

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**ERRATA:**

**The following errata are  
inserted because one or more pages  
in this session day have errors  
noticed and corrected here.**

### ERRATA.

Page 39, for Long Monson Pond read Long Mousam Pond.

94, after the words "Probation Officers" omit the words "relating to State Detectives."

105, 302, 316 and 333, for State Prison read State pension.

118, 146, 165 and 170, for supplementary associations read supplementary assessments.

168, for Coolidge River read Cambridge River.

174, for \$50 read \$50,000.

182, for Oakland read Oakfield.

185, for Rines road read Kineo road.

219, for Mineral Spring Co. read Merrill Springer Co.

226, for investigation of vital statistics read registration of vital statistics.

243, for town of South Portland read town of Southport.

309, for town of Wales read town of Wells.

325, for foreigners read coroners.

343, for Bed Cambridge River read Dead Cambridge River.

360, for boys read buoys.

377, for Corners Knob read Conary's Nub.

377, 462, 496, for Prescott read Trescott.

379, for Pittsburg read Phippsburg.

462, 496, for Chronological read Pomological.

494, for Township E read Township 2.

510, 538, for Central Railroad Co. read Jonesport Central Railroad Co.

520, for Penobscot Electric Co. read Penobscot Bay Electric Co.

525, for Colcord read Concord.

544, 556, for town of Brewer read town of Bremen.

551, 587, for Monmouth Ridge Sanitary Association read Monmouth Ridge Cemetery Association.

646, for Androscoggin Valley Company read Androscoggin Valley Railroad Company.

648, for Central Fire Insurance Co. read Central Maine Fire Insurance Co.

654, 670, for Jimmy pond read Jimmy brook.

655, 671, for Straw's Island read Swan's Island.

667, for transmitted in Maine read transacted in Maine.

677, 698, for municipal court in town of Portland read municipal court in town of Farmington.

687, for Trusett read trustee.

700, for pension members of Building Commission read pension members of Fire Department.

788, for Howard read Howland.

835, for Chapter 138 of the Public Laws of 1905 read Chapter 138 of the Public Laws of 1895.

844, for bridges of municipal officers read duties of municipal officers.

928, for identifying animals read identifying criminals.

974, for Herbert A. Bradford read Herbert A. Lombard.

1022, for Stonington Trust Company read Stonington Water Company.

1064, for Biddeford read Portland.

1244, for Daniel's Pond read Donnell's Pond.

1275, for Acatus Lake read Nicaeous Lake.

1313, for establish read abolish.

**SENATE.**

Tuesday, February 23, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Turner of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

"Petition of Frank A. Foote and 11 others of Corinth in favor of appointment of State Board of Assessors by Governor; that their duties be enlarged and that they be required to give their entire time to the duties of the office. Also: Petition of G. M. Trickey and 44 others of Corinth for same," came from the House, by that branch referred to Committee on Judiciary.

On motion by Mr. Wheeler of Cumberland, the Senate voted to non-concur in such reference; and that the same be referred to the Committee on Taxation.

"An Act to amend Section 15 of Chapter 54 of the Revised Statutes, relating to fees for inspection of steamboats," came from the House, by that branch referred to the Committee on Legal Affairs. On motion by Mr. Minott of Sagadahoc, this bill was tabled for printing.

Bill, "An Act in relation to portable or movable saw mills in cities and corporate towns," came from the House, by that branch referred to the Committee on Forestry and Water Supply. On motion by Mr. Smith of York, this bill was tabled for printing.

Bill, "An Act to authorize the town of Wells to construct a bridge across the Ogunquit River," with petition relating to same, in the Senate was referred to the Committee on Legal Affairs. The House having non-concurred in such reference, and having referred the same to the Committee on Ways and Bridges, on motion by Mr. Donigan of Somerset, the Senate voted to recede and concur with the House in the reference of same to the Committee on Ways and Bridges.

Bill, "An Act to repeal a part of Section 1 of Chapter 116 of the Revised Statutes, relating to the salary of the Superintendent of the Insane Hospital

at Augusta, and his four assistants," in the Senate was referred to the Committee on Insane Hospitals. The House having non-concurred in such reference, and having referred the same to the Committee on Salaries and Fees, on motion by Mr. Looney of Cumberland, the Senate voted to recede and concur with the House in such reference.

Bill, "An Act to incorporate the South Portland Terminal Company," which by the Senate was referred to the Committee on Judiciary, was returned from the House, that branch having non-concurred in such reference and having referred the same to the Committee on Railroads and Expresses. On motion by Mr. Baxter of Cumberland the Senate voted to recede and to concur with the House in such reference.

Bill, "An Act to annex the Town of Isle-au-Haut, Hancock County, to Knox County," having been reported "Ought not to pass" by the Committee on Counties, on motion by Mr. Staples of Knox, the bill and report were tabled.

Bill, "An Act to annex the Town of Stonington to the County of Knox," having been reported by the same Committee "ought not to pass," on motion by the same Senator was tabled.

**Read and Assigned.**

An Act to amend Sections 2, 3, 4, 6, 11, 12, 13 of Chapter 15 of the Public Laws of 1907, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases. (House Amendment A, as further amended by House Amendment A and House Amendment B, adopted in concurrence.)

An Act to open Mayfield and Kingsbury Ponds, in Somerset County, to ice fishing.

An Act to amend Chapter 176 of the Private and Special Laws of 1907 relating to fishing in Bartlett and Cook's Brook in the County of York.

An Act to regulate fishing in Mattanawcook Lakes, Long Crooked, and Folsom Ponds, in Lincoln, Penobscot County, Maine.

An Act to regulate fishing in Strat-

ten Brook and its tributaries, situated wholly or in part in the County of Franklin.

Resolve in favor of Daniel P. Hobbart for State Prison.

Resolve in favor of Martha Burrill of Limington.

Resolve in favor of William H. Murch, late of Company G. 15th Regiment, United States Infantry.

The following communication was received.

"To the President of the Senate, and Speaker of the House of Representatives.  
Gentlemen:

In accordance with the requirements of Section four, Chapter one of the Revised Statutes, I have the honor to notify you that the Public Acts, a list of the titles of which is hereto appended, have been approved by the Governor.

Very respectfully,  
Your obedient servant,  
A. J. BROWN,  
Secretary of State.

An Act relating to the issue of bonds.

An Act to amend Section 46 of Chapter 106 of the Revised Statutes, relating to the appointment of surveyors in real actions.

An Act to amend Section 1 of Chapter 24 of the Public Laws of 1907 in relation to reports of hearings in vacation in law or equity.

An Act to amend sub-division fifth, Section 23, Chapter 48 of the Revised Statutes, relating to investment of deposits of savings banks.

An Act to amend the banking laws of the State of Maine, and particularly Section 1 of Chapter 48 of the Revised Statutes, by changing the official designation of the head of the banking department, and by more clearly defining his powers in relation to expenses and to the employment of clerks.

An Act to amend Chapter 84 of the Public Laws of 1907, in relation to employment agencies.

An Act to amend Sections 27 and 28 of Chapter 9 of the Revised Statutes, relating to taxation.

The following bills, petitions and resolves were presented and referred:

### Judiciary.

By Mr. Mullen: of Penobscot: Bill, An Act to amend Section 19 of Chapter 57 of the Revised Statutes relating to towns receiving devisees and gifts for public libraries.

Also: Bill, An Act to amend Section 89 of Chapter 4 of the Revised Statutes relating to right to take land for parks, squares and public libraries.

Also: Petition of Charles F. Clumly and 64 others of Lincoln in favor of the passage of Senate Bill No. 91, "An Act to define and regulate the practice of optometry."

Br Mr. Hastings of Oxford: Remonstrance of H. A. Packard and 42 others of Bethel against An Act to create the office of Medical Examiner.

### Inland Fisheries and Game.

By Mr. Wyman of Washington: Bill, An Act to amend Chapter 32 of the Revised Statutes relating to Inland Fisheries and Game, and to correct certain clerical errors therein.

Also: Bill, An Act regulating the use of noiseless firearms.

Also: Bill, An Act to prohibit the use of boats or launches of any kind propelled by steam, naphtha, gasoline or electricity or any other mode than the ordinary sailboat or rowboat in chasing, hunting or gunning any sea birds or other water fowl.

By Mr. Donigan of Somerset: Petition of E. E. Hill and 42 others in favor of screening Robinson and Hale Ponds and opening Robinson Pond for ice fishing.

### Sea and Shore Fisheries.

By Mr. Hamilton of York: Petition of Wilbur H. Emmons and 26 others for An Act relating to the catching of lobsters.

Also: Petition of Basil I. Vickery and 26 others for An Act relating to lobster fishing.

### Agriculture.

By Mr. Hamilton of York: Resolve for the appointment by the Governor of a Committee to inquire into the advisability of reorganizing the Agricultural Department, so that all of the agricultural interests and appropriations shall be under the head of the

Commissioner of Agriculture. On motion by Mr. Hamilton of York, this bill was tabled for printing.

#### **Taxation.**

By Mr. Wheeler of Cumberland: Bill, An Act to amend Chapter 166 of the Public Laws of 1907, entitled, "An Act for the better collection of taxes."

#### **Placed on File.**

By Mr. Staples of Knox: Petition of the Shakespeare Society of Rockland, Maine, and a few others for Resolve in favor of Maine State Sanatorium Association.

#### **Reports of Committees.**

Mr. Eaton, for the Committee on Insane Hospitals, on "Resolve in favor of the Maine Insane Hospital," reported same in new draft under title of "Resolve in favor of the Maine Insane Hospital, for renovating central male wing," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Maine Insane Hospital," reported same in new draft under title of, "Resolve in favor of the Chase Island Hospital," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Maine Insane Hospital," reported same in new draft under title of, "Resolve in favor of the Maine Insane Hospital, for green house, wharf, coal pocket, commander's house and residences on Arsenal grounds," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Maine Insane Hospital," reported same in new draft, under title of, "Resolve in favor of the Maine Insane Hospital, for additional compensation for certain officers," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Maine Insane Hospital," reported same in new draft, under title of, "Resolve in favor of the Maine Insane Hospital, for completion of the criminal insane building," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the

Maine Insane Hospital," reported that same in new draft, under title of, "Resolve in favor of the Maine Insane Hospital, to provide for deficiencies," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Maine Insane Hospital," reported same in new draft, under title of "Resolve in favor of the Maine Insane Hospital, for support of criminal insane," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Maine Insane Hospital" reported same in new draft, under title of "Resolve in favor of the Maine Insane Hospital, for kitchen, bakery and dining room," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the eastern Maine Insane Hospital," reported same in new draft, under title of "Resolve in favor of the Eastern Maine Insane Hospital, for purchase of additional land," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Eastern Maine Insane Hospital," reported same in new draft, under title of, "Resolve in favor of the Eastern Maine Insane Hospital, for steam sterilizer, tools and machinery, vegetable cellar, and piggery extension," and that it ought to pass.

The same Senator, for the same Committee on "Resolve in favor of the Eastern Maine Insane Hospital," reported same in new draft, under title of "Resolve in favor of the Eastern Maine Insane Hospital, for concrete walk, grading, painting, furnishings, completion of contracts on barn, tubercular hospital and wing D," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Eastern Maine Insane Hospital," reported same in new draft, under title of, "Resolve in favor of the Eastern Maine Insane Hospital, to provide for deficiencies," and that it ought to pass.

The same Senator, for the same Committee, on "Resolve in favor of the Eastern Maine Insane Hospital," re-

ported same in new draft, under title of, "Resolve in favor of the Eastern Maine Insane Hospital, for fire-proof building," and that it ought to pass.

Mr. Warren, for the Committee on Forest Preservation and Water Supply, on "Order directing them to inquire into the expediency of creating an emergency fund for the purpose of prevention and extinguishment of forest fires in unincorporated townships," submitted Resolve for the prevention and extinguishment of forest fires for the years 1909-1910, and that the same ought to pass.

The foregoing reports were accepted and bills and resolves reported "ought to pass," were tabled for printing under the joint rules.

A majority and minority report from the Committee on Federal Regulations, on memorial in favor of a law creating a volunteer retired list in the War Department, were submitted. The majority report "ought to pass," signed by Messrs. Gowell, Baxter, Bigelow, Weld, Lowe; and the minority report "ought not to pass," signed by Mr. Warren. On motion by Mr. Looney of Cumberland, this bill with the accompanying reports was tabled to be taken up under "Orders of the Day."

At this point, at the request of the President, Senator Hastings took the Chair and presided.

#### **Passed to Be Engrossed.**

Resolve making an appropriation for the purpose of obtaining information in regard to wild lands for the purpose of taxation.

An Act to extend the charter of the Somerset Trust Co.

An Act to extend the charter of the Mutual Fire Insurance Co.

An Act to extend the charter of the Eastport bridge.

Resolve in favor of the town of Howland in Penobscot county.

Resolve providing for the repair of the highway in Washington plantation and Perkins' plantation in Franklin county.

An Act relating to returns of corporations.

An Act to amend Chapter 94 of the Private and Special Laws of 1905 en-

titled, "An Act to incorporate the Peaks Island Gas Co."

An Act to amend Section 10 of Chapter 53 of the Revised Statutes relating to powers of railroad commissioners.

Resolve in favor of the town of Phippsburg.

Resolve in favor of the commission appointed to investigate the methods of scaling logs and lumber.

An Act to amend Section 19 of Chapter 51 of the Revised Statutes relating to the increase of capital stock of a railroad company.

An Act to renew and extend the charter of the Sebec Power Co.

Resolve providing for an epidemic or emergency fund.

An Act relating to the acknowledgment of deeds.

An Act to amend and enlarge the corporate powers and purposes of the Greenville Light & Power Co. as amended by Chapter 244 of the Private and Special Laws of year 1905.

"An Act to amend Section 37 of Chapter 81 of the Revised Statutes relating to the removal of unworthy attorneys." On motion by Mr. Hamilton of York, this bill was tabled pending its second reading.

#### **Passed to Be Enacted.**

An Act to extend the charter of the Rumford Falls and Bethel Street Railway.

An Act to extend the charter of the Lincoln Electric Railway Company.

An Act to extend the charter of the Lincoln County Street Railway.

An Act to extend the charter of the Waldo Street Railway Company.

An Act to extend the charter of the Danforth Trust Company.

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

An Act to change the name of the Augusta City hospital.

An Act for the better protection of oysters in Sheepscot and Dyer's rivers, Lincoln county, Maine.

An Act to authorize the construction of a weir in tide waters of the Saint Croix river in the town of Robbinston.

An Act relating to temporary cross-



ings over railroads for lumbering purposes.

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

An Act to amend Section 9 of Chapter 127 of the Revised Statutes of Maine, relating to cheating by false pretences.

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

An Act to extend the charter of the Clinton Trust Company.

An Act designating the official flag of the State of Maine and describing the same; providing for the carrying of such flag by the regiments of the National Guard of the State of Maine; authorizing the adjutant general of the State to provide, and have deposited in the office of the adjutant general, a model of said flag, and making an appropriation therefor.

An Act to extend the charter of the Pepperell Trust Company.

An Act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Maine.

An Act to extend the charter of the Ocean and Northern Railroad Company.

An Act to extend the charter of the Winter Harbor Trust Company.

An Act to extend the charter of the Sandy River Trust Company.

An Act to amend Chapter 6 of the Revised Statutes as it was amended by Chapter 61 of the Public Laws of 1907, in relation to the appointment of election clerks.

An Act to amend and correct a clerical error in Chapter 84 of the Public Laws of 1905, relating to the compensation of the clerk to the commissioners of inland fisheries and game.

An Act to authorize the town of Robbinston to erect and maintain a wharf into the tide waters of the Saint Croix river in the town of Robbinston, county of Washington.

An Act relating to the examination of trust companies and savings institutions.

An Act to extend the charter of the American Trust Co.

An Act relative to the use of the cinematograph.

### Finally Passed.

Resolve in favor of the Trull Hospital Aid Association.

Resolve in regard to appropriation due Spanish war veterans for services rendered.

Resolve in favor of the Children's Heart Work Society of Maine.

Resolve for extra pay to the Maine Volunteers in war with Spain.

Resolve for the providing of testimonials for the honorably discharged soldiers and sailors who volunteered from Maine for services in the Civil War.

Resolve in favor of E. & I. K. Stetson, agents.

Resolve in aid of the Piscataquis County Historical Society.

Resolve in favor of an appropriation for a breakwater in Moosehead lake.

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

Resolve in favor of the town of Paris, Oxford county, Maine.

Resolve in favor of the town of Leeds.

Resolve in favor of the W. C. T. U. Temporary Home for Children.

Resolve in aid of navigation on Moosehead lake.

Resolve in favor of Maine Children's Home Society.

Resolve in favor of the Webber Hospital Association of Biddeford.

Resolve in favor of Hon. George H. Eaton, chairman of the committee on appropriations and financial affairs.

Resolve in favor of the town of Cornville.

Resolve in favor of the town of Lisbon.

Resolve in favor of Joseph A. Mitchell, representative of Passamaquoddy tribe of Indians.

Resolve in favor of navigation on Sebec lake.

Resolve to accept the gift of \$1000 from B. C. Jordan of Alfred, Maine, for the purpose of encouraging cultivation for forest trees.

Resolve in favor of the town of Patten in Penobscot county.

Resolve in favor of Charles D. Mitchell, representative of Penobscot tribe of Indians.

Resolve in favor of the Northern

Maine General hospital at Eagle Lake.

Resolve providing for the purchase and distribution of Savage's Supplemental Digest of the Maine Digest.

"An Act to amend Section 21 of Chapter 51 of the Revised Statutes relating to increase of stock of railroad corporations." On motion by Mr. Wyman of Washington this bill was tabled.

#### Orders of the Day.

On motion by Mr. Looney of Cumberland, House Document No. 170, "Resolve proposing an amendment of the Constitution providing for the election of the secretary of State, treasurer and attorney general by the qualified electors, together with majority and minority reports thereon by the committee on judiciary, were taken from the table; and on further motion by the same senator Wednesday, Feb. 24, was assigned for their consideration.

On motion by the same senator, Bill, "An Act to incorporate the Skowhegan Water District, was taken from the table and on his further motion was referred to the committee on judiciary.

On motion by Mr. Howes of Somerset, Senate Document No. 222, "An Act for the licensing of dogs and for the better protection of sheep," was taken from the table; and on further motion by the same senator, the same was referred to the committee on agriculture.

On motion by Mr. Theriault of Aroostook, Senate Document No. 208, "An Act to provide for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, county and towns," was taken from the table.

Thereupon Mr. Wyman of Washington moved that the bill be assigned for consideration for Thursday, Feb. 25.

Mr. DONIGAN of Somerset: Mr. President: It seems to me that that assignment is delaying the bill for quite a while. It came from the committee a week ago last Wednesday and it has been promised that it should be assigned, once or twice, between then and now. I had a talk with Mr. Theriault this morning, and he said it would be perfectly satisfactory to him to have it assigned for today or

tomorrow. It seems to me that tomorrow would be as long a delay as necessary, and I hope the senator from Washington will change his motion so as to have it assigned for tomorrow, instead of Thursday. An order recently introduced in the House requires all matters which may be tabled and unassigned to be in some way disposed of by Thursday of each week. This bill has been delayed so long that it seems to me nothing more than fair that it should be assigned not later than tomorrow.

Mr. WYMAN of Washington: Mr. President: I did not select the date, Thursday the 25th, as having any purpose of delaying the bill; it affects the whole State, I would not object to having it assigned tomorrow if Mr. Theriault had been here. He has been away. I think it is only fair to the senators, in the rush of business, that they should have a day, say Wednesday, to think this bill over, as we have two reports from the committee, so that they may digest it. One day cannot make very much difference with the bill; and I still think it should be assigned for Thursday.

Mr. DONIGAN: Mr. President: Since the senator says that the Senate desires more time, I am not particular about the change; but I know that bills from the same source last year were delayed and delayed until they were beaten; and I do not want it to be beaten in that way. I will agree to the motion of the senator from Washington.

The motion prevailed and Senate Document No. 208 was tabled and assigned for consideration for Thursday, Feb. 25.

On motion by Mr. Looney of Cumberland the "Memorial in favor of a law creating a volunteer retired list in the war department," together with the majority and minority reports of the committee on federal relations, which were previously tabled by that senator at the present session, were taken from the table.

Mr. WARREN of Cumberland: Mr. President: I move to substitute the minority for the majority report of the

committee on federal relations in this matter.

This matter has previously been before us. It was referred to the committee and now has come back from the committee with the endorsement of a majority report. A hearing was held, from which hearing I was unavoidably absent. The matter comes back, however, in a new draft, the memorial now supporting a measure much different from that which was previously proposed, and to my mind a much less objectionable measure; but one that I shall still oppose.

As a matter of information, I will briefly state the present situation in regard to pensions. This is not a matter on which we have a direct vote, but if there is occasion for us to act at all, we should act right. The matter is not unimportant. I am not very wise in this matter of pensions; but I have had occasion to look the matter up somewhat, and the statements that I will make are approximately correct.

Until within a few years pensions have been paid to veterans of the Civil War for disability only; and on the basis of disability various sums were paid, but not the same to officers as to men. The officers share in a larger measure. For instance, a very common pension of \$8 a month for a certain grade of disability paid to an enlisted man would entitle a second lieutenant, the lowest grade of a commissioned officer, to about \$15 a month—a captain would receive on the same disability \$20 and so on. This difference I am not now questioning, although I do not think it should have existed. Within a few years there has been established, by what method you may remember, what is known as a service pension, which gives pensions to men, not on the basis of their disability, but on the basis of their age, in which matter officers and men share alike.

The present amount to which they are entitled, if of 70 years of age (which many of them are) is \$15 per month. At the age of 75 they will receive \$20 per month. I believe that this is sufficient and that this law should not now be amended. I believe that it is right as it stands, officers and men sharing alike. The amount of money

which has been expended so far by the government for Civil War pensions up to the first of January, 1908, is something over \$3,500,000,000, almost, if not quite, equaling the direct cost of that war, which is ordinarily estimated at somewhere between three and a half to four billion. Before the account is finally closed the cost of pensions will far exceed the amount of the direct cost. The pension list of the Civil War is still active, at the rate of \$144,000,000 a year.

Close behind the veterans of the Civil War stand those of the Spanish War. Whatever is paid the veterans of the Civil War will ultimately be paid to them. You may say that there is not the same sentiment in regard to the Spanish War that there is in regard to the Civil War, and perhaps there is not at the North; but you are to remember that the South is with them. By the time the account of the Spanish War veterans is closed the amount paid for pensions will far exceed—probably two or three times over—the direct cost of the war.

The government can afford to pay just and liberal pensions. It cannot afford to pay those that are extravagant. At the present time, in view of our relations with the South, we should be very reasonable in this matter; and I believe the law is just and good, as it now stands, and that it ought not to be disturbed.

In defense of my position that the officers and men should share alike in this matter, I will say a little more:

The volunteer service is arranged upon the same basis as the regular army, but the situation is not the same. The organization of the regular army, in turn, is derived from that of the European armies, where the officers and men are not of the same social class. They are not in our regular army. The officers are selected as highly trained and educated men, and in time of peace the men are such as can be obtained and are not of the average grade of our American citizenship. There are many exceptions to this, no doubt; but what I state is roundly true. The organization that exists in the army is far different from that which obtains in civil life, where

we grade all the way up. The effort in the regular army is to grade a wide distance between the officers and men, and in a way to undertake to give the impression that the officers belong to a higher class—that they are a different kind of men; and therefore you put a wide distance between them. Dignity loves distance, you know. If a man is not as big as you would like, you can place him upon a pedestal and he will look larger; and this is some real advantage to the man, so long as his duties are formal and perfunctory; the only out about it being that in some time of stress the men will find out that he is not as large as he looked. The best leader in the army, as well as out of it, is he who stands closest to his men, and controls them by his superior intelligence and force and who, while he is standing on precisely the same level as his fellows, towers a little above the rest because he is a little bigger.

Now this was the attitude ordinarily exercised by the officers in the volunteer service, and rightly. Now and then one would try to stand upon his pedestal, but he sooner or later got jarred off, and thereafter stood upon the ground.

The officer who can do the best is the man who is closest to his men. It often happened, however, that the man who held rank was not a larger man. Sometimes an officer of inferior rank was the only commander; and I have known more than one instance where a sergeant was the virtual commander of his company. I do not think that men in the army held their rank by anything like so good a title as men in industrial life, or even in political life, hold their positions; and I do not think now, after the 40 years or more that have elapsed, that the distinction should be made. If those men who were officers were superior men, ample time has elapsed for them to have made good in civil life; and if they have, they do not much need this larger pension. If they have not, the plain inference is that they did not much deserve it, although I would not push this very hard, for ill-health and misfortune follow the best of men.

There are three ways of expressing

our patriotism: One is by pointing to the glorious deeds of the past. Another is, to attend to our every day business for the common good—and this, I suppose, is the main business we have here before the Legislature. Another way is to point to the future and to show how things may tend.

The issue is remote. We do not much fear a war in the future, and yet, I do not know as we can say that war may not come. If there is no danger of war, for what purpose are we spending the millions that we are for a navy. It is thought to be in contravention of war, and so it may be. But if war ever comes in earnest, behind all battleships and coast defences must stand the army; and in that army the leading factor will always be the individual footman, with a gun, and the accuracy of the action should be matched by the man who has the nerve to kill and the skill to use that gun within deadly range of an enemy as brave and as agile as himself. You cannot get that man for money alone. A war of the future will take better men than the wars of the past. It takes a better man to stand upon a skirmish line or in open order, and to do effective service, than it does to stand shoulder to shoulder with his companions. That man is more out of sight of the officer. He must act on his own initiative. You cannot get that man for money alone. You must appeal to higher motives. It is not the money that moves the young men to the defence of their country in time of war. It is not the amount that they may some day get in pensions, that moves them—that is out of mind of good men.

Pensions, just and right, should be paid; but we must get rid of the idea that we can do all of these things with money. In the Civil War, in the last two years of the war, a great wrong was done to the army by the volunteer bounty system, where the states undertook to fill their quota by the use of money. They got some good men in that way; but the money brought to the front all the lower and mercenary element of society—even the criminal elements—to the utter degradation of the service. It was a pre-

nium upon bounty jumping and desertion; and how much harm was done the army, you younger ones little know. If anything that I can say here should prove to some of these younger men ever to be of value in the future, I shall feel that I have been of some service. Bounties ought never to be paid. Some of the Northern States even opened their prison doors to men who would enlist and thus filled the quota of that state. I recall with satisfaction a day when six of them met their fate on the gallows in the Andersonville stockade at the hands of their fellow-prisoners. They had cost the communities from which they came large sums in the disorder they had created and in the cost of their apprehension, trial and punishment; and they had caused the army into which they went degradation and disorder and they had caused among their fellow prisoners a reign of terror, robbery and murder; but they paid the bill with the penalty of their lives.

The comradeship of the war is still strong, and I do not like to say some of the things which I am saying, in view of the many good men I have known and who are still living and who served as officers; but they were no more patriotic—they gave no more than many a man who served in the ranks.

I am not very particular about what action the Senate may take in regard to this matter; and when it was up before many of you, a majority of you were good enough to stand by me. It now comes here in a different form, I ought to state that form. The former bill proposed to put all officers of the Civil War on the retired list, which would give them three-quarters of the pay now due to officers of like rank in the army. Under that bill a second lieutenant, the lowest grade of a commissioned officer, would receive about \$120 a month and the captain \$150 a month, 10 times as much as he receives under a service pension, if he receives a pension at all. That bill was a very extreme one. The committee were informed that that bill had been withdrawn before Congress, and one substituted, giving the enlisted men \$25

per month after 70 years of age, and to officers, without regard to rank, \$50 per month—or twice as much as was paid to the enlisted men.

As I said before, I do not think this distinction ought to be made. It is, however, a milder bill; and if any of you who voted with me before now feel that for any reason you would like to vote for this measure, do so and I shall deem it no slight. I shall not call for the yeas and nays. I have stated my objection to the bill, and for one, I cannot vote for it; consequently I move that the minority report be substituted for the majority report.

Mr. STAPLES of Knox: Will the senator from Cumberland permit a question?

Mr. WARREN: Certainly.

Mr. STAPLES: Will you give us information as to what regiment you were in in the Civil War?

Mr. WARREN: I served in the First Wisconsin Regiment three months. I afterwards served in the Seventh Wisconsin Battery. I was a soldier from the first call until the war was over.

Mr. LOONEY of Cumberland: Mr. President: This memorial was referred by the Senate and House to the committee on federal relations. After notice and an extended hearing, at which many of the most distinguished officers who were sent by Maine to fight for the preservation of the Union were present, the committee, by a vote of 9 to 1, decided to report the memorial in the new draft which is now before us.

That one, or minority, was my distinguished friend and colleague, Senator Warren. For his character and ability I have the highest respect and admiration. His record in the Civil War is the best. He was the bravest of the brave. I do not know which to admire the more, his physical courage in breasting the red surges of war that the nation might live, or his moral courage in opposing this memorial which is supported by the unanimous moral sentiment and patriotic sentiment of this State.

My remarks upon this memorial

were made when the matter came before the Senate a few weeks since. To those remarks I do not propose to add anything more; and I now submit the question to the Senate for its consideration.

Mr. SMITH of York: Mr. President: Notwithstanding the fact that the senator from Cumberland, Mr. Warren, stated that he should not call for the yeas and nays, I move that when the vote be taken, it be by the yeas and nays.

The question being put, upon the motion to substitute the minority report for the majority report, the yeas and nays were ordered; and the vote being had resulted as follows: Those voting yea were: Messrs. Baxter, Boynton, Kellogg, Smith, Warren (5). Those voting nay were: Messrs. Colcord, Donigan, Gowell, Hamilton, Hill, Howes, Knowlton, Looney, Lowe, Macomber, Minott, Mullen, Osgood, Reynolds, Shaw, Staples, Walker, Wheeler, Wyman (19). So the motion was lost.

On motion by Mr. Looney of Cumberland, the majority report was ac-

cepted; and on further motion by the same senator, the resolutions were adopted.

On motion by Mr. Hamilton of York, Senate Document No. 212, "Resolve in favor of Eastern State Normal School at Castine," was taken from the table; and on further motion by the same senator, the same was passed to be engrossed.

On motion by Mr. Staples of Knox, Bill, relating to salary of county attorney of Knox county," was taken from the table; and on further motion by the same senator, was referred to the committee on salaries and fees.

On motion by Mr. Hamilton of York, House Document No. 107, "An Act regulating the duties of the commissioner of agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation," was taken from the table; on further motion by the same senator the bill took its second reading and was passed to be engrossed.

On motion by Mr. Howes of Somerset, the Senate adjourned.