to procure an assistant in bovine inspection to tell the farmers if they had good cows, pretending that the farmers lacked the time and sufficient intelli-

gence to ascertain for themselves. And would you believe it, not one farmer has resented it. One told me I did not understand him, but I think I did. He told me that the cow tester had been able to reduce the cost of producing butter 8c. a pound, yet butter is 8c. cents higher than it has been since the war. (Laughter.) Who gets the benefits of this reduction in the cost of production? It is not the consumer. It is evidently the creameries that get the benefits as they have a monopoly in butter making, and have their agents here lobbying for the cow tester. Farmers have no time to attend to dairying, as they are kept busy making macadam roads for the privileged class to run their modern juggernauts upon. (Laughter.) These sporting men of leisure having nearly destroyed every living thing on earth that is clothed in fur or feathers, and that sport has become too tame for them, and they seem to take supreme delight in running down a "Hay-seeder," as they call a farmer. Their passion to kill grows upon what it feeds. O, that we had an Artemas Ward or a Mark Twain to write a book on the inconsistencies of the Maine Legislature. (Laughter.) It would prove beyond doubt that truth is stranger than fiction and though true would out-rival Munchausen and be more entertaining than the truthful report of a Republican-Prohibition caucus. (Laughter.) Is it not well that we put on the breaks before the collision which is sure to come if we continue to go at the break-neck speed at which we are now going.

I do not intend, however, to offer a bill to provide for the clergy but merely to suggest one which will care for that branch of the learned profession. All animals and birds not usually used as food may be left out of the bill, and not be subject to the provision of the law. Dogs though eaten sometimes in sausage meat should be excluded as we already have a dog-killer. Rats are said to be eaten by the Chinese, therefore keep them in the bill as a concession to the foreigner. Skunks are said to be good eating but they should be excluded, as the ministers might object to being compelled

by law to exhibit themselves in Priestly Robes chasing a skunk to catch him properly and kill him legally, trying at the same time to look solemn and dignified. The owl among birds is considered a judge. I suppose it is because he sits up so straight and looks so much wiser than he really is and out of respect to the judges we might put him in the bill. The crow is sometimes eaten but chiefly by the Democrats (laughter), so he should be excluded as they hope to change their manner of living very soon and swap larders with the Republicans.

If any one desires to draw up such a bill it need not exceed 13 sections, which is the number in the brown-tail moth bill which is less reasonable than the one proposed. In the 13 articles of the Moth Bill "Commissioner of Agriculture" is repeated 15 times, so that it seems as though he were starting this measure for personal reasons engendered by over valuation of his office. The drawer of the Moth Bill takes especial pains to say that it is not a bounty measure, when everybody who has been a careful observer knows in his own mind that the only way to get rid of the moths is to give a State bounty on the collection of their nests and have them burned under the inspection of an officer especially appointed for the purpose by the town officials. I doubt if the commissioner of agriculture, more especially the employes under his direction want the moths destroyed, as that would put them out of commission. If the money spent on these men had been judiciously spent in paying a bounty to the boys, these moths could have been kept under, unless they had left some for seed, for the next year as they might have done, since they are sharp and might have followed the example of their elders. Brown tail moths are a dangerous pest. This army of destruction has entered the border of Maine from an adjoining State and it has grown to be a State matter. If you want to keep them from ravaging the whole State you must take it under consideration. It is useless to say "Go West, young man," for they are coming East and this victorious army cannot be check-

ed, but by the united effort of the whole State.

The Moth Bill and the Bridge Bill and this university bill are triplets and three of a kind designed to saddle upon one portion of the State burdens that belong to another. I have observed that rakish looking craft in the distance, but now they have raised the black flag and no longer leave us in doubt of their real intentions. Shall we allow them to cut our throats and despoil our cargoes, or shall we unlimber our hidden guns and sink them without further delay? When we discuss this matter in the corridors of the House it is said that we are selfish. If it is selfish to object to thieves taking our property, I submit we must plead guilty.

Political parties are like ships on a dangerous ocean. They have been tacking and filling, trying to get the weather guage of each other and have not observed the dark cloud in the West that betokens a storm. We don't know whether it will be a gentle gale or a typhoon, but whichever it is if they don't shorten sail and put in their reefs they will be dismasted and left a helpless derelict on the political sea of expediency. I don't expect to change anyone's mind and I thank you for this courtesy, at the same time wishing my constituents to know that I still adhere to my old-fashioned Democracy which I believe to be the sheet anchor of our liberties.

This University of Maine appropriation is not a political question. It may be, and probably is, a sectional one but not a political one. It is a question as to whether or not we shall continue to tax the people to support, at great expense, a State institution to do the same work that the three well endowed colleges are doing without cost to the State. I am told that this straddle-bug concern is the best college in the State, but judging from the scurrilous letters written to members of the Legislature two years ago by the students of that institution, I am inclined to doubt it. It is not the efficiency of this college that I challenge, but the policy of running at great expense an unnecessary institu-

tion. I believe that when the State has made it possible for every child in the State to get a High school education it has done its whole duty. And if the learned professions want to propagate their species let them do it with their own money and not ask the illiterate masses to do it. They say it is a "Cheap College;" that men from other states can come to Orono, and for \$40 get what would cost them \$250 at home. Is that a good argument why we should continue to spend the people's money for a useless purpose? If you think it is continue it, if not vote the proposition down and get rid of those beggars from Orono whose persistency is equalled only by their audacity. I have been heeding the old adage, to tell the truth and shame that other fellow.

I do not wish to have it understood that I am opposed to a liberal education, because it is my greatest regret that I was deprived of an opportunity to obtain one. Education may make the good better but it surely makes the bad worse. It makes possible for the good and bad to successfully attain to their individual standards of living. If we are to restock the State with lawyers let us try to manufacture the best ones possible. Let us have a student-tester whose duty it shall be to test all students asking admission to our State nursery and allow none to enter that has any microbes of rascality or any hereditary tendencies to evil. Let us propagate from the best scions of the best thoroughbred stock and make no more of those imitations of Mr. Wing's disgusting birds to flock in the corridors and roost on the window-sills of this House, thus showing their supreme faith in our credulity.

Our worthy Governor has cautioned us against meddling with his pet hobbies, but he has wisely asked us to be economical and he has set us an example worthy of praise. But he has especially, it seems to me, cautioned us against being too liberal with the Insane hospital. Now, Mr. Speaker, in my opinion this is the one institution above all others that needs our careful attention, and we ought to provide suitable and comfortable provisions for the care and support of these unfortu-

nates. Holy Writ commended the unjust steward for continuing his peculations when he found he was to be kicked out of office. And it would seem to me to be commendable in us to provide a comfortable home for ourselves in case we get there, for if we pass all the bills before us we shall be eligible to, and fit subjects for that institution. Then we can congratulate ourselves on our forethought and exult over the miseries of those ordered to the lower regions. I now bid you goodby and like Paul will say, I have run the political course and have tried to fight the good fight hoping to stand as well as those goody goodies, when their hypocritical pretensions to morality and temperance are laid bare. God save the State of Maine from those unnamed moths of the University of Maine. (Applause.)

Mr. PETERS of Ellsworth: Mr. Speaker, the attitude of the gentleman from Brunswick toward the University of Maine in his suggestion that the output of lawyers be restricted shows one of two totally different viewpoints probably impossible to reconcile. It reminds me of a story which, with the permission of the Chair, I will repeat illustrating two totally different viewpoints. An old colored woman was brought before a local judge accused of over-beating her child, a young colored boy. The judge found her guilty and was about to impose sentence and he said: "Have you anything to say to me before I pronounce sentence?" She said, "Yes; I would like to ask you a question. Were you ever the father of a perfectly worthless colored child?" (Laughter.) That simply shows the difference in viewpoints that may exist. The judge looked at it from one standpoint, the colored woman from another.

Now it strikes me that this is no longer an open question, as to whether or not we shall appropriate money for the University of Maine. That matter has been settled; it is res adjudicata. It has been settled by the vote of the Legislature, by precedents and nobody any longer doubts that we should and will continue hereafter to appropriate liberal sums of money for the University of Maine. And I am happy to say this because it happens

that by some unforeseen accident occurring some years ago I managed to graduate from the other institution which has been spoken of, at Brunswick. In my mind it is only a question of how much, not a question of whether we shall appropriate any, but how much; and when we get to that I am going to rest on the judgment of the committee. We cannot, we do not expect to take evidence here and have details presented to us in this House showing whether \$75,000 or \$80,000 or \$100,000 is necessary and should be appropriated. We cannot do that. We have our agents for that purpose. We have selected them and we trust them; we believe that they are competent to perform their duties. In this case they have got together and have made a report recommending to us that we appropriate so much money. What can we do but appropriate that money? It seems to me that there is no question about it now, it is all settled, the precedent is established, the committee has reported; it simply remains for us now to vote this money which this extremely deserving institution ought to have.

Mr. HAVEY of Sullivan: Mr. Speaker, under the circumstances I do not believe it is necessary for any of the friends of this resolve to make any extended comments thereon, but as a member of the committee on education before which the subject was discussed I want to state to the members of the House that it was only after careful and deliberate consideration that the report which you have before you today was made. This committee summoned President Fellows from Orono several times to answer questions and give us more light on the subject. In fine, it was only after a most exhaustive consideration that we decided to report as we did.

There is no question at all, gentlemen, but what the University of Maine is a State institution, and as such it is our solemn duty to support it as we honestly believe it should be supported; and although I have the honor to be a graduate of Bowdoin College and love that grand old institution as much as any other man anywhere, I trust that the time will never come when I will allow my love for that

institution to rise so high as to completely overshadow what I know to be my duty to the citizens of the State of Maine. I would be the last man in this House, gentlemen, to question for a moment the motive which prompted the gentleman from Brunswick to introduce his amendment and to take the position that he has. He is a man whom we all respect and honor. He is a man whose opinions on almost all occasions we can look up to as being sound, a man from whom advice can be safely taken. But human nature is not infallible and I honestly believe that in this particular case the gentleman from Brunswick is decidedly wrong, and I hope and most sincerely hope that this resolve will receive its deserved passage.

There is one more point I desire to present to you, and that is in respect to the inquiry that was made several days ago relative to the present status of the University of Maine. The facts as compiled relative to the condition of the college of agriculture at the University of Maine are surprising, and it is with pride and pleasure that the friends of the University of Maine point to that development.

Ten years ago four men were giving a part of their time to instruction in agriculture, and but very few students were taking agriculture. At the present time there are 116 courses given in agriculture. The number of hours of instruction is 3914. There are now eight men giving their entire time to instruction work in the college of agriculture, and one additional man giving a part of his time.

Ten years ago there were in all courses, long and short combined, not to exceed 15 or 20 students in agriculture. At present there are 60 students taking purely agricultural courses, in addition to 40 others registered in the college of agriculture who are taking forestry as a major. There are not less than 50 students from other departments of the university who are taking some work in agriculture.

There were during the past year 113 public demonstrations and lectures given in different parts of the State by members of the college of agriculture faculty. There are 131 taking regular correspondence work in agriculture. The agri-

cultural professors gave 93 hours during the summer sessions of the State Normal schools in teaching agriculture to the students there. There are 10,103 persons who attended the public demonstrations in different parts of the State during the past year. Forty-two attended the special joultry course last year. The registration for the present year is coming in today.

The first Farmers' Week was established in March, 1907. There were 114 registered. In 1908 there were 371 registered. This present year, March 8 to 12, there were 550 registered. The daily papers of this past week have given ample information.

I trust that those of you who felt that you wanted more information in regard to the status of the college of agriculture will consider this information which I have given you, and for the authenticity of which I can vouch. I trust, I say, that this will be sufficient.

The question being on the adoption of the amendment,

The amendment was lost.

The resolve then received its second reading and was passed to be engrossed in concurrence.

Enlarging Powers of Railroad Commissioners.

(Mr. Trimble of Calais in the Chair.)

The SPEAKER: The next matter specially assigned for consideration this morning is the report of the committee on railroads and expresses, reporting "ought not to pass" on bill, An Act to enlarge the powers and duties of the railroad commissioners and to regulate fares and tolls of common carriers, tabled pending action upon the report by the gentleman from Houlton, Mr. Hersey.

Mr. HERSEY: Mr. Speaker and Members of the House: I wish to move to substitute the bill for the report, and upon that I wish to be heard; and I wish to state that I would not inflict upon the members of the House did I not deem it my duty to do so, and in doing that I will be as brief as possible in performance of my duty. For many years the law of this State regulating the duties of the railroad

commissioners, as far as those duties had any relation to regulating the fares of common carriers, was laid down in Section 1 of Chapter 52 of the Revised Statutes, saying that the railroads might establish and collect for their own sole benefit, fares, tolls and charges upon all passengers and property conveyed and transported on such railroads, etc., subject, however, to the regulation by the Legislature and the railroad commissioners, and saying that the railroad commissioners might hear any complaints upon the fares and tolls. That is the way the law stood for many years, and stands so today.

As a matter of fact, gentlemen, the railroad commissioners of Maine have never done anything in all the years past to regulate the fares of common carriers of their passengers and freight; they have left that wholly to the several corporations to do for themselves, to regulate their own fares, and there is only one instance I think on record where they have ever attempted to have a hearing or examined into any regulation and that was in regard to the conveyance of a horse some years ago. The law stood that way and it could not be enforced, the commissioners could not carry out the purposes of the law for the very reason that there was no machinery with which they could do it, no provision of the statute for the holding of an investigation for the investigation of the common carriers looking into their schedule of fares, for hearing any evidence or to make any report, taking the evidence and hearing the complaints or enforcing it by any penalty; and so, gentlemen, there was nothing done through all these years. It was the occasion of a great deal of complaint. There was a feeling of unrest all over the State of Maine among the people of Maine that these public service corporations should not be regulated by the people of Maine; that they should arbitrarily fix their own fares, their own rates and their own tolls as common carriers, and ask to be let alone, and they were let alone. There was not only an unrest among the people of Maine, but in the northern part of the State, principally in the counties of Piscataquis and Aroostook, there was

more than an unrest; there was a demand from the people of those counties, from the shippers, from the merchants and the traders that something should be done, complaint after complaint, until the thing became unbearable, and when I came to this Legislature I listened to the demands of my people that something should be done, and early in the session I introduced into this Legislature what is now Senate Document No. 40.

Now, I took the law as it was today and simply put into that law the necessary machinery for the purpose of carrying it into effect. In the first section, instead of the common carriers making the rates, I said that the railroad commissioners of Maine should make, establish, revise and regulate all fares, classifications, tolls, tariffs, rates and charges, with this object that the railroad commissioners of Maine who are well paid and whose duties are not onerous at the present time, should have something to do, and something to do to satisfy the demand of the people. I went further than that, because stopping there would not mean anything and you could not work them—I went further, and said that for the purpose of making and revising these fares and schedules of passengers and freight, that the railroad commissioners of Maine should once a year hold one public meeting or more in each county of this State, after having given at least 14 days notice in the papers of that county, and at that hearing they should hear all complaints that anybody wished to make against the common carrier and the way they were conducting their business, and that the evidence should be taken in writing, and having heard the defence, having heard the common carrier's side of it, when that was all done they should regulate and revise the rates. I went further than that; I provided for that court, how many should constitute a quorum, and that they should have the right to make regulations for that court, and that they should have the authority to summon and hear witnesses, and that they should also have the authority to ask the common carriers to bring in their books, and that they should examine them and also

their schedules and their rates, and that they might investigate the same as the State assessors investigate the matter of assessments in this State. I went further than that; I gave that commission the authority to summon witnesses and to punish them if they did not attend, and fixed it so that the witnesses giving evidence against a common carrier should not afterwards say that he could not testify because it might implicate him in crime. I went further than that; I said that this hearing and the examination by the board of railroad commissioners, that they shall establish these freight rates and these classifications, and that they should then put them in form and they should be printed by the common carriers and that copies should be posted in every place or station where they shipped freight or passengers so that it should be showed to the public, so that the people could see what the rates were from point to point in this State, and the classifications of their tolls and charges, and that they would not alter or change those rates and tolls and classifications, having once been made public, without the consent of the board of railroad commissioners.

Now, gentlemen, I submit to you that this is a fair bill. It simply states that our railroad commissioners should have the right and it should be their duty to investigate what never has been investigated in this State, and establishing the rates and fares of these public service corporations. That bill was advertised—the meetings were advertised before the railroad committee, and the members of the House will call to mind that when I presented this bill I had it referred to the committee on judiciary for the reason that I then stated to this House, that it involved proceedings of a commission in which rules were established, and I wanted a committee of lawyers to give you a bill so that legally its machinery would be all right so that it could be enforced in our courts, and my only objection to its going to the railroad committee was that that committee, not being composed of lawyers, it seemed to me could not meet the question, but you saw what was strange, that the railroad committee of this House opposed it and violently opposed it, and of course the House under

those circumstances gave them the bill. Well, that was all right. It was advertised, as I said, and at the hearing there was present representing the railroads attorneys for every railroad in this State, including all the electric roads, and every little branch was represented, and they all were there and they all made speeches and they all talked against it and said: "Let us alone; we have always fixed our fares, and our regulations, and our tolls, and tariffs, and we want to be let alone; we are honest; why do you want to investigate us? Let us alone. If this bill becomes a law it will ruin the railroads of this State; we cannot pay our dividends and we will go into the hands of a receiver; and let the railroad commissioners look into our schedules and regulate them," and talked such nonsense as that to the railroad committee. And I put before that committee letters, newspapers from my county and from Piscataquis county, and put before that committee evidence of men complaining here why the committee would not investigate those things. There was a great demand from northern Maine that there should be something done and the committee knew it and acknowledged it. Well, the bill has been there some time in the railroad committee, and I was approached by the committee to say that if I would consent to certain concessions that the bill would go through, certain friends of mine upon the committee who I think are honest about the matter—and yet there was this great railroad lobby before this Legislature at the Augusta House saying that nothing should be done, and the committee had to contend with them and they wanted to give something that would please us both. When they wanted to do that they had quite a job on their hands. So they said to me: "**We don't like that word 'make' in there; that the railroad commissioners shall 'make' the rates on the railroads in this State.**" I said: "Strike it out and leave in the word 'revise' if you wish, and let the common carriers bring their schedules before the railroad commissioners, bring them as they have made them, and let the railroad commissioners revise them." We struck out the word "make." Then they said: "Look here; there is something else that the railroad lobby objects to; as

you have it in there it practically means that they shall have 16 meetings in this State during the year held by the railroad commissioners in the 16 counties of the State." They said in the counties where there are no complaints this was needless. The Maine Central says: "We have been doing things all right, even if the B. & A. haven't been doing things all right; we are innocent and we should not have any meetings where we operate."

Now, they said there were counties in the State where the people would not make complaints, and if there were no complaints why should there be any meetings there? I said I acknowledged the justice of that, and I said I would fix that and I put into the statute there that wherever on the complaint of 10 or more shippers of freight or consignees of freight of unjust fares and unjust rates and tolls, setting forth their complaint in detail, that when that is done and in writing then the railroad commissioners shall hold a meeting in that county, advertise it and hold it the same as is provided under this bill; so where there were no complaints found there would be no need of holding the public meetings. What other objection could they have? I didn't know of any. And until last Friday the thing hung there in my bill, and then the committee reported "ought not to pass." You have all heard of the old parson who took up a collection in his hat and when it was returned to him after being around he thanked the Lord that he had got his hat back. I have not been so fortunate in this matter; I didn't get back my bill. It was reported "ought not to pass."

I cannot understand it because I knew that the committee believed sincerely and honestly that there should be something done in this matter. What was my astonishment. Right along with that report at the same time came a bill, and that bill was put in from a member of this committee. It was not a bill reported under a new draft, but it was a separate bill, with the same title. That bill was very simple. It simply amended the first section of the present law by inserting these words: "And said hearings shall

be held in the county in which the complaint originates when requested." And I could not understand at this late hour why this bill should be put in and advertised and a public hearing had, for it could not be heard at this Legislature, and what was my astonishment this morning to have that bill reported back into the committee "ought to pass." Now, I don't care whether it passes or not. It is perfectly harmless, and it cannot harm anybody, even the railroads. It cannot change this law at the present time to make it any worse than it is, and of course the mere fact that they shall hold a meeting in a county where a complaint is made is of no consequence unless you have the machinery for doing the business and holding the court, and of course it would slumber there as the law has for many years past.

As I say, that is what you get by having a matter that involved certain legal questions referred to a committee not composed of lawyers—having nothing to say against the members of the railroad committee. I think they are honest in the matter and they knew we had to have something and they wanted to please both parties, and so they put this in thinking perhaps it would work. But it won't work, and we all know it won't work. It don't amount to anything but it shows this—that the railroads of this State were entitled to a public hearing upon this matter and if you don't give them a public hearing then there must be an understanding between the committee and the railroad lobby that they have consented to this bill, and the railroads endorse it; there is no question about that, and I can see this lobby sitting back here around the corridors of this House and around the Augusta House smiling and saying: "Bite, bite, but you have no teeth." Something has got to be done. I am speaking for a great many people of this State. Yesterday there was a long hearing before the judiciary committee on the public utilities bill, a bill to have the railroad commissioners of this State changed to public service commissioners to have a general oversight over all the public service corporations of this State, common car-

riers, telegraph, telephone, electric light plants and power plants and water companies. It was a grand good bill and it is a thing which this State must have some day, and those of you who heard the argument before that committee of the Hon. Mr. Drew of Portland, must be convinced that it was right. Such a bill as that ought to pass in this Legislature. If that bill passed I would not have a word to say, it takes care of this matter about which I am speaking, and it is the right idea; it is what this State must come to in time, and I say to you, gentlemen of the House, that this State will not be able to regulate the corporations formed here in times to come without some such regulation for their control. A good deal of the time of this Legislature is taken up by granting charters to the public service corporations, to extending their charter rights and giving them new powers, giving them new strength. These corporations that we are forming will be too powerful for the State to control. But I would not expect the railroad committee to approve of that; I do expect them, and I did expect them to approve of this measure and I say of that railroad committee—while I don't say a word against the honesty of any one of them, I don't believe there are any of them dishonest, I do not believe there is one of them who would do what he didn't think was right, but they thought that this little amendment which they have put in and the law as it is today was sufficient. I don't know why they have thought so, and I will leave it right there. I have friends upon that committee, and I hope that every man upon the committee is my friend, and I would not say anything unkind about them, but I do say they were deceived by the railroad lobby. I say it was a suggestion that did not come from the committee, but it was a suggestion that came from the railroads of Maine, saying "we will compromise this matter and let something go through. We admit you ought to have something." They said that! they said "you ought to have something, but not this bill; you ought to have something," and this is the "something." But I claim

they deceived the railroad committee.

Now, I say, gentlemen, with my bill as I have re-drafted it there cannot be a single objection, as it seems to me, from anyone and there ought not to be any objection by any common carrier of this State. I have called your attention to its provisions. Why has it not become a law? I come from a town which is the shire town of a county that is as large as the State of Massachusetts; I come from a county, gentlemen, where every single merchant in the county is for this bill; I come from a county where there are great shippers and they are all a great body of men standing as a unit for this bill—the shippers of Aroostook county are one of the best and largest organizations in this State, and control perhaps more freight than any other organization in this State, and as I say, they are a unit for this bill; I come from a county where every newspaper with one possible exception is for the passage of this bill, and I do not at this time wish to go into that; I come from a county where every farmer is for this bill; I come from a county where every representative and every senator is for this bill, with the possible exception of the member of this committee on railroads from the county of Aroostook, and he has been deceived; I come from a county, gentlemen, where people gave to a railroad the sum of \$20,000 a mile to build that railroad through the county, starting at the southern end of the county in a farming community and running 110 miles north into still a farming community; I come from a county where we depend upon getting a living by the shipments of our agricultural products and our lumber, where our farms producing hay and potatoes need a market; I come from a county where the great question before my people is, "Shall we get an electrical system in the northern part of the State of Maine that will connect with the Canadian Pacific Railroad and ship our freight over the Canadian Pacific?" Today the Canadian Pacific offers us better facilities than does the Bangor & Aroostook Railroad.

You have been regaled here in this

House by petition after petition for a mileage bill, practically saying that the Bangor & Aroostook Railroad shall give a mileage book that may be transferable. In past years the Bangor & Aroostook has been every day gathering in mileage books which they have simply stolen from those who have travelled upon the railroad. I tell you, it is a big profit, and they have gathered in hundreds of mileage books every year for which they have paid nothing. What does it mean the moment that becomes a law? What will they do? They will charge just what they please for a mileage book, and you accomplish nothing. If you accomplish anything under this bill which I have introduced in the way of regulating passenger tolls—if you accomplish anything, I say, and you cannot accomplish anything under that little thing that went in to amend Section 1, but you will accomplish it under the bill which I have presented or one that is before the judiciary committee now. And I say to you that the people of northern Maine are demanding that a great railroad that has no rival—that they shall have the railroad commissioners of your own State, your own servants, look into the fares and tolls of that railroad, and say whether they are right or wrong. Now, my people may be all wrong, and my people may be deceived, the farmers of Aroostook county may be all deceived, the shippers of freight in Aroostook may be all wrong; they may have no just complaint, but you will never satisfy the people of Maine until you give them a chance to have it investigated, and a railroad that is doing a square business ought to be willing to stand an investigation, and if not then they ought to go out of business and let somebody else come in. I say to you that you are paying your railroad commissioners a salary, and when you have passed only yesterday a bill increasing their expense account so as to have \$5000 for expenses that the least we can do is to say to our railroad commissioners "Do something; listen to the complaints of the people and hear what they have to say and take their evidence in writing, and take their documents and their

papers and when you have done that, call in these common carriers, the servants of the people, the public service corporations," and tell them these are the complaints of the people and ask them what they have to say, to answer them; and when they have done that then your railroad commissioners shall say what shall be the rates for passengers and for freight upon the railroads. Is anybody to be injured by that? No, gentlemen, not a bit of it.

I say that the question before you this morning is whether the railroads of this State shall own the people of the State—whether the servants shall drive the people, or the people control their servants. It is a question that has no politics in it, but it means everything to the people of this State. I have said these things to you this morning because I felt that I did not want to go back to my people, to meet the people who think they are wronged, and who feel that the representatives they sent here have not done their duty, and who feel that the Legislature of the State of Maine has turned a deaf ear to the claim that they make that they should be heard. Do you want the people of Aroostook county to come here to the Capitol to appear before the railroad commissioners and bring their witnesses and books? You cannot have that done and it is not practicable. You send your State assessors up to my county to examine into matters connected with that department and exercise the same proceedings, and why should not the railroad commissioners of this State once a year visit my county and examine into those things, and if they are wrong, then let them say so; and if they are right, say so and the people will be satisfied; but they never will be satisfied by having a lobby maintained here at Augusta and then have a bill instigated by that lobby presented to this Legislature, which does not amount to anything. (Applause).

Mr. SPEAR of South Portland: Mr. Speaker, I am sorry that I am not able to tell any funny story as the gentleman from Houlton has done, or to give you any extensive remarks which might be called a speech, but I can tell you the

facts regarding the action of the committee on this bill. This bill was introduced during the first of the session. Some of you may recall its course in reaching the railroad committee. It had not been my intention to refer to that; I had hoped that the gentleman from Houlton would leave it out of his remarks. I am obliged to him for the courteous way in which he explains his reasons for referring the bill to the judiciary committee, but I give you my word that the authority we had for taking exceptions to its reference to the judiciary committee was based upon none other than a gentleman from his own county; and I have had it on good authority that in the last two weeks the gentleman from Houlton has reported that the railroad committee did not dare to do other than report favorably upon his bill, and yet a few moments ago he stated that he believed the railroad committee were honest. If we are honest and have done a dishonest thing we are idiots or worse. I had hoped that anything of that nature would not be again brought up in this House.

The bill introduced by the gentleman from Houlton was a noble production. It has been printed; probably you have read it. It had about six pages of statutes to cover one point and one point only. A hearing was held on the bill. It was supported by the gentleman from Houlton and two others. None of the gentlemen appearing before the committee were able to say that he personally knew anything relative to the charges of unjust rates or tolls. They appeared to know nothing of the fact that the statute already covered that. Subsequent to that meeting I spoke with Senator Milliken, a man who most ably represented the interests of Aroostook with those of the whole State in the House for the past two sessions and who is now in the Senate, a shipper over these roads, and I suggested to him the amendment proposed and the present statute covering regulation by the railroad commissioners. He said: "Why, Mr. Spear, you ought to know better than to offer a sop like that to me. The railroad commissioners or no other body have any right to even inquire as to railroad rates." Section 1 of Chapter 52 of the Revised Statutes entitled "The management and operation of

steam railroads," says: "Any railroad corporation may establish and collect, for its sole benefit, fares, tolls and charges, upon all passengers and property conveyed and transported on its railroad, by such rates as may be determined by the directors thereof, and shall have a lien on its freight therefor; and may from time to time by its directors regulate the use of its road; provided that such rates of fares, tolls and charges, and regulations are at all times subject to alterations by the Legislature, or by such officers or persons as the Legislature may appoint for the purpose, anything in the charter of such corporation to the contrary notwithstanding; and provided further that, upon what shall, at any time, be deemed by the railroad commissioners a sufficient complaint, by interested and responsible parties, that the tolls are unreasonably high, said commissioners may revise and establish them after due notice and hearing, for a time not exceeding one year. But the commissioners before directing said hearing, shall give opportunity to the company complained of to reply to the charge." And Senator Millikent said to me: "I never knew there was such a thing in the statute and I don't believe anybody else in Aroostook county knew it." I am willing to admit that the gentleman from Houlton did, because he had to introduce a part of it in his bill. One provision of his bill called for 16 arbitrary courts in all the counties whether there were any complaints or not, whether there was any call for them or not. He did not provide that any notice should be given to the companies complained of in advance, simply that the railroads should go to every county and not know what they were to meet. For a further justification of the committee I refer you to the report of the hearing in which the gentleman from Houlton said that he frankly admitted to the committee that he was simply after the Bangor & Aroostook Railroad, that the Maine Central was all right as far as he knew. We did not feel justified in establishing 16 arbitrary courts to hit the county of Aroostook.

I am not going to take up the time of the House; I do not believe it is necessary. I simply say that the committee

gave a fair hearing. The remarks of the gentleman as to this matter being reported at this late day are certainly unfair. It was held for the last three weeks pending negotiations with him relative to his acceptance of what seemed to the committee ought to be done and only what ought to be done, and perhaps more than is called for, and that is that they wished to get an idea of what was wanted and how much it was needed, and it was simply no more or less so far as the committee could find that if there were anywhere in the State, in Aroostook or any other county, any man, corporation, or firm, large or small, who felt an oppression, who felt he was being unreasonably treated or that undue preference was given to a competitor, whether that man, corporation or firm was entitled to have an opportunity to have that feeling of unjust oppression removed; and for that reason the committee suggested to the gentleman from Houlton that they amend the present statute to make it as easy as possible for any man to have that feeling of oppression removed; and the committee have reported this bill unanimously amending the statute which I have read, "and said hearing shall be held in the county in which complaint originates if requested." Now, gentlemen, it is unnecessary to say that the committee have acted with entire honesty in this matter. They might possibly have thought that it would be a good political movement in Aroostook county, but the committee are not here to favor political schemes or measures. They have acted fairly and conscientiously, they have done that which it was reported they did not dare to do. They have suggested that anyone who feels that he is being unjustly oppressed and unfairly treated, that the thing be made as easy as possible to such a one; and this amendment makes it obligatory on the railroad commissioners to hold this hearing in the county in which the complaint originates if requested. Now I suggest in all fairness that the motion of the gentleman from Houlton should not prevail.

Mr. BEYER of Portland: Mr. Speaker, I wish to ask the gentleman from Houlton if he knows whether there is an appeal under the present law, an appeal to

the supreme court if the rates are not reasonable?

Mr. HERSEY: There is no appeal as I understand it.

Mr. BEYER: Is there any appeal in this bill of yours?

Mr. HERSEY: No.

(At this point the Speaker resumed the Chair.)

Mr. TRIMBLE of Calais: Mr. Speaker and Gentlemen of the House, in behalf of the railroad committee of which I am a member I would like to echo the statements made by the gentleman from South Portland (Mr. Spear). Everything that he said is absolutely true. The bill has hung along in the committee, but it has not been entirely the fault of the committee. When the first bill was presented by the gentleman from Houlton (Mr. Hersey) and the hearing was held on it and discussion was had it was plainly apparent that the bill was incomplete. It provided for things that were not necessary, and it did not provide for things which were necessary. Now, in the minds of the members of that committee it was also plainly apparent that some legislation on this subject was advisable and necessary; and the question was, what would be the simplest bill, and how it could be done to the best interests of the people of the State. The gentleman from Houlton had provided in his bill the method of carrying on the hearings that should be held on account of the bill, claiming that such provisions were necessary in the bill that should be passed. But by his own statement that a hearing had been held under the present statute, I think that proves that it was not necessary to make the bill too cumbersome.

As you have noticed by the chapter from the statutes read by the gentleman from South Portland, there are already laws on the statute books giving the railroad commissioners absolute authority to fix the rate, both as to passengers and as to freight, but the point seemed to be in the minds of the committee that some method should be devised, some addition should be made and some amendment should be added, whereby the people, the shippers or the receivers should be able to get a hearing more easily. Under

the law it appeared to be necessary that every such hearing should be held here in Augusta, and on that basis after very carefully considering the matter and after giving the gentleman from Houlton such opportunity as he desired and asked for to make the necessary changes in the bill, we added this one section that it seemed to us absolutely and amply and completely covered the entire ground. The original section gave the necessary power, and this amendment makes it possible to have the hearing in the county where the complaint is made,—“And said hearing shall be held in the county where the complaint originated if requested by the shipper or the man who makes the complaint.”

The bill or the amendment is now on the table for printing, and it will come up tomorrow or next day for action by the House; in the minds of the members of the railroad committee it absolutely covers the ground, protects the interests of the people of the State. If it passes, which we hope it will, the bill as unfavorably reported by the gentleman from Houlton will be entirely unnecessary, and consequently I trust that his motion to substitute the bill for the report will not prevail.

Mr. HERSEY: I just wish to correct a few matters. One is the statement of the gentleman from South Portland that I had said anything reflecting upon the members of that committee. I have stated simply the facts as they were. If the facts reflect upon the committee I am not responsible for that. I have stated, and I state again that I did not charge the committee with any bad faith in the matter. I simply say that the gentlemen have been deceived and they are still deceived. The gentleman from Calais (Mr. Trimble) in his remarks just made a moment ago still seems to be deceived. They say that that saying that the railroad commissioners may hold their meetings in the county where the complaint comes from is enough. I say, no; you cannot make it work, and every lawyer knows that you cannot make it work. And what provision is made as to what notice they shall give and who they shall give it to and where they shall hold

their court? Whether they shall have any authority to summon witnesses and hear the evidence; whether it shall be taken in writing or not; and no authority given them to summon and examine witnesses, and to hear evidence, or to oblige the common carrier to produce anything at all. And after you had that hearing, what are you going to do? Then there is nothing to this bill at all. I suppose the gentleman from Calais knew that in the bill they put in there was nothing whatever to force the common carrier to do anything, nothing to provide any penalty, nothing whatever in the bill to say that after all this is done that they shall take charge of the rates and tolls and oblige them to post them in public places, and give the public a notice of what are the rates and tolls and fares. They may go into some of the counties and hold meetings, but after that what does it amount to? They come here with this amendment and the thing goes on just the same as it was before.

I say, gentlemen, there cannot be any objection to the bill which I have presented because outside of the fact that they shall hold a meeting when it is called for, the rest is all necessary machinery to carry out the purposes and putting it in force, and why should the committee object to the measure? If you hold any other kind of a court or commission you have to have the machinery for it. This is the same machinery as is contained in the New York law, and this same machinery is the machinery for the regulation of fares by the Interstate Commerce Commission, the same machinery there is in Vermont, a law enacted the other day relative to public service commissions, the same machinery you will have to have in this State, and why should the committee object to the machinery? Because they some little pet scheme in here that can accomplish nothing. Why don't they say "We are wrong and we are willing your bill should go through."

Mr. CHASE of York: Mr. Speaker: I would like to inquire of the gentleman from Houlton if his bill does not include transportation by water as well as by rail?

Mr. HERSEY: It does; wherever there is a carrier that uses both.

Mr. CHASE: So you would regulate freight in vessels in the same way?

Mr. HERSEY: The bill says a carrier using land and water both.

Mr. Spear of South Portland moved the previous question.

The motion was agreed to.

The question being, shall the main question be now put?

It was agreed to.

Mr. Hersey moved that the yeas and nays be ordered.

The motion was agreed to.

The SPEAKER: The question is on the motion to substitute the bill for the report. As many as are in favor of substituting the bill for the report of the committee, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Bemis, Blake, Bogue, Bourassa, Burse of Pittsfield, Campbell of Kingman, Chase of Sebec, Cole, Coolidge, Cousins, Couture, Davies, Doble, Drake, Dufour, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Gilbert, Grant, Hamlin, Harmon, Harrington, Harris, Havey, Hersey, Hill, Hodgkins of Damariscotta, Holt, Lambert, Lane, Libby, Lombard, Ludgate, Mace, McLain, Merrill of Bluehill, Miller, Millett, Montgomery, Moore, Nelson, Nickerson, Orr, Packard, Pattangall, Patten, Pelletier, Perry, Pike, Pressley, Putnam, Quinn, Richardson, Robbins, Sanborn, Sawyer, Silsby, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stackpole, Stover, Tibbetts, Trafton, Varney, Weld, Whitehouse—72.

NAY:—Additon, Allen of Richmond, Andrews—Bartlett of Eliot, Bartlett of Stoneham, Beyer, Bigelow, Bigney, Bisbee, Blanchard, Bowley, Bradford, Bragdon, Burleigh, Bussell, Buswell, Charles Chase of York, Clark, Colby, Conners Cummings, Day, Duncan, Emery, Hanson, Harriman, Higgins, Hussey, Hyde, Jones, Jordan, Joy, Kavanough, Kelley, Lord, Marshall, Morse, Paul, Peters, Pinkham, Porter, Redlon, Ross, Rounds, Smith of Berwick, Snow of Scarborough Spear of South Portland, Stanley, Strickland, Thompson, Thurlough, Trickey, Trimble, True, Whitney, Wing of Auburn, Wing of Kingfield—59.

ABSENT:—Allen of Jonesboro, Bearce of Eddington, Campbell of Cherryfield, Cook, Donnell, Dorr, Hall, Hannaford, Hines, Hodgkins of Temple, Mercier, Merrifield, Merrill of Durham, Moulton, Paterson, Smith of Andover, Stetson, White of Columbia, White of Wayne—19.

So the motion prevailed. (Applause.)

On motion of Mr. Pattangall of Waterville the rules were suspended and he introduced An Act relative to the Bangor & Brewer highway bridge. (Tabled for printing on motion of Mr. Strickland of Bangor.)

The SPEAKER: Under the orders of the day matters on the table and unassigned are to be taken from the table under the Wednesday order.

An Act to increase the salary of the warden of the State prison. (Assigned for Wednesday of next week on motion of Mr. Davies of Yarmouth.)

An Act relating to holidays.

Mr. Bogue of East Machias withdrew his amendment.

The bill was then passed to be engrossed as amended in concurrence.

Resolve in favor of the Farmington State Normal school.

On motion of Mr. Sawyer of Dexter the resolve received its first reading and was assigned for tomorrow morning.

Report of committee on judiciary, to which was referred bill to amend the charter of the trustees of the Machiasport bridge, reporting that the same ought to pass.

On motion of Mr. Bogue of East Machias the consideration of this matter was assigned for tomorrow morning.

On motion of Mr. Pike of Eastport (who stated that he made the motion at the request of Mr. Hines of Lewiston) An Act to regulate the practice of barbering in the State of Maine, to establish a State board of barber commissioners and to provide for the sanitary inspection of barber shops, was taken from the table, and on further motion by Mr. Pike it was referred to the committee on judiciary.

On motion of Mr. Rounds of Portland, Adjourned.