

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**HOUSE.**

Tuesday, March 30, 1909.

Prayer by Rev. Mr. Kearney of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to authorize the city of Lewiston to take ice from the Androscoggin river, came from the Senate the majority report, "ought to pass" adopted in non-concurrence.

Mr. Bisbee of Rumford moved that the House recede and concur.

On motion by Mr. Montgomery of Camden the bill was laid upon the table.

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

**Appropriations and Financial Affairs.**

By Mr. Buswell of Stetson: Resolve in favor of the clerk and stenographer to the committee on insane hospitals and school for feeble minded.

**Placed on File.**

By Mr. Dunn of Brewer: Petition of Charles W. Montgomery, president of the Iron Moulders Union No. 101, of Bangor, in favor of the Dunn bill so called, in favor of the law student who is also a laboring man.

By Mr. Smith of Biddeford: Petition of the Saco & Biddeford Mule Fixers Union No. 54, for same.

By Mr. Dunn of Brewer: Petition of Charles W. Montgomery, president of the Iron Moulders Union No. 101, of Bangor, and others, in favor of the Dunn bill so called, relating to the election of judges by direct vote of the people.

**First Reading of Printed Bills and Resolves.**

An Act to incorporate the Milo Water District.

An Act relating to the employment of labor.

Mr. Strickland of Bangor offered House Amendment A, by adding to Section 8 the following words: "Or to those engaged in cutting, hauling or driving logs."

The amendment was adopted.

On motion by Mr. Hersey of Houlton, the rules were suspended, the bill

received its third reading and was passed to be engrossed as amended.

**Passed To Be Engrossed.**

Bill, to incorporate the Cherryfield and Beddington Telephone Company.

Bill, to regulate fishing in Chase brook.

Bill, to authorize the building of a dam at the outlet of Sebec lake.

Bill, relating to possession under defective proceedings in eminent domain.

Resolve, in favor of Verdi Ludgate.

Resolve, in favor Eastern Maine Insane hospital.

Resolve, in favor Central Maine Fair Association.

Resolve, in favor of M. S. Hill.

Resolve, in favor of L. S. Lippincott.

Resolve, in favor of H. R. Thompson.

Bill, authorizing the county commissioners of Cumberland county to erect a county building in Portland.

Bill, to license dogs and protect sheep.

Mr. Kavanaugh of Portland, offered House Amendment B, to amend Section 16 by adding the word "injures" after the word steal in Line 1.

The amendment was adopted and the bill passed to be engrossed as amended.

Bill, relating to malicious mischiefs.

Bill, to create a State water storage commission.

Bill, relating to inspector of factories.

Resolve, in favor of W. G. Fuller.

Resolve, in favor of the stenographers to the presiding and recording officers of the Senate and House.

Resolve, in favor of L. S. Lippincott.

Resolve, in favor of the clerk and stenographer to the committee on railroads and expresses.

Memorial to Congress, relating to wireless telegraphy on steamers.

Resolve, in favor of screening China lake.

Resolve, in favor of a screen at outlet of Squa Pan lake.

Resolve, to provide means for examination of claims of State pensions.

**Passed To Be Enacted.**

An Act to amend An Act relating to the police court of the city of Rockland.

### Finally Passed.

Resolve in favor of free coal.

### Orders of the Day.

Special assignment: Report of committee on temperance to which was referred Bill, relating to sentence in criminal cases, reporting "ought to pass."

On motion by Mr. Hersey of Houlton the report was accepted.

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

Special assignment: An Act to amend Section 47 of Chapter 29 of the Revised Statutes, in relation to the possession of liquors.

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

Special assignment: An Act to amend Section 2 of Chapter 22 of the Revised Statutes of the year of our Lord nineteen hundred and three relating to jail sentences for maintaining liquors.

The bill was passed to be engrossed in concurrence.

Special assignment: An Act to increase the salary of the warden of the Maine State prison.

On motion by Mr. Davies of Yarmouth further consideration of this bill was postponed to be considered the last on the assignments for today.

Special assignment: An Act to abolish liquor agencies.

This bill received its two readings and on motion by Mr. Allen of Jonesboro, the rules were suspended and the bill received its third reading and was passed to be engrossed.

Special assignment: An Act relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors.

Mr. Burlleigh of Augusta moved that further consideration of this bill be postponed until Thursday next.

Mr. Wing of Auburn called for a division on that question.

Mr. PETERS of Ellsworth: Mr. Speaker: With the permission of the

gentleman from Augusta, I will offer an amendment to the conditional repeal of the bill to correspond with the amendment passed by the House and now in the Senate, submitting to the people a resolve in regard to the tenure of office by sheriffs, so as to make this proposed conditional bill consistent with the action of the House in regard to the resolve in the matter of tenure of office of sheriffs. I will say that the original bill, of which this is a proposed amendment conditionally repeals the so-called Sturgis bill, to take effect upon the acceptance by the people of the amendment to the Constitution whereby the tenure of office was changed so that sheriffs would be removed and others appointed by the Governor. The House afterwards adopted an amendment to that resolve, which is called the Eaton resolve, whereby the tenure of office was changed so that in certain cases the Governor would call a special election of sheriffs in the counties where the delinquency appeared. That amendment was adopted by the House, and I believe it is now in the Senate. This bill conditionally repealing the Sturgis law never was changed by amendments. It stands now to take effect upon the passage or upon the adoption by the people of the resolve called the Eaton resolve; and this amendment with the conditional repeal of the Sturgis law would simply take effect upon the adoption by the people of the proposed change by the law authorizing the Governor to call a special election, making the proposed legislation consistent, making the resolve and conditional repeal dependent upon the same matter. Otherwise they would not be consistent; and it is for that reason I offer the amendment which has been submitted. I will say that this amendment provides that the Sturgis law shall be repealed in case of the adoption by the people of the change in the Constitution whereby sheriffs may have their tenure of office terminated by the Governor and the calling of special elections. For that reason I move that we reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to.

Mr. Peters offered House Amendment A.

Mr. Montgomery of Camden moved that the amendment lie upon the table to be considered with the bill on Thursday.

The motion was agreed to.

On motion by Mr. Sleeper of South Berwick, resolve in favor of the town of Old Orchard for receipt of the State treasurer for State tax to be given said town on the valuation of \$100,000, was taken from the table.

Mr. SLEEPER: Mr. Speaker: On August 15, 1907, a fire occurred in the town of Old Orchard, a very serious fire, by which that town lost more than half of its valuation. It is true that the valuation put upon the town by the board of State assessors for the year 1908 is something rising \$1,000,000. This resolve has been introduced for the purpose of assisting the town of Old Orchard in getting upon its feet; and I want to call attention to the fact that during the last 10 years Old Orchard has paid to the State treasurer in taxes the sum of \$25,832.70. It has received back from the State the sum of \$5,567.34. This loss to the town of Old Orchard was not only a loss of private property but of public property as well. The sidewalks of the town were practically ruined. We argue that by giving the relief which is asked for in this resolve in the end will tend to largely increase the value of property, which cannot occur in any other way. We believe that the State of Maine should pass this resolve and that at the end of 10 years the valuation will be increased very much, and that in the end the State will lose nothing. I sincerely hope that the prayer of these people of Old Orchard will be granted.

Mr. MOORE of Saco: Mr. Speaker, the purpose of this resolve is to distribute the loss that occurred in Old Orchard in August, 1907, all over the State instead of having it in the one little town. I don't know whether the members of this House understands that more than 48 buildings were destroyed at that time, the property has gone. Old Orchard comes here and simply asks that the State rebate their taxes for a period of 10 years so as to

divide the loss that she has had to carry so far all alone. Old Orchard never has asked for contributions, and she never has received contributions from any source. She has stood alone and carried her load up until now, and if the Legislature denies her this bill she will continue to carry it, and will continue to grow. But in the spirit of fairness and honesty and decency why should not the State of Maine do as the state of Massachusetts did in the case of the city of Chelsea, in rebating the taxes of that town. Let us all come in and share that loss. Why shouldn't we do as the state of California did with San Francisco, appropriate a million dollars. We do not ask the State to pay us money. We just ask the State to relieve us of our taxes for 10 years until we can get back to where we were before. There is no question of constitutionality about it. This resolve has been passed by the committee on claims and has been unanimously reported, and examined by the attorney general; and I ask you why, if it is fair to rebate railroad taxes, why isn't it fair to stand by Old Orchard when she has suffered and has been burnt up and practically destroyed? We have at Old Orchard the grandest beach on the whole Atlantic coast, and I claim that it is the duty of the State of Maine to do what it can to make that beach the attraction that it was formerly. We come down here and vote \$350,000 for a new State House, and we vote many thousands of dollars for fish hatcheries, we vote to rebate the railroad taxes, but when the town of Old Orchard, which has suffered and gone and burnt up, and is destroyed, when the town of Old Orchard comes in here and asks that their taxes be rebated, we veto it. I hope that this House has got the sand to stand up and do as they did before. This bill passed this House and it passed the Senate, and was unanimously reported by the committee, and why shouldn't we stand on what we have done? It will relieve the Governor, if he has any conscientious scruples about this matter, if we go on now and pass this resolve. (Applause.)

The SPEAKER: This resolve has met with the veto of the Governor. The question is, shall this resolve final-

ly pass, notwithstanding the objections of the Governor?

Mr. PETERS of Ellsworth: Mr. Speaker, I have the greatest desire to assist Old Orchard or any other part of the State that has met with any misfortune. I would like to inquire of the gentleman from Saco (Mr. Moore) through the Chair whether he thinks a law exempting any part of the property of the State from taxation is constitutional?

Mr. MOORE: I will say, Mr. Speaker, in answer to the question, I think that we have ample precedents for a resolve of this character, which is in the nature of a charitable purpose. I do not believe that railroad property has a right to be exempted; I do not believe any manufacturing property has a right to be exempted. I think the Legislature can create a law unto itself for a charitable purpose to make good a loss.

Mr. PETERS: I should be very glad, Mr. Speaker, to vote for this measure, if I could make myself believe that it was constitutional. I regret that I am not able to convince myself that it is constitutional, and I cannot see my way to vote to pass the resolve over the veto of the Governor.

Mr. BEYER of Portland: Mr. Speaker, I do not propose to discuss the constitutionality of this question, but I do know the intentions of some of the men in Old Orchard, and I think if we should consider this case upon its merits this House will surely vote for the resolve. You all know the condition of Old Orchard, and the necessity that she be able immediately to improve her sidewalks and her streets. There is a great mass of foundations of buildings all along the front of that beach. As I understand it, the intention of the town is if she can get this rebate of taxes, to issue bonds on the anticipation of this rebate. She will still assess herself the same amount of taxes which she would assess, except that what she would pay to the county and to the State shall be put into a sinking fund to retire these bonds. These bonds will immediately be issued, \$40,000 or \$50,000, and will be put into acquiring for purposes of a park the property immediately along the

shore next to the beach. That will enable the town to lay out drives and clear away all the debris and all the foundations which are so unsightly now, and will make next to the shore a beautiful park. This resolve calls for no appropriation from the State, and it does not drain the State's resources to any appreciable extent. The town of Old Orchard will be able to raise \$40,000 or \$50,000 immediately and she will be able immediately to lay out and make preparations for the building of a park along the border of the ocean there, and if you can divorce your minds from the question of constitutionality, which I do not think would be raised by any one, I hope the resolve will go through.

The SPEAKER: The question is, shall this resolve finally pass notwithstanding the objections of the Governor? Upon that question the Constitution requires the yeas and nays to be taken. Those in favor of the final passage of the resolve, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Eliot, Beals, Bearce of Eddington, Beyer, Bigelow, Bigney, Bogue, Bourassa, Chase of York, Connors, Cook, Couture, Duncan, Dunn, Farnham, Hannaford, Hanson, Kavanough, Marshall, McLain, Merrifield, Merrill of Durham, Moore, Moulton, Pattangall, Paul, Pinkham, Putnam, Rounds, Sanborn, Sawyer, Sleeper, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Spear of Warren, Stover, Strickland, Thurlough, True, Varney—44.

NAY:—Additon, Allen of Richmond, Andrews, Bartlett of Stoneham, Bemis, Bisbee, Blake, Blanchard, Bowley, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Kingman, Charles, Chase of Sebec, Colby, Cole, Coolidge, Davies, Donnell, Dorr, Drake, Ferguson Fortier, Frost, Gilbert, Hall, Harriman, Harrington, Harris, Havey, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Hyde, Jones, Jordan, Joy, Kelley, Lambert, Lane, Libby, Lord, Mace, Merrill of Bluehill, Miller, Millett, Montgomery, Morse, Nelson, Nickerson, Orff, Packard, Patten, Patterson, Pelletier, Perry, Peters, Porter, Pressley, Quinn, Richardson, Ross, Silsby, Smith of Andover, Stackpole, Stanley, Stetson, Thompson, Tibbets, Trafton, Trickey, Trimble, Whitehouse, Whitney, Wing of Auburn—80.

ABSENT:—Bradford, Campbell of Cherryfield, Clark, Cousins, Cummings, Day, Doble, Dufour, Edwards, Emery, Grant, Hamlin, Harmon, Hines, Hodgkins of

Damariscotta, Lombard, Ludgate, Mercier, Pike, Redlon, Robbins, Weld, White of Columbia, White of Wayne, Wing of Kingfield—26.

So the resolve failed of its final passage not having received the necessary two-thirds vote required by the constitution.

Special assignment: Report of committee on temperance to which was referred bill, An Act to amend Section 9 of Chapter 92 of the Public Laws of 1905, providing for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, reporting "ought not to pass."

On motion of Mr. Havey of Sullivan further consideration of the bill was postponed, and the same placed at the end of today's assignment.

#### Repeal of the Sturgis Law.

Special assignment: Majority and minority of committee on temperance to which was referred bill, for the better enforcement of the laws against the sale and manufacture of intoxicating liquors, majority reporting "ought not to pass," minority reporting "ought to pass."

Mr. ALLEN of Jonesboro: Mr. Speaker, I move that the minority report be substituted for that of the majority, and on that question I move that the yeas and nays be called.

The motion was agreed to.

Mr. ALLEN: Mr. Speaker, I would like to ask permission of the House to make this word of explanation: That the effect of substituting the minority report for the majority will be to repeal the Sturgis law, and therefore a vote yes, will be in effect a vote to repeal the Sturgis law.

The SPEAKER: The question is on substituting the minority report for the majority. All those in favor of substituting the report of the minority for the majority, when their names are called will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Beals, Bearce of Eddington, Beyer, Bigney, Bogue, Bourassa, Burlleigh, Burse of Pittsfield, Buswell, Campbell of Cherryfield, Chase of York, Connors, Cook, Coolidge, Couture, Duncan, Dunn, Farnham, Fortier, Frost, Harmon, Harriman, Harrington,

Havey, Higgins, Hussey, Hyde, Jones, Kavanough, Kelley, Lambert, Lord, Mace, McLain, Merrifield, Merrill of Durham, Miller, Millett, Montgomery, Moore, Moulton, Nickerson, Orff, Packard, Pattangall, Patten, Paul, Pelletier, Pike, Pinkham, Pressley, Putnam, Quinn, Ross, Rounds, Sanborn, Sawyer, Sleeper, Smith of Andover, Smith of Biddeford, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Traf-ton, Trickey, Trimble, True, Wing of Auburn—74.

NAY:—Additon, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Bemis, Bigelow, Bisbee, Blake, Blanchard, Bowley, Bragdon, Bussell, Campbell of Kingman, Charles, Chase of Sebec, Colby, Cole, Cousins, Davies, Donnell, Dorr, Drake, Ferguson, Gilbert, Grant, Hall, Hannaford, Hanson, Harris, Hersey, Hill, Hodgkins of Damariscotta, Hodgkins of Temple, Holt, Jordan, Joy, Lane, Libby, Merrill of Bluehill, Morse, Nelson, Patterson, Perry, Peters, Porter, Redlon, Richardson, Silsby, Smith of Berwick Stackpole, Stanley, Stetson, Tibbetts, Varney, Whitehouse, Whitney—57.

ABSENT:—Bradford, Clark, Cummings, Day, Doble, Dufour, Edwards, Emery, Hamlin, Hines, Lombard, Ludgate, Marshall, Mercier, Robbins, Weld, White of Columbia, White of Wayne, Wing of Kingfield—19.

So the motion to substitute the minority report for the majority report was carried.

Mr. Allen of Jonesboro moved, that the rules be suspended and that the bill receive its three several readings at the present time and pass to be engrossed without being printed.

Mr. PETERS of Ellsworth: Mr. Speaker: Before this bill passes to be engrossed and before it gets beyond an amendatory stage I desire to take a few minutes of the time of this House in the proposition of an amendment. I hope the members of the House will not get discouraged when they see me talking about temperance or about the enforcement of the law. I desire to reiterate, Mr. Speaker, that I stand now, as I always have, for the strict, faithful and impartial enforcement of the prohibitory law. I make that statement and I vote and act upon the other measures with the more assurance because it so happens that for some twelve years I have been connected with the enforcement of the law in the county of Hancock; and I really believe that the records of the court to which I refer in the city of Ellsworth would

show that as large or a larger percentage of convictions for the selling of liquor were followed in that court by a jail sentence than in any other court of that kind, any local court in the State.

Now, while I am and always have been firmly convinced in my own mind that this law, so long as it remains a law, should be strictly, faithfully and impartially enforced, and I have grave doubts and I assume the right to criticise any machinery for the enforcement of the law which this or any other Legislature may see fit to enforce. I believe that in locating the different parts of this, what should be a completed and homogenous machine to operate efficiently any enforcement law, that we are likely to be imperfect in our construction of the matter, and that error is likely to creep in. It seems to me, as I have said before on the floor of this House, that this matter of the Sturgis law is an imperfect part of a machine; it is a part that ought not to be there; it is a part that does not work well; it is a part that does not coincide and operate harmoniously with the rest of the machine, and I believe that it ought to be taken out. I also believe, as I said before, that under the present condition of things it ought not to be taken out unless we make some other change in the laws. I believe that when we take that out, or soon after anyhow, we ought to make a change in the tenure of office of sheriffs. As I have suggested before, I think if we do not make that change in the tenure of office of sheriffs, and do repeal the Sturgis law, that we will perhaps unwittingly and unintentionally give to our elected officers the idea that we are trying to fix them so that they can or cannot, or may or may not as they wish enforce the law; and we do not want that impression to prevail. We cannot go back to the condition of things as it existed before the Sturgis law was enacted. We can theoretically, but we cannot practically because we have the Sturgis law which has so much agitated the people. We have talked here so much about the substitute for the law, and if we refuse

to pass the substitute and do repeal the law we certainly, in my judgment, are leaving it so that the officers in a certain sense might be justified in saying the Legislature is really trying to arrange it so that we need not enforce the law unless we deem it expedient or wise in our locality. I am against that idea. There was a suggestion made here the other day on the floor of the House that the proposition emanating as it did from the Republicans, was an invidious scheme to so arrange it that liquor might be sold in Bangor and Portland and yet prevent it from being sold in Aroostook or in some other sections of the State. My idea is, and I trust it is the idea of the members of this House, that the law should be enforced everywhere and anywhere and all the time impartially.

I hope, and I know a good many members hope that it might be arranged so that we could repeal the Sturgis law and put a substitute in its place, a substitute which would in some manner change the tenure of office of sheriffs, simply fix it so that a sheriff would be in office during good behavior so that if the sheriffs failed in the performance of their duties they would be in danger at least of losing their office; and without that danger hanging over them, a good many of us believe that the Sturgis law ought not to be repealed. And bitterly opposed as I am to this Sturgis law, I shall vote to keep it on the books unless we get some such substitute, as I have stated, because I think it is unwise for the reasons which I have stated. Of course we have hoped that a sufficient number of Democratic votes would come to the support of this measure in conditionally repealing the Sturgis law so that it might be passed. It was undesired that this Sturgis law be removed from the books. It seems to me a pretty good opportunity if they desired its repeal bad enough at that time that it could be done now, to repeal that law, and at the same time, at the same session of the Legislature change the tenure of office of sheriffs unless there is some great objection to such a change. If there is any



great objection of course it should be known, or if any other plan can be devised or suggested which will meet the situation by which the Sturgis law may be repealed, it seems to me that some fair substitute would have some fair chance of support of the Legislature in being put into its place, and if such is the condition than let us do that. But at the present crisis, at the present time of this Legislature it does not seem probable that the Democratic party having taken the attitude it has and having failed to produce votes to pass the repeal of the Sturgis law even on this condition which has been suggested—it does not seem probable that we can agree upon this matter, in view of the vote of the Senate and in view of the vote of this House, and it does not seem probable under the circumstances that we can agree. A good many Republicans doubtless feel as I do that they cannot and will not vote to favor its repeal unless we have some reasonable substitute; a good many other Republicans doubtless feel so opposed to the law that they will vote for the repeal of the law regardless of a substitute. A great many Democrats are divided upon the matter on this same general line, perhaps not so much as the Republicans. In that condition of things, I suggest that as we cannot get at the thing here, and as this is really a business proposition and ought not to be a political matter, the question of machinery enforcing the law ought not to be a party question, and we all doubtless agree that if the law ought to be enforced it ought to be a fair business proposition and we should endeavor to get some sensible way of enforcing the law as it should be enforced. That we have not been able to do, and for that reason I suggest that as we are in a sense the hired men for a lot of people, the whole people of the State, less their representatives than we used to be on account of the change in the constitution, having less authority than they used to have, I suggest that we refer this repeal of the Sturgis law to the people at a special election under our new constitution. I propose that we draw a law or pass a law which has already been drawn

repealing this law, its repeal to take effect as soon as ratified by the people, and let the people vote upon the proposition and say whether they want the repeal of the law or not.

This proposition seems to me to be so much in harmony with our new theory of constitutional government in the State that it may be well received. It may be suggested that the people can take action upon this matter without a special referendum, but they cannot unless the law passes. They can inaugurate the initiative. They could start in and pass a law all by themselves if we failed to pass this law, but the machinery is so cumbersome and the thing is so unusual and so improbable that that would be done that I claim that is not a proper way to leave the matter. In this very constitution there is a special provision that the Legislature may at any time pass a proposed law and submit a statement in effect to the people. If there ever was a time when that provision could properly be taken advantage of, it seems to me it is this very time. I cannot imagine any condition of affairs coming about to which this provision of the constitution is any better adapted than it is to this very question. This question has been agitating the State and parties and individuals for four years, and yet we cannot seem to get at anything; and it is for that reason that I suggest that we leave it to the people, that the passage of the repeal be referred to the people at a special election to be held under the constitution, as is obliged to be done, on the second Monday of next September.

Mr. LIBBY of Amity: Mr. Speaker, as a member of the committee on temperance, and as one of the members signing the majority report, I feel that I ought to say something upon this subject. The last speaker had a good deal to say about the machinery, the amount of machinery that is attached to their whole business. My memory goes back to the time when I was a boy, when I went to a show where they had a lantern which threw pictures upon a screen, and I remember that one thing that was shown was an image, black and with glaring eyes, and he was crouched in this way and was looking first one way and then the other, until it made my eyes dizzy and my

head swim to watch him. The Republican party is that image. My party has got a temperance baby on one knee and a rum baby on the other. (Laughter and applause.) I have been made dizzy to see them. (Laughter.) That is the way the Republican party stands today. We were elected to come here to support temperance measures, and temperance measures that amount to something and our people are looking for us to do that very thing; but I want to say to you if we repeal the Sturgis law and have nothing to take its place, that this temperance baby is going to grow and when the old mother tries to get him off her lap she will hear something fall just as true as you live.

There has been a good deal said about the Democratic party. The Democratic party has always stood one way. If I have interpreted it right, they wanted high license; they wanted rum, but no one can say but what the Democratic party has been honest, perfectly honest. The people know that and they know just exactly where they stand. (Applause.) They have declared one thing and they have meant it right straight through. The Republican party has made great promises but they never have intended to keep any of them. (Applause.) I want you to know that the people of the State of Maine are getting about tired of this sort of thing. Here are Republicans getting up here and using the same talk that the Honorable Senate has used, that this measure, the Sturgis law, is unconstitutional, un-American, and all that sort of thing. It don't sound very well. The Sturgis law is the best method that the State of Maine has ever had to enforce the prohibitory law, and there is no question about it. It has been acknowledged so all over our State. It is a law that has some teeth in it and can do some business; but the machinery don't like it. That is just the way I feel about this thing. They go on and tell you that the Sturgis law was created to do the work of the sheriffs, and I saw a piece in the paper a little while ago saying that they were salting rum in Bangor in some 300 places, and that the sheriff didn't take any notice of it. Why? Because, they said, there had been an office created to do that work. There

never was anything more false than that under the sun; the Sturgis Commission never was created for any such thing. Any sheriff elected in this State has a perfect right and is expected to go ahead and enforce the law. They said that the Sturgis Commission was put into operation to go into the towns where the sheriffs utterly refused to do anything, where they would not do anything, and it was the only weapon that the Governor had to enforce the laws. So I just want to put myself on record as saying here today that I believe we have got a machine, there is no question about it, and it makes good promises but it is not sincere and does not intend to be anyway. We have not got ahead very far. Two years ago I was a member of this House and I voted against doing away with the liquor agencies. I felt that we ought to retain them because this was a prohibition State; but I am here again this year, and we have had a hearing on that question and I find out that we have 13 open and full-fledged rum shops running in our State, and the man who decides who is sick and who shall have rum is the rumseller behind the bar; and the only requisite that there is attached to it is that you can't have liquor unless you come there sober and not in an intoxicated state, and if you happen to go there not drunk you can have enough. That is the way the thing works. I feel that we have gone far enough in this direction. Unless we intend to do something and really do something, we have done enough in that direction; we had better all go over to the Democratic party.

Mr. PATTANGALL of Waterville: Mr. Speaker, these rehearsals in public of scenes that have occurred in caucuses of the opposite party are interesting. I am opposed to the amendment offered by the gentleman from Ellsworth for one or two reasons which I will state briefly. I assume that every man in this State has an opinion as to the advisability or inadvisability of repealing the Sturgis law. I presume that every member of this House has the courage of his convictions on that subject. I think we are all capable of ex-

pressing an opinion upon it. It seems to me that to amend the law so that it would call for a popular election is simply to shirk the responsibility which devolves upon us and try to place it upon somebody else, and to ask the State of Maine to pay \$10,000 or \$12,000 for that privilege. If we have not the courage to act upon that matter here it is our fault, and not the fault of any amendment to the constitution, for there is nothing in the initiative and referendum amendment adopted in the constitution, as everybody in the House well knows, which calls upon us to send matters to the people except they are initiated from the people. We can act here to save the expense of a special election, and if the people do not approve of our act they can petition and vote to repeal the Sturgis law if they desire to do so. If the people want to act upon this matter they have the machinery with which to act upon it. We are here to act upon it. We have acted upon it, and if we adopt the amendment offered here it would be to my mind nothing more or less than to attempt to lift from our own shoulders the burden of a duty which we ought to perform one day or the other and transfer it to the shoulders of somebody else. I have listened with a great deal of sympathy to the Macedonian cry which the gentleman from Ellsworth sent out to the Democratic members of this House to for Heaven's sake come in and help us out of this hole which we are in, and vote for a substitute for the Sturgis law because a crisis has come. There is no crisis in the State of Maine. The crisis appears to be in the party of the gentleman from Ellsworth (Mr. Peters) brought about by the attempt of that party to pursue a double course. When the Democratic party of this Legislature refused to hold their hands out and help lift the Republican party out of a hole, then the gentleman from Ellsworth propose another amendment, and says "We haven't the courage here to take hold of this matter." They frankly say that they have not the courage and that they do not believe in the Sturgis law,—they haven't the courage to repeal it, but they are willing to send it to the people, knowing full well that they will repeal it and knowing that

then they would escape the responsibility and the criticism which their friends would put upon them if they did it themselves. Now, I want to say to this House that you adopted this morning the best substitute for the Sturgis law that could ever be devised, (Applause), and you adopted it by the unanimous consent of both parties, because Democrats of this Legislature have stood for enforcement just as much as the Republicans have; and, Mr. Speaker, had it not been for the well known fact that a great majority of the Democrats in this House were going to support the Hastings law and the majority party did not dare go on record against our vote, that bill never would have passed this House as unanimously as it did this morning.

The jail sentence is a better enforcer of prohibition than the Sturgis law or any other constitutional amendment or any statutory amendment which could have been proposed here. My memory is longer than that of some gentlemen of this House, although I am not very old, but I remember that enforcement in Maine, pretty nearly real and actual enforcement, the nearest Maine ever had, began two years before the Sturgis law was ever dreamed of. I remember down in Cumberland county a man by the name of Pierson was elected sheriff in that county, and he needed neither Sturgis deputies, constitutional amendments or statutory amendments to enable him to do his duty. I remember that over in Penobscot county when Chief Justice Wiswell, one of the grandest men Maine ever saw or ever will see, announced from the bench the policy of the supreme court of Maine, to give jail sentences in liquor cases, and that the rumsellers of Bangor came nearer to going out of business than they ever have at any time since—jail sentences all over the State of Maine for a little while up to the time when one or two of the justices of the supreme court lost their courage because men of too much wealth and influence got into the trap that was laid for them, and then that thing subsided. But so long as jail sentences were put forth from the supreme court of this State, so long as the municipal judges did their duties,

and so long as Judge Peters of Ellsworth did his duty, so long as the people of the State shows their sheriffs knowing that all the responsibility laid upon them you got pretty decent enforcement in Maine for a couple of years, and all of us know it. I know something of what happened in the courts of Maine for several years. And now they ask for a substitute for the Sturgis law. We have given it to you this morning, we voted for it, we that started it, and we were only too glad to do it. The first substitute proposed here was to amend the Constitution so as to change the tenure of office of sheriffs. Gentlemen, it takes three parties to enforce the law: It takes the sheriff, it takes the county attorney and it takes the courts. And in the two propositions made here, one to give the power to impeach county attorneys and the other giving the Governor power to remove sheriffs would amount to nothing unless you gave somebody the power over sentencing. We have tried to do that. Would the gentlemen here suggest changing the tenure of office of the judges? And yet I have never known a serious proposal before a Maine Legislature to impeach a sheriff or a county attorney, but you men who sat here two years ago that you had a judge before you whose actions had been such as to cause a serious case to be considered against him. You don't want to go to changing your fundamental law to meet a crisis which is purely and solely a political crisis. There is no crisis in this State, and you may vote to repeal the Sturgis law or not to repeal it just as you wish.

As I look upon the faces of my Republican friends here, I wonder that any of them could refrain from smiling when the gentleman from Aroostook suggested that we stood for rum. I never have made much pretence of being a temperance man, and I think more of myself because I have not done so; and I dare say in this House that if I had that one drink, and only one, I should be careful how I passed it up to about nine-tenths of the Republican members of this House. (Laughter and applause). I am just

about tired of this hypocrisy. We can pass laws without indulging in it. We can pass laws without indulging in stump speeches, and I realize that I have gone a little bit in that direction this morning, but I know that some of my Republican friends will pardon me for I have not done it before this winter. Let us take this measure as it is, repeal it or send it to the Senate and see what they will do with it clean and square, or else vote not to repeal it and keep still about substitutes and machinery and enforcement and all that oft-repeated stuff which may sound well among certain bodies but sounds poorly among a body of intelligent men. (Applause).

Mr. DAVIES of Yarmouth: Mr. Speaker: I have been very much edified and entertained by the remarks of the gentleman on the other side. I like very many things that were insinuated on the platform which was laid down by the gentleman from Ellsworth. I have been very much entertained by the remarks made by the gentleman from Waterville and I am glad that he corrected the gentleman from Ellsworth on one particular, in that he said there was no crisis. In that sentiment I most heartily endorse his words. I desire to say to him there is no hole, so far as I can see, into which the Republican party has been placed or in which they find themselves at the present time.

Mr. PATTANGALL: Have they filled it up?

Mr. DAVIES: They have never gone into it. Now, we must remember that there was an election not so very many months ago in which the Republican party made certain pledges. A great many of us were elected upon those specific pledges, and it was tacitly understood by the majority of the electors of this State, I think I am perfectly safe in saying, that we should do certain things. Now, we must not digress and we must not deviate from those promises and from those specific things which we have promised to do; and one of the most important questions, if I did not mistake the sentiment of the people of this State, in the last campaign was the enforcement of the prohibitory law, and

the Republicans of this State were carried into the office on the influence of that sentiment and of that statement. Now, anything that we may do in this Legislature that will have a tendency to detract from the enforcement of that law seems to me to detract and take away from our specific promises. Therefore, in all fairness should we take a backward step? It has been suggested here that the best way to enforce the prohibitory law is through the agency of what we call the Sturgis law. That is a question for us to decide ourselves, and let us be honest about it. If we honestly think and sincerely believe that the best system for enforcing the prohibitory law is for us to support the Sturgis law just as it is, without truce and without compromise, and that is a question to be left to the conscience of each individual member who was elected here under these promises and under a Republican platform. That it seems to me is the proposition. It is perfectly plain, and in my mind, it is a question which we may all decide for ourselves.

We have received a very warm and kindly invitation to array ourselves with the Democratic party. I don't think we ought to do that, for there is still a very distinct and clear demarkation between the principles of the Republican party and the principles of the Democratic party; and those principles are so well known to all of us that we must not forget them in discussing the liquor question. It is true, this has been a perplexing question, but we must not let the little excitement at this particular time to run away with our good judgment. It is going to be all right. These agitations necessarily come in political discussions and political disagreements, but the liquor question was settled in the State of Maine in the last campaign, when we voted for the amendment to the prohibitory law and when we voted for rigid enforcement; and that is precisely the position of the Republican party in the State of Maine now, as I said before, without truce and without compromise.

Some one has said something about the Hastings law, the provisions of which we all know, that happened to

go through the House this morning without any comment. I differ from some of the gentlemen who have expressed sentiments in favor of such legislation. My mind does not resist the impression that it has a tendency at least to cast some slight reflection upon the judiciary, that great branch of our government which interprets our laws. We are willing to leave to the justices of the supreme court of this State the control of all our property affairs, the things which are closest and nearest to us, for their judicial interpretation. And is it possible that we are to feel that that great department of government is not competent to decide upon the question as to whether a man who has been convicted for selling alcoholic liquors shall pay a fine or shall be sent to jail? But I yield my own views and my own opinion upon that point to the majority party, and if the majority party saw best to write into the Statutes of this State the bill which is called the Hastings bill, I have not the least intention of doing anything that would prevent it or even to criticize their action. The matter of jail sentences I felt was a matter that could be safely left to the court; and with that opinion, Mr. Speaker, I desire to be recorded thus publicly. But we are not in any position I think at the present time under our promises to the people before the last campaign which must be endorsed and must be carried out, to vote for a popular approval under a special election for the repeal of the Sturgis law. I believe that this Legislature should stand squarely and should stand honestly on the prohibitory law and the Sturgis law just exactly as they are.

Mr. PETERS: Mr. Speaker, I would like to ask the gentleman from Waterville (Mr. Pattangall) through the Chair whether in case it is found that the House and Senate cannot and do not concur in the passage of any law repealing the Sturgis law, whether he would then at that time in that event be in favor of referring the matter of the repeal of the law to the people?

Mr. PATTANGALL: I usually am perfectly willing to answer any question but I think I must refuse to an-

swer this for fear that my personal remarks upon that question might be construed as carrying the opinion of more or less Democrats, and might lead the Republican senators to think that we were ready to help pull them out of that hole that they didn't have the courage to get out of themselves. I should rather wait until I saw what your senators were going to do.

Mr. PETERS: Mr. Speaker, I want to say just one thing. I understand that the attitude of the Democratic party is that of opposition to this Sturgis law. Now, where do they come out? A proposition was presented here which would have enabled them to repeal the Sturgis law but there was coupled with it another law whereby the tenure of office of sheriffs was somewhat changed. When that proposition came up the Democrats said no. They said, we would like to have the Sturgis law repealed, but this change of the law in relation to the tenure of office of sheriffs is obnoxious and we cannot swallow it, and we will not vote for a repeal of the Sturgis law coupled with that condition, depending upon the passage of that resolve, and therefore the repeal of the Sturgis law failed.

Now, on the other hand, the proposition comes up which is in substance that if the House and Senate, and if the Legislature cannot repeal this Sturgis law, then refer the matter to the people and see whether the people will repeal the Sturgis law. That we have voted upon. Then the Democratic party comes up and says: "We don't like that idea, because that shows a lack of courage on the part of the members present; we don't want to go on record in that regard." In other words, they have this Sturgis law which they say they want to repeal, and they drive it up against the wall on one side saying it cannot be repealed on account of other conditions, and then they go on the other side and say there is another wall and you cannot drive it back to the people because that shows you haven't got the courage. What is the result? The Sturgis law is kept exactly where it is. And who is responsible for it? The Democratic party is responsible for it. Haven't we tried in every possible way to get rid of that

law? Who opposed the thing? Who prevented the carrying out of the thing? The Democratic party, Mr. Speaker. If any one will suggest any adequate remedy in this matter I am willing to vote for it, but when we get all through and find that we cannot accomplish anything along these lines then my suggestion is to let the people say what they want to do. That is all I ask.

Mr. MONTGOMERY of Camden: Mr. Speaker, I wish to define as well as I can briefly the policy of the Democratic party in regard to this matter. I was born a Democrat and have remained a fairly consistent one during my life. The Democratic party has always been a party of good government. That is why I am a Democrat. As I told this House at the beginning of the session that party organized this State government that we are all so proud of, and it seems to me today we are more proud of the party than ever before, because we have sort of gotten into the Democratic way.

Now, the policy of that party was that the people should elect their officers, because in the beginning of the government the sheriff was appointed by the Governor, and somewhere in the fifties that method was changed to allow the people to elect the sheriffs, and they have elected them ever since. There is a history in relation to that that we can recall very easily and see how fruitless it would be to place upon the Governor the power of removing sheriffs by any act of theirs, because that law giving him that power has been upon the statute books and remained there for years and never was used. That law was repealed by some Legislature of Republicans, because since 1857 about all the time it has been Republican, a Legislature which had the courage, perhaps as you have the courage today with the assistance of good sensible Democrats, I trust to repeal that law. That law has been upon the statute books to take away the power of the county attorney, but it never has been enforced, and the people have learned something, Legislatures have learned something, and they have learned it because

it has been constantly talked by the Democracy. We have good substantial laws upon the Statute books, many of which have been enacted and re-enacted since 1845. We have profited by our learning and experience by doing as the gentleman from Waterville has complimented us in doing, making it jail sentence for those who break the law under all conditions. Now, that is Democracy. We do not want this law to remove sheriffs and have elections all over the State as has been suggested by the gentleman from Ellsworth who is a police judge and we have no doubt but what he has enforced the law down there and I will say that he had one of the most efficient sheriffs in the State to assist him in doing that and he was a Democrat. To have coupled with this proposition the suggestion of calling an election for sheriffs would be more expensive in the end than it would be to impeach them by a special call of the Legislature. Think of it, one election in a county, taking the time of that county and all the disturbance to have a governor call that election and all that work and trouble and the expense of the election instead of calling us together and letting us impeach him if it was necessary to do so. It would then be before the people as was done in the case of the Bangor judge who was brought before the Legislature. He was not impeached, but that proceeding had a far-reaching effect and a good effect. I am against the amendment.

Mr. Allen of Jonesboro moved that the previous question be ordered.

The motion was agreed to.

The SPEAKER: The pending question is upon the motion to suspend the rules and give this bill its two several readings at the present time without being printed.

The motion was agreed to.

The bill then received its two readings.

Mr. Peters of Ellsworth offered House Amendment A.

Mr. Allen of Jonesboro offered House Amendment B to strike out Section 2 of Senate Doc. No. 5.

The amendment was adopted.

The SPEAKER: The question now recurs upon the motion of the gentle-

man from Ellsworth, Mr. Peters, to adopt House Amendment A.

Mr. HAVEY of Sullivan: I move that the bill and amendment be laid upon the table pending the action of the Senate on the action of the House this morning upon the Sturgis bill proper.

Mr. BIGELOW of Portland: Mr. Speaker, I hope the motion to lay the matter upon the table will not prevail. I would like to see the House act upon this foolishness at the present time and dispose of it for all time and then get down to business and adjourn so that we can go home. (Applause).

The question being upon the motion of Mr. Havey of Sullivan to lay the bill and amendment on the table—

The motion was lost.

The SPEAKER: The question now recurs upon the adoption of the amendment by the gentleman from Ellsworth, Mr. Peters, upon which question the yeas and nays have been demanded.

The yeas and nays were ordered.

The SPEAKER: All those in favor of adopting the amendment will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Beals, Bemis, Beyer, Bisbee, Burleigh, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Cole, Cousins, Dorr, Gilbert, Hall, Hanaford, Harris, Havey, Hersey, Higgins, Holt, Hussey, Hyde, Jones, Jordan, Joy, Kavanough, Kelley, Mashall, Merrill of Bluehill, Millett, Morse, Nelson, Nickerson, Patterson, Perry Peters, Pressley, Redlon, Rounds, Silsby, Smith of Andover, Smith of Berwick, Spear of South Portland, Stackpole, Steison, Tibbetts, Trafton, Trickey, Trimble, True, Whitney, Wing of Auburn—58.

NAY:—Allen of Jonesboro, Allen of Richmond, Bearce of Eddington, Bigelow, Bigney, Blake, Blanchard, Bogue, Bourassa, Bowley, Bragdon, Burse of Pittsfield, Chase of York, Colby, Conners, Cook, Coolidge, Couture, Davies, Donnell, Drake, Duncan, Dunn, Farnham, Ferguson, Fortier, Frost, Grant, Hanson, Harmon, Harriman, Harrington, Hill, Hines, Hodgkins of Damariscotta, Hodgkins of Temple, Lambert, Lane, Libby, Lord, Mace, McLain, Merrifield, Merrill of Durham, Miller, Montgomery, Moore, Moulton, Orff, Packard, Pattangall, Patten, Paul, Pelletier, Pike, Pinkham, Porter, Putnam, Quinn, Richardson, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Snow of Scarboro, Spear of Warren, Stanley, Stover,

Strickland, Thompson, Thurlough, Varney, Whitehouse—75.

ABSENT:—Bradford, Clark, Cummings, Day, Doble, Dufour, Edwards, Emery, Hamlin, Lombard, Ludgate, Mercier, Robbins, Weld, White of Columbia, White of Wayne, Wing of Kingfield—17.

So the amendment was rejected.

On motion of Mr. Allen of Jonesboro, the rules were suspended and the bill received its third reading and was passed to be engrossed as amended.

On motion by Mr. Bisbee of Rumford, the House took a recess until 2 o'clock in the afternoon.

#### Afternoon Session.

The following orders were presented and referred to the committee on leave of absence.

By Mr. Marshall of Portland: Ordered, That Nathan Paul, representative from Naples, is hereby excused from further attendance at this session, and the clerk is hereby authorized to make up his payroll.

By Mr. Smith of Berwick: Ordered, That Carl E. Hannaford of Newfield be excused from further attendance at this session of the Legislature and that the clerk be instructed to make up his pay in full to the end of the session.

By Mr. Kavanough of Portland: Ordered, That F. W. Thurlow be excused from further attendance at this session of the Legislature and that his salary and mileage be made up in full.

Resolve, in favor of preserving the life of fish hatcheries and for the temporary operation of hatcheries and feeding stations, came from the Senate passed to be engrossed under a suspension of the rules.

On motion by Mr. Campbell of Kingman, the rules were suspended, the resolve received its two readings and was passed to be engrossed in concurrence.

Special assignment: An Act to enlarge the powers of the railroad commissioners, and to regulate fares and tolls of common carriers.

Mr. Spear of South Portland moved that the bill be indefinitely postponed.

Mr. HERSEY of Houlton: Mr. Speaker: I desire to call attention to this bill as amended. It is a very

simple one; it is easily understood. I am determined if this bill is defeated that the people shall know the reason why. Both houses of this Legislature are Republican, and if this bill is defeated it will be defeated by the Republican party of Maine, and if this bill is defeated, two years from now the Republican party won't have to look to the Sturgis commission or any other commission or any other reason for their defeat. What do the people of the State ask? The first section of this bill has practically been the law of this State for a great many years, but was never enforced. Mr. Peaks, of the railroad commissioners, said to me that unless you gave him something like this bill the railroad commissioners could not do anything. The first section simply provides that the commissioners shall revise and regulate all fares, classifications, tolls, etc., and stops there; and that the rates shall be binding upon the common carrier. If the bill stopped there you would give the people nothing; but in the second section I say:

"For the purpose of establishing and revising said schedules and tables as provided by this act, from and after the passage of this act, upon the written petition of ten or more regular shippers of freight or regular traders receiving freights as consignees over any such railroad, doing business in any county in the State, setting forth that any such common carrier in such county has charged unjust and unreasonable rates for freights so shipped or received as aforesaid, or that the regulations or practices of such common carrier affecting such rates on freights are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of this act, said board of commissioners shall within a reasonable time thereafter call and hold a public meeting, session, sitting and hearing of its said board in said county where said petitioners reside in this State. Such hearing shall be held in the shire town of said county, at such place in said shire town, and at such time as said board shall determine."

Section three provides that: "At the time and place fixed and designated



for such hearing, by said board, in any county, any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any such common carrier under this act in relation to its said fares, classifications, tolls, tariffs, rates and charges in the county where said hearing is being held, may appear before said board and be heard, in person or by attorney. All testimony in support of said complaints shall be taken by a stenographer of said board and all written and documentary evidence offered by complainants shall be filed by said board as a part of its records at said hearings, and any such common carrier doing business in the county where such hearing is held shall be notified by said board of any such complaints and of the nature and substance of the same and shall have a full opportunity and right to appear before said board and defend or explain any such complaint and be fully heard in the matter of the revision of its fares, charges and tolls under the provisions of this act." No one is going to be wronged by the provision. Then the next provision is as follows:

"That the said board may conduct its hearings and proceedings under this act in such manner as will best conduce to the proper dispatch of business and the ends of justice, a majority of the board shall constitute a quorum for the transaction of such business. Said board may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof."

Section five provides that,

"Said board shall have the right and authority to obtain from each of said common carriers in each county, where its said sessions are held, full and complete information necessary to enable it to perform the duties required by this act, and for that purpose said board shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs,

contracts, agreements and documents relating to any matter under investigation by the provisions of this act, and to that end may invoke the aid of any court of record in this State in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this act."

Shouldn't the people of this State have a right to say through their commissioners "Produce your books and papers that we may see what you are doing?" Section six provides that,

"All testimony taken before said board at said hearings shall be made a matter of record and shall be open to public inspection. Either of the members of said board may administer oaths and affirmations and sign subpoenas. The testimony of any witness may be taken, at the instance of any person interested, in any proceedings or investigation depending before said board by deposition or otherwise. The said board may also order testimony to be taken by deposition in any proceedings or investigation under this act, at any stage of such proceedings or investigation."

I would like to know if the railroad commissioners see fit to investigate a certain question of fares or tolls what authority they have to summon witnesses and enforce their orders?

Section seven in the bill provides as follows:

"Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements and documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the said board shall be punished by fine not less than one hundred dollars, or by imprisonment for not more than one year."

If the railroad commissioners should say to the railroads: "Your fares between certain stations are unjust, your charges are unfair and you must change them," the railroads would snap their fingers and say: "You have no power to compel us to do so and we won't change it. How are you going to enforce it?" There is no penalty under the amendment which the committee have reported.

Section 8 says: "The fees of such witnesses for attendance and travel shall be the same as for witnesses before the supreme court and shall be paid from the treasury of the State on a certificate of said board which shall be filed with the State auditor."

The persons appearing before the railroad commissioners shall not receive fees; it is only when the railroad commissioners find it necessary to summon witnesses that his fees shall be paid.

Section 9 states as follows: "The Claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence shall not be used against such person on the trial of any criminal proceeding."

Section 10 provides that "Every common carrier, under the provisions of this act, shall print and keep for public inspection, schedules and tables showing the fares, classifications, tolls, tariffs, rates and charges for the transportation of passengers and freight so revised and regulated by said board and which are in force at the time upon its railroad. The schedules and tables printed as aforesaid by any such common carrier shall plainly state the places until its railroad between which property and passengers will be carried and shall contain the classification of freight and fares in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates and fares and charges. Such schedules and tables shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office upon any such railroad where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected."

Section 11 provides that "No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid, by any common carrier, under the provisions of this act, except by the consent in writing of said board, and except further after ten days public notice, which shall plainly state the changes proposed to be made in said

schedules and tables then in force, and the time when the increased rates, fares or charges will go into effect; and the proposed changes shall be shown by printing new schedules and tables, or shall be plainly indicated upon the schedules and tables in force at the time and kept for public inspection. Reductions in such published rates, fares or charges may be made by three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given."

Section 12 fixes the penalty. Section 13 provides for the penalty, and then it provides in Section 14 that "The said board may determine and prescribe the form in which the schedules and tables required by this act to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient." And the last section is simply an amendment of the present law adapting it to this law.

In want to say to you that the procedure as laid down here is the same procedure as carried out by the Interstate Commerce Commission of New York. This Legislature had before it the public utilities act whereby all telephone companies, telegraph, public service corporations, water companies, etc., all public service corporations of the State should be under a public service commission, regulating all the fares and tolls of all the public service corporations, which ought to have become a law; it some day will become a law; it may be years before the people of the State get it. The people will be satisfied for the present with this law that I am proposing. I am not an attorney for a railroad, but it seems to me that it would have been the best thing for the railroads of Maine to come to this Legislature and say that this bill is all right. But what do the people think about it? They feel that the Republican party that is in power in the State is tied up with the railroad companies. You may defeat this bill, but an angel from Heaven will have to explain to the people of the State why you defeated it. I am not in favor of individual ownerships of public service corporations; I am against it; the people should not own the railroads, telephone lines and street railroads, but I also say that these

railroads should now own the people. They are the servants of the people; we give to them all the power they have, and don't let the corporations get stronger than the State and strangle the people of the State. I was pleased the other day, and was made sad also when this matter came before the House, and I stood here pleading for the rights of my people as a Republican that it took the Democratic votes of this House to give the people of the State the right to this bill in its present State. I think the Democrats of this Legislature will stand by this bill. I simply ask my party in this House and Senate to stand by the people or they will fall by the people. (Applause)

Mr. SPEAR of South Portland: Mr. Speaker, In defence of my motion I wish to say that the bill has been thoroughly and carefully considered by the committee and the committee has offered to this Legislature its judgment of all that is needed, all that is wanted to protect the interests of the people. I call the attention of the House to the first line of Section 1 of the bill under discussion, which says that the railroad commissioners "shall establish." We are told that this bill is patterned after the intent and purpose of the Interstate Commerce Commission bill, and the first question before the National House on the discussion of that bill was "What is a legal rate?" And the best definition which the best minds of the country could furnish was that it is a rate which shall be just and reasonable. "The railroad commissioners shall establish." If the railroad commissioners shall establish it simply means one thing, and that is that the State of Maine must go out into the open market of brains and find men who are trained and skilled in rate making and pay them a salary ranging from \$7500 to \$10,000 apiece. Otherwise, that means that the railroad commissioners say to the railroads "Submit to us what in your judgment is a necessary rate for the profitable and economical handling of your business and we will approve that, thereby establishing it, and hold ourselves open as a board of revision." The railroad commissioners are not

qualified for such work. There are not many men in the State of Maine who are qualified for that work; and if the bill is taken in its strict interpretation that is what it will amount to. In Section 2 of this bill, it says:

"For the purpose of establishing and revising said schedules and tables as provided by this act, from and after the passage of this act, upon the written petition of 10 or more regular shippers of freight or regular traders receiving freights as consignees over any such railroad, doing business in any county in the State, setting forth that any such common carrier in such county has charged unjust and unreasonable rates for freights so shipped or received as aforesaid, or that the regulations or practices of such common carrier affecting such rates on freights are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of this act, said board of commissioners shall within a reasonable time thereafter call and hold a public meeting, session, sitting and hearing of its said board in said county where said petitioners reside in this State."

The present statute says "after sufficient complaint by interested and responsible parties," and there is the protection to the people, not the written petition of 10 shippers of freight. It is further provided in the bill that "said hearing shall be held in the shire town in said county at such said place in said shire town as said board shall determine." Now, it was brought out in evidence at the hearing that there was a feeling in some parts of the State that they were unjustly discriminated against in the matter of tolls and rates. This bill says that the hearing shall be held in the shire town in the county in which the complaint originates. Your committee recommend an amendment of the present statute by saying that the hearing shall be held in the county where the complaint originates, if requested. Section 3 of the bill provides that "At the time and place fixed and designated for such hearing, by said board, in any county, any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any

body politic or municipal organization complaining of anything done or omitted to be done by any such common carrier under this act in relation to its said fares, classifications, tolls, tariffs, rates and charges in the county where said hearing is being held, may appear before said board and be heard, in person or by attorney."

There might be other individuals or aggregations of people that might come under those heads. The present statute says that "any interested and responsible party," and if that is not broad and if that is not in the interest of the people then your committee is at fault. Section 10 of this bill provides that "every common carrier, under the provisions of this act, shall print and keep for public inspection schedules and tables showing the fares and classifications, tolls, tariffs, rates and charges for the transportation of passengers and freight so revised and regulated by said board and which are in force at the time upon its railroad. The schedules and tables printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried and shall contain the classification of freight and fares in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules and tables shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office upon any such railroad where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected."

How many people know that under the head of "classification" there are 3000 different items? It is almost beyond the power of comprehension to enumerate them. Every passenger station in this State would have to have a billboard from half to three-quarters of a mile long for the posting of these circulars if this bill was interpreted strictly.

Now, Mr. Speaker, I want to read the present statute and the committee amendment. Chapter 52, Section 1, is as follows: "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, at 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 alteration 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 such hearing shall give opportunity to the company complained of, to reply to the charge."

Now, I submit that that statute was not known by the people of Aroostook county to be on the statute books; it was not known by the representatives of Aroostook county in general in this Legislature; it was not known that the railroad commissioners had the slightest authority to question in any way the transportation rates; and your committee recommend that any individual shipper, firm, corporation, association or anyone at all in this State feeling that they are unjustly discriminated against—they recommend that the hearing shall be held in the county in which the complaint originates, if requested. Now, this bill was born under insinuation, it has been given a certain amount of life through threatened intimidation and I trust today will see its funeral under the same charge. The Republican party of this State is not on trial; the life or death of this bill does not affect the Republican party, and the members of your railroad committee are able business men from different sections of the

State who have the credit of standing well at home, and I hope that they may stand fairly well here when this Legislature has been adjourned; and therefore, Mr. Speaker, I move the indefinite postponement of this bill. (Applause).

Mr. BURLEIGH of Augusta: Mr. Speaker, in discussing this question I do not think any one should be deterred by any consideration of political consequences. The question must stand or fall on its own merits. The great complaint made by the gentleman from Houlton in his first speech on this subject was the lack of machinery under the present law for carrying out his plan and he has drawn a bill which he assures you is based on the Interstate Commerce Act, and I had supposed until recently that that was a fact. I have no doubt that the gentleman from Houlton believed in good faith that such was the substantial basis of his bill. The Interstate Commerce Act deals with a vast and intricate subject, and is the product of the best brains of the country. I have taken the time to go through that Act and compare it, section by section, with the bill of the gentleman from Houlton, and I have examined to some extent the decisions under that act. And I say to you that not only is the bill now under discussion radically different in many important particulars from the Interstate Commerce Act, but that it is a far more drastic piece of legislation, and goes much farther than that act of Congress, or, so far as I know, of the act of any state legislature.

Section 1 of his bill says that the commissioners shall establish rates and fares, a power which is absolutely denied to the Interstate Commerce Commission. The Interstate Commerce Commission has no power to initiate rates which this bill gives to our board of railroad commissioners. Under the Interstate Commerce Act charges "shall be just and reasonable, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful. \* \* \* If the Commission finds that any charges are unjust of unreasonable, they shall de-

termine and prescribe what will be just and reasonable."

So that the power to initiate rates is vested exclusively in the carrier under that act. The making of future rates is a legislative power which cannot be delegated to a commission.—Interstate Commerce Commission and Railway Company, 167 U. S. 479.

The first section of this bill further says that said rates, charges, fares or tolls shall be binding upon the common carriers.

No matter how unjust or unreasonable the rates so fixed may be, they are "binding" on the carrier.

Now that is not in the Interstate Commerce Act. In the bill under discussion there is no appeal from their decision. From the decision of the Interstate Commerce Commission there is an appeal to the circuit court of appeals of the United States. Will you give to any three men in this State the absolute, arbitrary power not only of fixing rates but the power of absolute and final determination? It is provided that on petition of ten shippers this investigation shall be initiated. The present statute allows the complaint of a single shipper to be sufficient; and under Section 2 of this bill there is no specification of the cause of complaint required. The common carrier can be brought into court without knowing what charges he has to meet, whereas in the interstate commerce act there are at least two long sections carefully prescribing that the carrier shall be confronted with the specific charges against it, and adequately providing for all the necessary details of the notice and hearing thereon. Here, it seems to me, there is an obvious lack of machinery in the gentleman's own bill.

Section 6 in relation to taking testimony is drafted from Section 12 of the interstate commerce act but in that act they go further and provide some machinery. They provide before whom depositions shall be taken, as to the notice that shall be given, how documentary evidence shall be produced, how a deposition shall be reduced to writing, and for the oath, and the signing and filing. All this is omitted from the bill before us—a clear lack

of machinery. Now Section 9 provides that "the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence shall not be used against such person on the trial of any criminal proceeding." That is the same language, word for word, that existed in the original Interstate Commerce Act, and the supreme court of the United States, in the great case of Counselman Hitchcock, 142 U. S. 547, decided in 1892 that that provision was absolutely and entirely unconstitutional.

Why? Because the section did not go far enough; it did not protect the witness from future prosecution, though it did provide that in such prosecution his testimony should not be used against him. So that to remedy that defect Congress in 1893 passed a supplementary act providing that the witness could not be subject to prosecution, but should be liable for perjury in his testimony.

Section 11 is taken substantially from the Interstate Commerce Act but it adds these important words to the language of that Act: "No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier, under the provisions of this Act, except by the consent in writing of said board."

In other words here is a second instance where you put in the hands of the railroad commissioners the absolute power to make rates, for that is what it amounts to. Section 13, which provides for a fine for the violation of the act, is not nearly as adequate as the Interstate Commerce Act which in addition to the fine gives the additional remedies of mandamus and injunction. Those are omitted; another lack of machinery. In February of this year the United States Senate Interstate Commerce committee had under consideration the rate bill of Senator Fulton of Oregon amending the Interstate Commerce Act, which enlarged the powers of the commission so as to make them the creator of rates as this bill does, and in a report of some 20,000 words that great committee of

Congress absolutely turned down that bill.

The Committee, among other things, said in substance that the country is demanding repose in its industrial up-building, and that this is not a time to experiment or change the basis on which former laws were enacted. They asserted the right of responsible managers of transportation interests to fix rates, subject to wise limitations. They protested strongly against giving power to the commission to initiate rates.

Now you may recall, some weeks since, the receipt of a compilation from the Railway Business Association, sent to the members of the Legislature. We frequently consign such matters to the waste paper basket, yet I wish to read you one of the thirty-two communications contained in that compilation which were received from business men and organizations all over the country. It is fairly illustrative of the purpose and sentiment of the others.

#### AMERICAN HARDWARE MANUFACTURERS' ASSOCIATION.

The executive committee of the American Hardware Manufacturers' Association on January 16, 1909, adopted the following resolution expressing the attitude of that body toward railroads:

Whereas. The largest consumer of hardware in the country, our railroad system, is at the present time maintaining purchases at the lowest possible volume; and

Whereas. The consequent idleness of many large industries supplying railroads has further curtailed to a drastic degree the amount of hardware normally required by those industries and for the construction of miscellaneous works, stores and dwellings; and

Whereas. A reassurance of investors as to further legislation affecting railroads will restore to the railroads their borrowing and purchasing power; therefore be it

Resolved, That the American Hardware Manufacturers' Association earnestly requests Congress and the State Legislatures to avoid further restrictions of railroads except such as

are necessary for the protection of the public, and to investigate proposed measures of regulation with a view to ascertaining whether their form and scope are such as to effect the purposes designed without impairing the efficiency of operation, the wage scale or the earning capacity of the railroads."

A word more. I believe that in 1912 some \$9,000,000 of bonds of the Maine Central Railroad Company will mature.

It is of some importance whether you pass a bill like this to that railroad in refunding their debt. If it goes out that we are enacting hastily a measure of this vast importance, a measure so drastic as this, which goes beyond anything that this country ever saw before, I tell you it is likely to have in these times and in the future some influence upon the borrowing capacity of that railroad, and with a bonded debt of \$9,000,000 to be refunded an increase in the rate of one per cent. would mean \$90,000 annually, \$90,000 to be added to the fixed charges of that railroad every year, and with that \$90,000 added to the operating expenses of that railroad, how can the shippers expect to secure more reasonable rates? I think this bill is in its provisions unfair, it is deficient in its machinery, it is in part unconstitutional. The statute under which we have been operating is simple, effective, constitutional; and the very fact that there has been but one case decided in many years under it shows first the fact that a case could be decided, shows that it is of some practical worth; second, the fact that but one case has been decided under it for a long series of years shows that the demand for such legislation as this is exceedingly limited.

Mr. PETERS of Ellsworth: Mr. Speaker: I have the greatest confidence in the committee which has considered this matter. It seems to me that the amendment proposed by the committee together with the present statute covers the ground as well as it ought or can be covered, and it strikes me that everything which is not probably unconstitutional and not reasonably unfair and not entirely necessary and not really going too far in the bill proposed is entirely covered

by the present law with the amendment offered by the committee; and I for one am in favor of the motion that the bill be indefinitely postponed.

Mr. McLain of Bremen moved the previous question.

Mr. HERSEY of Houlton: Mr. Speaker. In this bill I simply ask the power to revise; let the railroads make the rates and give the railroad commissioners power to revise them. The gentleman from Augusta said there was no appeal. Well, there is no appeal in the amendment put in by the railroad committee. The gentleman from Augusta finds fault that I have not got specifications enough in my bill. In one breath he says there is a great lot of machinery here and in another breath he says I have not got enough machinery. If I have not got specifications enough, what does the gentleman say about the bill reported by the railroad committee which hasn't any in it? He speaks about depositions, that I have not got the procedure to take depositions. It is very easy for him to offer an amendment if he does not think there is machinery enough for that purpose. He speaks of the provision that no advance in rates shall be made unless by consent in writing of the commissioners. If the railroads are not going to be bound by the rates revised by the commissioners then the commissioners had better not meddle with them at all. I ask you under this committee bill if the railroad commissioners can do a thing? There is no penalty. They cannot fix the rate. I say that this State should have some power in its railroad commissioners to enforce the rate that they find right. I may have a hobby in regard to railroads, but I want you to understand that if I have any feeling in the matter it is not because I have any interest in the matter. It will not affect me in the least whether this bill passes or not. I am not a shipper or merchant or farmer or one who would be affected by these rates in the least, and I am not an attorney for or connected with any railroad, but I do want to see something effective and if this matter is not effective then I don't want it. If amendments are necessary to make it

more effective I want those amendments, but I do not want something that you cannot make work; and something that will satisfy the railroad lobby and the railroad committee and the railroads of Maine does not satisfy me and ought not to satisfy you and will not satisfy the people.

The question being on the motion to demand the previous question—

It was agreed to.

Mr. BURLEIGH. Mr. Speaker, The gentleman from Houlton in effect accuses me of blowing hot and cold in relation to the question of the machinery of his bill. I do not think I am open to that criticism, it seems to me the trouble with the bill of the gentleman from Houlton is that he departs from the present simple, comprehensive statute and injects into his bill a lot of unnecessary machinery, but having started on the process of introducing machinery he cuts it half short and leaves it insufficient. Another thing he has taken out the word "make" but he has left in the word "establish," and if anybody can see any distinction between the power to make a rate and the power to establish a rate, and establish a rate which shall be binding, he can see farther than I can. He also suggests that under the present statute there is no appeal. Very true, but the situation is very different. Under his bill the decision of the railroad commissioners is absolutely without appeal because it is binding. Under the present law the courts of this State would have the last word, while under his bill the court would have no jurisdiction. I may be wrong, but that is my interpretation of these two acts.

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

It was agreed to.

Mr. Hersey called for the yeas and nays.

The motion was agreed to.

The SPEAKER: The question is on the indefinite postponement of this bill. Those in favor will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Beals, Bemis, Beyer, Bigelow,

Bisbee, Blanchard, Bowley, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Conners, Cousins, Davies, Donnell, Duncan, Gilbert, Hananaford, Hanson, Harris, Higgins, Hodgkins of Temple, Hussey Hyde, Jordan, Joy, Kavanough, Kelley, Lord, Marshall, McLain, Merrifield, Merrill of Durham, Millett, Morse, Nelson, Packard, Patterson, Paul, Peters, Pinkham, Presslay, Putnam, Redlon, Ross, Rounds, Sawyer, Sleeper, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stanley, Stever Strickland, Thompson, Tibbetts, Trafton, Trickey, Trimble, True, Whitehouse, Whitney, Wing of Auburn—76.

NAY:—Allen of Jonesboro, Bearce of Eddington, Bigney, Blake, Bogue, Bourassa, Chase of York, Cole, Cook, Coolidge, Couture, Drake, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Grant, Hall, Harmon, Harrington, Hersey, Hill, Hodgkins of Damariscotta, Holt, Jones, Lambert, Lane, Libby, Mace, Merrill of Bluehill, Miller, Monegomery, Moore, Moulton, Nickerson, Orff, Patten, Pelletier, Porter, Quinn, Richardson, Sanborn, Silsby, Smith of Andover, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stackpole, Stetson, Thurlough, Varney—53.

ABSENT:—Cummings, Day, Doble, Dorr, Dufour, Emery, Hamlin, Harriman, Havey, Hines, Lombard, Ludgate, Mercier, Pattangall, Perry, Pike, Robbins, Weld, White of Columbia, White of Wayne, Wing of Kingfield—21.

So the motion to indefinitely postpone prevailed.

Mr. SPEAR of South Portland: Mr. Speaker, I move that the vote whereby this bill was indefinitely postponed be reconsidered, and in making this motion I do it for the purpose of killing the bill and I trust that every member of the House will vote against the motion.

Mr. Hersey moved that the motion be laid on the table.

The motion was lost.

The question being on the motion to reconsider the vote whereby the bill was indefinitely postponed—

The motion was lost.

Special assignment: Resolve in favor of Lowell E. Bailey.

Mr. Blanchard of Wilton moved that the resolve be indefinitely postponed.

Mr. COUSINS of Standish: Mr. Speaker, I hope that the motion will not prevail. Mr. Bailey bought a herd of thoroughbred Jersey cattle in North Carolina and had those cattle inspected



and they stood the test. He was about to bring them into the State and the foot and mouth disease was prevailing, so he was prevented from bringing them into the State for some three or four months. These cattle were then brought home. They remained his property for almost three years. It was discovered that there was some trouble with these cattle and they were inspected and it was found that they had tuberculosis. The law says that you cannot recover in such a case unless the cattle have been in the State three years. He could not bring the cattle home in the three years, the cattle commissioners having quarantined them, so he could not get them into the State within the time and he lost \$550 which he would have obtained and rightly belonged to him according to the opinion of eight of the committee, and I hope that the motion will not prevail.

Mr. MOULTON of Cumberland: Mr. Speaker, I do not see why the State is morally bound to pay this money. There is a law that all cattle bought out of the State shall remain in the State three years before any compensation can be received on account of their being killed for tuberculosis. I see no reason why the State is morally or legally bound to pay for these animals any more than an insurance company is bound to pay for property destroyed the day after a policy lapses, and I am not in favor of paying it because it establishes a precedent. I hope the motion will prevail.

Mr. COOLIDGE of Lisbon: Mr. Speaker, it seems to me that when a cow has tuberculosis, the cow is going to die anyway and what the State gives is a pure gratuity. I agree with the gentleman from Cumberland that we should not pay bills which we are neither legally or morally obliged to. The cows which had this disease would have died anyway. I am opposed to the passage of the resolve.

Mr. BEMIS of NORWAY: Mr. Speaker, this matter was gone over carefully by the committee on agriculture; they had a full and free hearing in regard to this resolve. The cattle commissioners appeared before the committee and were unanimous in saying that this was an

honest and just bill and that the State should reimburse Mr. Bailey for the cattle destroyed. In 1902 in the fall these cattle were purchased in North Carolina but owing to the prevalence of the foot and mouth disease the cattle were not allowed to be shipped into Maine and these cattle remained in North Carolina until June, 1903. If these cattle had been sent to the State of Maine as it was intended when they were purchased were it not for the law which prohibited them from coming in at the time they were purchased, there would have been no question but what these cattle would have been paid for; and it seemed only just to the committee that the State should pay for them. I may add further that it came out in testimony before the committee that these cattle might have been held until the time had expired when the State would have had to pay for them, so we get it two ways; and it seems to me that with a majority report of the committee and only one in the minority and after a full and free hearing, that if such matters are turned down in the House the House has but little faith in the committee who have heard all the testimony.

Mr. BLANCHARD of Wilton: Mr. Speaker, I wish to correct the gentleman from Harmony through the Chair in regard to the position which the cattle commissioners took before the committee. They expressed no opinion whether it was a just bill or not. The gentleman says that these cattle might have been kept long enough so that they could be paid for. As I remember the testimony it is very doubtful whether any of them would have lived long enough to be alive for three months to be paid for.

Mr. MOULTON: Mr. Speaker, I would like to ask the gentleman from Harmony through the Chair if he can explain the statement of facts in regard to the compensation for the eleven cows killed assigned by the Carrabasset stock farm to Mr. Bailey?

Mr. BEMIS: Mr. Speaker, as I understand it the Carrabasset stock farm have since assigned all except the personal property, they have gone into bankruptcy.

Mr. MOULTON: Mr. Speaker, I would like to ask how they can assign when there is nothing to be assigned? There is no compensation to assign the way I look at the question. And in regard to the cattle commission I want to say that I could not get the cattle commission to say that these cattle ought to be paid for by the State.

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

The motion was agreed to.

On motion of Mr. Montgomery of Camden the House voted to take a recess of fifteen minutes.

#### After Recess.

##### Biddeford Police Bill.

Special assignment: Majority and minority reports of the committee on judiciary to which was referred bill, An Act to amend Chapter 625 of the Private and Special Laws of 1893, the majority reporting "ought not to pass," and the minority reporting "ought to pass."

Mr. Smith of Berwick moved that the majority report be accepted.

Mr. SMITH of Biddeford: Mr. Speaker and Gentlemen of the House, as one of the representatives from the city of Biddeford, elected by nearly 400 majority, 250 of which votes were cast by Republicans who did and now do believe in the principles of Abraham Lincoln, namely, the rights of the people, I am here to say a few words regarding our police commission in the city of Biddeford, which came into existence in 1893, a law that was conceived in corruption and brought forth in iniquity—a law enacted for the purpose of taking from the majority of the voters of the city of Biddeford the right to govern in their own affairs.

I wish to say to you all that the citizens of my city are as intelligent and as law-abiding as any in our State, and such being the fact, we as a people ask that we may be allowed the same privileges that you in your cities and towns enjoy. It is neither just nor right that we should be deprived of them by the Legislature of this State.

This police commission bill came into existence in 1893, and the senator who presented it to the Senate informed me

since coming here that it was the meanest act of his life, and that he only did so after great pressure had been exerted upon him, and that he hoped God would forgive him for his act.

Now, gentlemen of the House, we are not asking you to do away with, or that we shall not have a commission, but we ask of you that we may select from among our best citizens, two commissioners, who shall be elected by the people of Biddeford and, with the mayor, constitute a board of police commissioners for the city of Biddeford.

We elect annually three members of our school committee, a committee which consists of nine members. We select men whose characters are above reproach, men who will and are competent to manage our school affairs, that our children may obtain that which is of more value than money—education.

Will you not give to the people of Biddeford a commission of their own choice, instead of a commission appointed.

Now, gentlemen of the House, I want to be fair in this matter. I will not engage in recriminations. I do not and will not be diverted from the question under discussion. I do not wish you to be. Deal with my people justly, as you would expect justice to your in like circumstances.

Mr. SMITH of Berwick: Mr. Speaker, I was somewhat amused at the expression of the gentleman from Biddeford that the bill establishing the Biddeford police commission was conceived in corruption and brought forth in iniquity. Had he said it was conceived because of corruption and brought forth because of iniquity he would have stated the proposition more correctly. In 1893 the bill to provide for a police commission for Biddeford was introduced into the Legislature. Previous to that time the police of the city of Biddeford had been appointed in the usual manner by the city council. It is a notorious fact, to prove which I hold in my hand two affidavits showing at that time that no police officer could be appointed by the city council without paying \$125 for his appointment. I

will also show that no police officer in that city could hold his appointment. I will also show that no police officer in that city could hold his appointment except he made an annual contribution to the Democratic city government of Biddeford of \$125. What was the condition of the police force at that time? The whole police force was actually engaged in the practice of politics during the 12 months of the year in order to insure their appointment on the police force. They intimidated the voters, they oppressed the candidates, wrangling and disturbance took place at the caucuses. When the time came for the regular meeting 150 politicians, ward heelers, the scum of the earth, were were sworn in as special police officers. Those officers swarmed around the ward polling places, opposing the legal voters and intimidating others, becoming intoxicated themselves and leading others to intoxication, riots prevailed, a fair vote could not be had, a fair vote was not had. Immediately preceding the introduction of this measure to the Legislature in 1893 an election was held. Prior to the time of that election it was discovered that there were 300 illegal voters in the city of Biddeford. It had been the custom of the municipal courts in Biddeford and Saco and other municipal courts having no jurisdiction in the matter to issue certificates of naturalization; upon those illegal certificates were registered and voted. At that election it was determined that these 300 illegal voters should not vote. An attempt was made to stop them, and the result was riots. The county was appealed to and sent a number of deputy sheriffs there in order to protect the people of Biddeford, and the result was another riot. The special officers appointed by the corrupt city council arrested the deputy sheriffs upon their attempt to regulate things and they were taken to jail, released by bail commissioners, the deputies arrested the police officers.

Coming down to the March election in 1893, while the bill was pending before the legal affairs committee, at which hearing statements were made similar to those which I have made here, only much stronger, that under

the existing conditions of affairs a fair vote could not be had, the opponents of the measure said it was all nonsense. They said they were a peaceable and law-abiding community. The legal affairs committee took the measure under advisement, the election was held in Biddeford and I quote from a local newspaper as follows:

"On this particular election day a crowd of roughs, all drunk and ugly spent the afternoon between the polling places on Water and Washington streets. They were almost constantly fighting. Vile and abusive language, mixed with the fumes of intoxicating liquor filled the atmosphere along their course. Up and down the street they surged, rolling in the gutter, blocking the sidewalk, assaulting each other as well as decent people who tried to get out of their path without disturbance, and keeping that end of the city in an uproar. Attracted by the excitement troops of boys and girls swarmed about the drunken men, jeering and hooting at them. Thus were their young minds being trained for the duties of good citizenship.

"By 4 o'clock the riotous behavior of the mob had become so gross that something had to be done to quell it, and the city marshal with a dozen officers drove to the scene in an express pung, hastily pressed into service for the mission. The officers and the mob clashed on Main street, near Foss. The instant the city marshal, club in hand, stepped from the pung, he was felled on his back in the street with a blow delivered behind the ear by one of the mob. Several of the officers met the same treatment and for the next 10 minutes there ensued one of the wildest encounters ever seen in Biddeford. The officers plied their leaden weighted clubs right and left with all their strength. Whenever a blow landed on a head it split the scalp and the blood burst forth. This treatment as might be expected, put the more turbulent of the mob out of the fight by laying them unconscious in the snow, while their fellows took to their heels in the alleyways. When the smoke of the battle had lifted several senseless men were thrown into the pung by the offi-

cers and driven by a back street to the police station."

This is the condition that prevailed while the matter was pending before the legal affairs committee. When knowledge of that fact came to the committee it was the decided "drop in the bucket" which turned the scale of justice, and the police commission was born. Those in brief are some of the conditions which prevailed prior to the enactment of this law.

I will now read two affidavits which I have here.

Biddeford, March 27, 1909.

I, James Mogan of said Biddeford, make the following statement: I have been a police officer of the city of Biddeford in active service continually for the last nineteen years, sixteen of which has been under the present police commission. As an officer before the police commission was established I had to pay one hundred and twenty-five (\$125) dollars for the position, and one hundred and twenty-five (\$125) dollars annually for political expenses. Many officers would be intoxicated during the hours which they were on duty and spent a great deal of their time after 10 o'clock at night in the rum shops and left their beats unprotected. I was often sent to seize intoxicating liquors at depot and to take some and have some, was instructed who to take from. Since the establishment of the police commission none of the above conditions have existed and I am not allowed to engage in any political work or to be assessed any amounts of money for same. This has been a great improvement in the efficiency of the police department and good order in the city. Under the old regime it was customary to have sworn in the first of the year about seventy-five special police and on municipal election days as many more would be sworn in to act as ward healers at the polls and no man that differed with them practically had any rights which this police force would respect. Under the old regime I was called upon to canvass as all regular officers were for the Democratic party and continued to do political work until the campaign closed, all of which the city paid, and special officers were put on for the

regulars at the city's expense. In conclusion I will say that many of the special officers that were put on duty at the polls election day got intoxicated, assaulted inoffensive citizens and had to be either carried home or locked up, and I have also known some of those special officers to seize liquor for their own purpose and got drunk with it.

JAMES MOGAN.

STATE OF MAINE.

York,ss March 27, 1909.

Personally appeared James Mogan and made oath to the above statement by him signed

Before me,

EDGAR A. HIBBARD,

Justice of the Peace.

Biddeford, March 27, 1909.

I, Thomas Cullinan, wish to make this statement of facts in regard to the condition and character of the police system of Biddeford at the present time as compared with the time under the old system before there was a police commission in Biddeford. I have been for a period of more than twenty-five years a police officer and am at the present time. Before the time of the law that established a police commission in 1893 I have known it to occur frequently that policemen would be absent from their duty because of intoxication and gambling. Every policeman had to be engaged in political work to retain his job and was assessed \$125 per year to hold his position. On election days policemen would commit assaults on citizens and be intoxicated in public places. None of these conditions have existed since the new police commission law of 1893. There has been a great improvement and change since that time and I have served under both systems. I am now at the present time retired from active service. No man could obtain a position on the police force under the old police regime unless he first paid \$125 for his position. Under the present conditions no man is assessed or required to do political work.

THOMAS CULLINAN.

STATE OF MAINE.

York,ss March 27, 1909.

Personally appeared Thomas Cullinan

and made oath to the truth of the above statement by him signed

Before me,

EDGAR A. HIBBARD,  
Justice of the Peace.

Gentlemen, those are the sworn statements of two Democrats, policemen of Biddeford under the old system and under the new system. What was the result of that old system? They system got in debt to the extent of \$630,000. How much beyond he debt limit I can't say, but away beyond the debt limit. What has been the condition since in the finances of Biddeford? From 1903 to 1908 the city of Biddeford has paid and retired over \$400,000 of her indebtedness. The population of Biddeford in 1893 was about 11,000, today it is 18,000. In 1893 the population was composed largely of American stock, all quiet, peaceable people comparatively. Now there is a horde of the off-scourings of southern Europe, Greeks, Poles, Armenians, Turks, Russian Jews and every tribe of people of southern Europe is represented there, a turbulent and rebellious people. The cost of the police force is today less than it was under the old system by many thousands of dollars, and they had practically the same force then. The gentleman has said they do not want to repeal the police bill, they want it placed in their hands. The mayor is ex-officio a member of the board under he present system and the three men who today constitute the police board are all men above reproach. Now, what do the people of Biddeford think of this? There is now on file with the judiciary committee a remonstrance signed by 850 of the best citizens of Biddeford, the best business men up and down the streets of that city, remonstrating against any change in the present system. Coming down to the present hearing before the judiciary committee there were three men only that they were able to scrape together to come before the committee asking for the passage of this bill. 30 men from Biddeford appeared in opposition. I merely want to say in conclusion that this is a Democratic measure; it is conceived in Democratic councils and has been backed by Democratic influence; it is a political question and a political

measure pure and simple, and I want the members of this House to take it into serious consideration.

Mr. SMITH of Biddeford: Mr. Speaker, I ask for simple even-handed justice from the members of this House. The gentleman speaks of 300 men, illegal voters being struck from the voting list. I want to say that those men procured their papers from a court. They thought they had legal papers. The Republican party thought that they could carry Biddeford if they could only conceive some plan whereby 300 French Canadians, largely naturalized as they thought, could be stricken from the list. They struck them from the list, and what good did it do? Biddeford then was till Democratic, and it did no good whatever. The gentleman speaks of the Democratic party assessing police officers \$125. I don't dispute it and I don't admit it. I will say this, that from one end of this country to another political office holders are assessing the people and they pay their assessments, and it is put into the fund to defray the expenses of a campaign. He says that three men appeared before the judiciary committee. There were three men there. I had the pleasure of being there. I was representing 250 voters of the city of Biddeford. In 1893 knowing that Biddeford was helplessly Democratic they thought that they could carry it. They came to this Legislature. The man who introduced the bill told me that that was one of the meanest acts of his life and that he hoped God would forgive him for it. In 1893 this police commission was born, this police commission was formed for the sole purpose to get together the criminal element of Biddeford into one mass so that through their efforts and by Republicans who might vote with them they might get into power. It was promised to this Legislature when the commission was formed that the man who now holds the office of city marshal should not have the position, and it was so pledged to the members of the Legislature. With that pledge they passed this bill and placed Biddeford under a police commission. E. H. Banks, formerly State treasurer of this State was on the committee. He tried to live up to his agreement with the

Legislature, and after three weeks of dallying Mr. Banks finally consented to the appointment of the marshal of Biddeford. Immediately after that they started the Industrial League, a labor organization, to shorten the hours of labor, and it was composed of every criminal in the city of Biddeford, every keeper of a dive, every drunkard that feared arrest, and every rumseller joined that organization. Some good Republicans went into it. They started the Citizen's party in Biddeford; and they gave a good administration; they reduced our debt; it was a non-partisan administration. Mr. Harmon could not do with them as he wanted to; so consequently he goes across the street and brings over his Industrial League and got enough of his Industrial League members into the Citizen's party so that he could control their organization. He nominated whom he pleased for mayor; for aldermen and for councillors, and our school committee, the street commissioner, chief engineer of the fire department and in all the departments were men of his choice, and also our school department. It certainly was a lamentable thing.

Gentlemen, it is beyond my words, I won't tell you the condition of our schools—teachers teaching our scholars whose character each and every child knew. We found a law whereby the citizens of Biddeford could elect a school committee by the citizens and not by the board of aldermen and the city council. We picked out the finest men we could find to reform our schools. They went to work. We elected them by a very large majority. Our schools have been cleaned up. I have a few figures here. In 1894 under the police commission I received 640 votes for representative to this Legislature. At this last election I received 136 votes. What is the matter? It is disgusted Republicans that do not attend their caucuses. The Republicans of Biddeford do not attend the Republican caucuses. The bums and beats and rum sellers have got control of the Republican party in Biddeford and they do with it as they please and self-respecting Republicans don't go to the caucuses. They have become so disgusted that they are not only voting the Democratic ticket in

Biddeford, they are voting it in the county, and for the first time in 40 years we have got a Democratic sheriff in York county. You talk about a police commission. Harmon owns a police commission, they are his creatures, they do his bidding. One hundred and twenty-five dollars the gentleman says was assessed on the Democratic members of the police force. I do not deny or admit it; but I do say that today every officer who holds a position on the police in the city of Biddeford was assessed to send the men down here who appeared before that judiciary committee, and they say there were 30 of them. They were assessed to defray the expense of the people who came to this judiciary committee hearing. The gentleman says there was a remonstrance signed by nearly 900, that this bill might not be passed. I will admit that possibly there may have been a very few honest, upright, conscientious men whose names are attached to those remonstrances, but if anybody could see the men who signed them they might not be very much influenced by the remonstrances. The remonstrances themselves were circulated by the police officers of Biddeford. They went to the lowest, meanest crowd that they could go to, and that is the class which the gentleman calls citizens of Biddeford. If they are representative citizens of Biddeford, God pity Biddeford. We did not bring any petition down here; we did not need any. I am here representing Biddeford. I was elected by a majority of 400 of the legal voters of Biddeford, Republicans and Democrats alike. Do you think I am coming here with a petition? Not much; I am here myself. (Laughter and applause.)

I would like when I go home to carry to my people the word that the Legislature of the State of Maine was true to the principles of Abraham Lincoln, the right of the people to govern themselves. (Applause.) I want to go home with victory upon my banners. I ask the Republicans of this House to vote according to the dictates of your consciences. Throw away your political prejudices; vote for right, for truth, vote for even-handed justice to all men and special privileges to none. Don't keep us in subjugation. Let the citi-

zens of Biddeford elect three as good men as we can pick out. Do you think we have got to go to the police commission and have them deal out to us what they please and run the city of Biddeford by a city marshal that I know as well as any living live man here and better? (Laughter.)

Mr. SMITH of Berwick: Mr. Speaker, I would like to inquire if the city of Biddeford at the present time is not policed effectively?

Mr. SMITH of Biddeford: No sir. (Laughter and applause.)

Mr. SMITH of BERWICK: Mr. Speaker, I desire to read one or two statements from Mayor Nathan S. Walker:

In 1900 Mayor N. B. Walker said: "The good order that prevails and the general avoidance of the place by crooks and criminals attests the ability and efficiency of our police. There seems to be no requests from this department or recommendations by it which particularly demand our consideration."

In 1902 Mayor Joseph Gooch said: "The good order that prevails in our city and the absence of the turbulent scenes of the past demonstrate that this department is in competent hands."

"Again in 1904 Mayor N. B. Walker said: 'Our regular police force consists of the chief and eight regular officers, which is comparatively small for such a city as ours. That it is sufficient to maintain the good order that prevails attests both the efficiency of the police and the law abiding character of our citizens. In the records of crime of higher character no city in the State stands better than ours.'

"In 1905 Mayor Walker said: 'There is probably no police department in any city of this size that is conducted with less expense than ours, yet the efficiency of the department is conceded to be equal to that of any city of the same population.'"

The gentleman said that the city was hopelessly Democratic. I would call attention to the fact that from 1893 to 1907 Republicans represented the city of Biddeford in this House with only one exception; in 1899 a Democrat and Republican represented Biddeford.

Mr. PETERS of Ellsworth: We had a long and exhaustive hearing before the judiciary committee and a very satisfactory one, and after they got through I think a large majority of us, eight out of the 10, could see clearly why the proposition which had come before the Legislature several times before had been uniformly turned down. It appeared to the perfect satisfaction of my mind that this police system of Biddeford was the most

efficient and inexpensive of any police system in the State so far as came to our knowledge. It appeared that prior to the inauguration of this system conditions must have been very bad in Biddeford and that now those conditions have been practically remedied. There was a large remonstrance against abolishing the present system; there were present but a few not more than thr, I think of those who favored the abolishing of this system; and eight of the committee could come to but one conclusion and that was that it would be unwise to overturn such an apparently satisfactory and efficient system; and a majority of us made that report.

Mr. SMITH of Biddeford: Mr. Speaker, the gentleman from Berwick speaks of the reports of mayors as regards our police department. They owed their election to this man; what else could they say?

Mr. Dunn of Brewer moved the previous question.

The motion was agreed to.

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

It was agreed to.

On motion of Mr. Bourassa of Biddeford the yeas and nays were ordered.

The SPEAKER: The question is on the motion to accept the majority report that the bill ought not to pass. Those in favor will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Bemis, Beyer, Bigney, Bisbee, Blake, Blanchard, Bowley, Bradford, Bragdon, Burleigh, Bussell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Coolidge, Cousins, Davies, Donnell, Drake, Emery, Ferguson, Gilbert, Hall, Hannaford, Hanson, Harriman, Harris, Hersey, Hodgkins of Temple, Holt, Hussey, Hyde, Jordan, Joy, Lano, Libby, Lord, Marshall, Merrill of Bluehill, Millett, Morse, Moulton, Nelson, Nickerson, Perry, Peters, Porter, Pressley, Redlon, Richardson, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stackpole, Stanley, Stetson, Tibbets, Trafton, Trickey, Trumble, True, Varney, Whitehouse, Whitney, Wing of Kingfield—75.

NAY:—Allen of Jonesboro, Beals, Bearce of Eddington, Bogue, Bourassa, Burse of Pittsfield, Buswell, Connors, Cook, Couture, Duncan, Dunn, Edwards, Farnham, Fortier, Frost, Grant, Harmon, Harrington, Havey, Higgins, Hill Hines, Hodgkins of Damariscotta, Kavanough, Kelley, Lambert, Mace, McLain, Merrifield, Merrill of Durham, Miller, Montgomery, Moore, Orff, Packard, Pattangall, Patten, Patterson, Pelletier, Pike, Pink-

ham, Putnam, Quinn, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Wing of Auburn—56.

ABSENT:—Additon, Bigelow, Chase of York, Cummings, Day, Doble, Dorr, Dufour, Hamlin, Jones, Lombard, Ludgate, Mercier, Paul, Robbins, Rounds, Weld, White of Columbia, White of Wayne—19.

So the motion to accept the majority report "ought not to pass" prevailed.

Special assignment: Majority and minority reports A and B of committee on judiciary, to which was referred bill to provide for nomination of candidates of political parties by primary elections, majority reporting "ought not to pass," minority "A" reporting the same in a new draft under same title and that it "ought to pass," minority "B" reporting same "ought to pass."

On motion of Mr. Davies of Yarmouth the consideration of the reports was postponed until Thursday.

Special assignment: Bill to regulate the use of joint poles in the public streets by electrical companies.

On motion of Mr. Beyer of Portland, House Amendment A was adopted.

Mr. Beyer offered House Amendment C by striking out in Line 3 the word "granted" and inserting the word "erected."

The amendment was adopted.

Mr. Beyer moved the adoption of House Amendment B.

Mr. Peters of Ellsworth moved that the amendment lie on the table.

The motion was lost.

The question being on the adoption of Amendment B—

The amendment was lost.

The bill then received its two readings and was assigned for tomorrow morning for its third reading.

On motion of Mr. Peters of Ellsworth—  
Adjourned.