

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Wednesday, March 3, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Harding of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

An Act to revise and consolidate the laws relating to the correction, examination, inspection and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizer, and foods and drugs.

Resolve in favor of the town of Frankfort in Waldo County.

An Act to provide for a close time on Hungarian partridges, so called.

An Act to regulate the catching of pickerel in Lake Pushaw.

An Act to regulate fishing in Dead Cambridge River, in Upton and "C" surplus, and tributaries, also tributaries, to "C" Pond in Township "C" surplus, Oxford County.

An Act to regulate fishing in the Town of Durham.

An Act to amend Section 4, Chapter 144 of the Revised Statutes relating to Insane Hospitals.

An Act authorizing the president and secretary of the trustees of the Maine Insane and Eastern Maine Insane Hospitals to execute a deed for certain lands in Bangor.

Resolve in favor of J. E. Cook, Secretary.

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

Judiciary.

By Mr. Looney of Cumberland: Bill, An Act relating to the issuance of caplases by magistrates.

Also: Bill, An Act to authorize and empower Joseph Dresser to remove the remains of certain deceased persons from his farm in Cape Elizabeth to the Public Cemetery.

Legal Affairs.

By Mr. Hamilton of York: Bill, An Act in relation to the records of the Supreme Judicial Court.

Mercantile Affairs and Insurance.

By Mr. Minott of Sagadahoc: Bill, An Act to amend Sections 59, 62, 63 and 64 of Chapter 49 of the Revised Statutes, relating to securities deposited with the Treasurer of State.

Inland Fisheries and Game.

By Mr. Staples of Knox: Petition of C. A. Vanner and 80 others against the enacting of any law preventing the throwing of sawdust into the Jackson Stream, so called, or any of its tributaries.

Education.

By Mr. Knowlton of Piscataquis: Bill, An Act to amend Section 56 of Chapter 15 of the Revised Statutes relating to the conveyance of pupils in Secondary Schools.

Towns.

By Mr. Hamilton of York: Petition of H. C. Hussey and others for division of the Town of York.

Read and Assigned.

Resolve in favor of a fish hatchery in Washington County.

An Act authorizing towns and cities to elect fish wardens in certain cases.

Resolve in favor of Ray P. Eaton.

Reports of Committees.

A majority and minority report of the Committee on Temperance on "Resolve for an amendment to the Constitution by abrogating and annulling Amendment 5 adopted on the 8th day of September, in the year of our Lord one thousand eight hundred and eighty-four, relating to the sale and manufacture of intoxicating liquors." Majority report "ought not to pass" (Signed) Irving Howes, Minott, Libby, Chase, Whitney, Nelson. Minority Report "ought to pass" (Signed) Allen, Snow, Putnam. On motion by Mr. Irving of Aroostook both the foregoing reports with accompanying resolve were tabled and Wednesday, March 17th assigned for their consideration.

Mr. Shaw, for the Committee on Public Buildings and Grounds, on Bill "An Act to provide for the preservation of the records and history of the Grand Army of the Republic, Department of Maine," reported same in new draft under same title, and that it ought to pass.

Mr. Donigan, for the Committee on Ways and Bridges, on "Resolve in favor of the Town of Concord in the County of Somerset," reported same ought to pass. On motion by Mr. Kellogg of Penobscot this report and accompanying resolve were tabled.

Mr. Minott, for the Committee on Temperance, on Bill "An Act in amendment to Section 1 of Chapter 136 relating to sentence in criminal cases," reported same ought to pass. On motion by Mr. Staples of Knox this report and accompanying bill were laid on the table.

Mr. Macomber, for the Committee on Taxation, on Bill "An Act relating to the taxation of steam railroads," reported same ought not to pass. (On motion by Mr. Staples of Knox, the foregoing report with accompanying bill was tabled, 100 copies of the bill ordered to be printed for the use of the Senate.)

Mr. Looney for the Committee on Judiciary, on Bill "An Act to define and regulate the practice of optometry," reported same ought to pass. (On motion by Mr. Osgood of Androscoggin, the bill accompanying this report was tabled for printing.)

Mr. Baxter, for the same Committee, on Bill "An Act relating to the support of poor by counties and the establishment of county poor houses and poor farms," reported same ought not to pass.

Mr. Looney, for the same Committee, on Bill "An Act entitled 'An Act to extend the charter of the Waterville and Winslow Bridge'" reported same ought to pass.

Mr. Milliken, for the Committee on Salaries and Fees, on Bill "An Act to amend Section 2 of Chapter 159 of the Public Laws of 1905 relating to compensation of certain state officers" reported same ought to pass.

The same Senator, for the same Committee, on Bill "An Act to amend Chapter 153 of the Public Laws of 1907 relating to the transportation of public officials," reported same ought to pass.

Mr. Smith, for the Committee on Interior Waters, on Bill "An Act to incorporate the Androscoggin Reservoir Company and to authorize it to construct, acquire and maintain a

reservoir or storgae basin on the Magalloway River at or near the head of Aziscoos Falls in Lincoln Plantation, in the County of Oxford, for the purpose of maintaining a more constant flow of water in the Magalloway and Androscoggin Rivers for use for power and manufacturing purposes," reported same in new draft under same title and that it ought to pass.

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

Passed to Be Engrossed.

An Act to amend Section 1 of Chapter 171 of the Public Laws of 1907, relating to State Superintendent of Public Schools. (On motion by Mr. Hamilton of York, this bill was tabled.)

Resolve in favor of the Maine State Prison. (On motion by Mr. Howes of Somerset, this resolve was tabled.)

Resolve in favor of the President and Trustees of Bates College. (On motion by Mr. Milliken of Aroostook, this resolve was amended by Senate Amendment A, as follows: "Amend by striking out in the third line, the words 'Twenty-two thousand five hundred' and inserting in place thereof the words 'Fifteen thousand'; also by striking out in the fourth line the words 'a like sum' and substituting the words 'Thirty thousand dollars.'"

Mr. MILLIKEN of Aroostook: Mr. President: For the information of the Senate I will say that the effect of the amendment is to change the proportion in the appropriations for the two years, making the larger appropriation for the year 1910.

As amended the foregoing resolve was passed to be engrossed.)

Resolve in favor of Susan E. Dunphe, widow of Charles Dunphe, late of Company G, Sixth Regiment of Infantry, Maine Volunteers, Civil War.

Read and Assigned.

An Act to provide for the compensation of Justices of the Supreme Judicial Court or Superior Court who shall resign after ten years' service at the age of seventy years.

An Act to confirm the organization of the Bangor Young Men's Christian Association, of Bangor, Maine and for other purposes.

An Act to amend Chapter 115 of the Private and Special Laws of the year 1872, entitled "An Act to incorporate the Home for Aged Women at Bangor."

An Act to amend and additional to Chapter 50 of the Private and Special Laws of 1866, relating to the Children's Home in Bangor.

An Act to ratify the organization of the Virginia Springs Water Company, and authorize said Company to issue bonds.

Resolve in favor of E. L. Philoon, Chairman of Joint Special Committee appointed by the Seventy-third Legislature.

Resolve in favor of E. L. Philoon, Chairman of the Special Joint Committee appointed by the Seventy-third Legislature, in regard to a State Board of Education.

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

An Act to amend Section 1 of Chapter 116 of the Revised Statutes which provides for a salary of \$300 for teacher of the Maine State Prison and \$200 for chaplain.

Resolve in favor of the Maine State Prison.

An Act to amend Section 34 of Chapter 41 of the Revised Statutes as amended by Chapter 125 of the Public Laws of 1907, relating to bait barrels.

An Act to authorize the receiver of the Eustis Railroad Company to dispose of the property of said Company.

Resolve in favor of Road in Elliottville.

Resolve in favor of the Town of Mount Chase in Penobscot County.

Resolve in favor of buoys on Richardson Lake.

An Act to amend Section 20 of Chapter 436 of the Private and Special Laws of 1907, entitled "An Act to establish the Milo Municipal Court.

An Act to incorporate the Vinalhaven Water Company.

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

An Act to extend the charter of the Wells Telephone Company.

An Act to amend Chapter 455 of the Private and Special Laws of the year 1897 and to permit Good Will Home Association to increase its capital.

An Act to require motor boats to be provided with mufflers in certain cases.

Resolve in favor of a highway bridge over St. John River, between Van Buren and St. Leonard's, N. B.

Resolve in favor of the Aroostook State Normal School.

Resolve in favor of the Madawaska Training School.

Resolve in favor of Eliza A. Getchell of Winslow.

Resolve in favor of Daniel R. Palmer of Buckfield.

Resolve for the publication of certain documents by the State Historian.

Resolve in favor of the Farmington State Normal School.

Resolve in favor of Fred A. Houdlette and Son, Inc. of Boston, Mass.

Resolve for repairs of highway in Upton, Magalloway Plantation, and Township C in the County of Oxford.

Resolve in favor of investigation of Industrial Education.

An Act to amend Section 16 of Chapter 15 of the Revised Statutes relating to public schools.

An Act to extend the privileges of secondary instruction to youths resident in unorganized townships.

An Act to appropriate moneys for the payment of salaries fixed by law for the year 1909.

An Act to appropriate moneys for the expenditures of government for the year 1909.

Passed To Be Enacted.

An Act relating to the issuance of mileage books by railroad corporations.

An Act relating to the charter of the Hancock County Railway company.

An Act to amend Sections 18, 19, 20, 26 and 30 of Chapter 39 of the Revised Statutes relating to the regulation and sale of commercial fertilizers, commercial feeding stuffs and agricultural seeds.

An Act to authorize the town of Harpswell to construct and maintain a bridge from Great island in said

Harpwell to Hen island on which Fred E. Darling now lives.

An Act to ratify and confirm the acts of the Wayne Library Association at its meeting of Aug. 27, 1908, and all subsequent meetings.

An Act to enable the town of Winter Harbor to purchase the property and franchise now or formerly of the Winter Harbor Gas and Light Co.

An Act to provide for the payment of the premiums on bonds required of the treasurer of State and clerks in the State treasury department.

An Act to authorize the Kellogg Lumber Co. to erect and maintain piers and booms at the mouth of Moose river and in Long pond.

An Act to extend the authority of the Rockland, South Thomaston & St. George Railway.

An Act to amend Section 11 of Chapter 53 of the Revised Statutes relating to powers of railroad commissioners.

An Act to regulate ice fishing in Donnell pond, so-called, situated partly in Franklin and partly in Township No. 10 in Hancock county.

An Act to enlarge the rights of the Alfred Embroidery Co.

An Act to amend Chapter 94 of the Private and Special Laws of 1905 entitled "An Act to incorporate the Peaks Island Gas Co."

An Act to incorporate the Bar Harbor Gas Co.

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

An Act to establish an additional Normal school to be located at Machias in the county of Washington.

An Act to amend Section 1 of Chapter 164 of the Private and Special Laws of 1907 relating to fishing in the tributaries to China lake.

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

An Act in relation to the Gardiner municipal court of the city of Gardiner.

An Act in relation to insurance upon automobiles.

An Act to regulate fishing in Dead Stream pond, Lower Cold Stream pond and Horseshoe pond in Somerset county.

An Act to regulate fishing in the

tributaries to Marshall pond, so-called, in Oxford county.

An Act to amend Section 13 of Chapter 32 of the Revised Statutes as amended by Chapter 75 of the Public Laws of 1905 relating to the snaring of rabbits.

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

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 relating to the acknowledgement of deeds.

An Act to amend Section 3, Chapter 48 of the Revised Statutes relating to the powers of savings banks.

An Act regulating the duties of the commissioner of agriculture in relation and sale of dairy products and their imitations.

Finally Passed.

Resolve in favor of the city of Auburn.

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

Resolve in favor of the town of Phippsburg.

Resolve to correct certain errors in the books of the State treasurer.

Resolve to amend Chapter 32 of the Resolves of 1905 relating to dairying interests of the State of Maine.

Resolve providing for an epidemic or emergency fund.

Resolve in favor of Eastern State Normal School at Castine.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of the Old Town hospital.

Resolve relating to the collection of statistics of summer residential property.

Orders of the Day.

On motion by Mr. Eaton of Washington, Senate Document No. 285, "Resolves providing for an amendment to the Constitution empowering the Governor to remove sheriffs," majority report of the Committee on Judiciary and minority report of the same Committee, reporting bill "An Act to repeal Chapter 92 of the Public Laws

of 1905, relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors," was taken from the table.

Mr. EATON of Washington: Mr. President: I move that the majority report be accepted.

Two years ago, as a member of this Senate, I introduced a resolve calling for an amendment to the Constitution, giving the Governor the power to remove delinquent sheriffs. That Resolve went to the Committee on Judiciary; and was acted upon there, and came back accompanied by a divided report, eight members of the Committee being in favor of the Resolve and two members being against its adoption, the reports being made strictly on party lines.

I have, at the beginning of this session, introduced another resolve, which is the one just taken from the table, giving executive power to the Governor.

This resolve, in the Judiciary Committee, passed after a full hearing; and at that hearing, the Temperance Committee were represented by the author of the Sturgis Bill, Mrs. Stevens, Mr. Berry and Mr. Owen.

Mr. Sturgis, before that Committee, said that the Resolve which I had introduced was not a substitute but a subterfuge for this measure.

Mrs. Stevens objected to the Resolve. Mr. Berry also objected to the resolve, and Mr. Owen objected, all of them saying that it was ineffective and unsatisfactory.

Prior to the hearing before that Committee, Mr. Owen had sent out to the temperance people, or to the people of the State of Maine, 1200 letters, 700 of them to clergymen and 500 to laymen.

From the replies which he received to those letters he tabulated 200 of them; and the result showed that 32 of them favored the Eaton Resolve, 30 called; 48 favored the Sturgis Bill; and 18 favored the Eaton Bill and the Sturgis Bill together.

So that, you see, Mr. President and Senators, that these temperance people, the people who either pretended to, or who did represent the

temperance people of the state, ignored this fact altogether: they then and there decided that they would oppose the resolve to the utmost, and yet, from those letters sent out by Mr. Owen, 92 of the letters, as against 48, favored the Eaton Resolve rather than the Sturgis measure; so that they are putting themselves on record in opposition to the letters given by those temperance people of the State.

When I introduced this resolve two years ago, I did not introduce it as a substitute or a pretence or a sham but in sincere earnestness. I fully believe that that resolve is a good measure. At the time I introduced it, I had received letters from the temperance people all over the State, endorsing it. It had the endorsement of one of the judges of the supreme court; and since that time it has had the endorsement of another of those judges. It is endorsed by some of the ablest lawyers we have in the State; and this resolve is put in, gentlemen, in good faith.

This resolve is not an untried measure. It is a measure that has been tried and proved, not only in our State, but in other states. This "power of the Governor to remove sheriffs" was a part of our Constitution and of the history of our State, from 1820 until 1855, when under Governor Morrill that law was changed; and I wish here to correct a statement I made two years ago, in which I gave the credit of that to Governor Dingley. Governor Dingley was not at that time, and did not become Governor until 1847; but he was instrumental in making that change; and in one of his letters later he said that he regretted that the change was ever made.

So that you see, gentlemen, this was a law of our State for many years in the early history of the State, and it was not only a law of our State, but it was a law of many other states. New York had a similar law, and it is under this law that Governor Hughes has made for himself the splendid record that gives him not only a national but a worldwide fame; and I should like to read to you some of the letters that I have received in regard to this matter.

I wrote to Governor Hughes, and I have a reply from his private secretary, which I will read.

"February 27, 1909.

Hon. George H. Eaton,
Senate Chamber,
Augusta, Maine.

Dear Sir:—

Your letter of the 26th instance, addressed to Governor Hughes, has been received and as the Governor is about to leave Albany to attend the Inauguration of President Taft he directs me to offer his excuses for not replying in person.

I enclose you herewith a provision of the New York State Constitution which gives the Governor power to remove certain county officials, including sheriffs. The Governor does not desire to make any comparison between his powers and those of the governors of other states. He believes that the power of removal is a wise one. His general views on the subject were set forth in his Inaugural Address, a copy of which I enclose you.

Very truly yours."

I have the Inaugural referred to in this letter, and I want to take from it a small portion which applies directly to the matter which is under consideration before us.

"The Governor is to 'take care that the laws are faithfully executed.' But with respect to this duty there are further limitations than those involved in his relation to appointive officers. It is part of our system of government that the laws in large measure are enforced through officers locally chosen. To the Governor in certain cases is given the right to remove local officers, but this in only upon charges properly made and sustained after hearing. While the Governor's exercise of this jurisdiction is not subject to revise, he in his province, like the highest court of the state in its province, must not act capriciously or arbitrarily, but in accordance with the rules and principles governing his authority. The Governor is as much bound to support our constitutional system of local government so far as it provides for the local choice of officers, as he is to remove officers clearly proved to be guilty

of serious neglect or misconduct. The Governor has no right to use his power of removal to assert his preferences or to attempt even temporarily to impose his will upon the community which has chosen this officer. The appeal to him is the necessary check to secure responsible government and must be justified by proof of such dereliction as may be sufficient to make removal of the elected officer consistent with our fundamental principles of local self-government."

I have also Article X of the Constitution of the State of New York; and will only read one clause which applies to the matter in hand.

"The Governor may remove any officer, in the section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence."

You will find all this in the resolve which has been presented before this body.

I shall also like to read to you a letter from John Johnson, Governor of the state of Minnesota, in reply to a letter written by myself:

"January 19, 1909.

Hon. George H. Eaton,
Augusta, Maine.

Dear Sir:—

Acknowledging your valued communication of the 14th of January, I beg to say that during my incumbency of the office of Governor, it has been necessary to remove for cause several county officers, notably sheriffs. The law works very satisfactorily in this State, and thus far I have never met with a positive refusal of a sheriff to enforce the law as directed by the Governor.

The prohibitory laws in this State are purely local in character, but on several occasions I have found it necessary to address rather sharp communications to sheriffs, and have invariably found them ready to do the bidding of the Chief Executive, possibly in view of the power of removal lodged in the Governor's hands.

You are at liberty to make any legitimate use of this letter as you may wish.

Very truly yours,

(Signed) JOHN JOHNSON,"
a Democratic governor.

I will also read a letter from J. O. Davidson, Governor of the state of Wisconsin:

Jan. 19, 1909.

Mr. George H. Eaton,
Augusta, Maine.

Dear Sir—Yours of recent date received, and contents fully noted. Our Legislature just organized last week, and my time has been taken up completely, so I have not been able to answer your letter as promptly as I should otherwise have done.

As you know, we have a law in Wisconsin, giving the Governor of the state power to remove a sheriff or district attorney if they refuse to do their duty and enforce the law. This is done by complaint in writing and a hearing given the officials. I believe it is a good law. It was passed for no particular purpose, but I honestly believe that the sheriff and district attorney are more apt to do their full duty, knowing that the Governor has the power of removal. I receive a great many complaints and invariably, when I write to the sheriff and district attorney of a county, they enforce the law, and I might say that it has been done in every instance in the last three years in Wisconsin. I have had but one formal complaint against a sheriff and one against a district attorney in three years.

It is my opinion that every state should have a law on their statute books empowering the executive to remove an official like the sheriff and district attorney, upon proper complaint and hearing. There is no question in my mind but that it will tend to more rigid enforcement of the law.

Sincerely yours,

(Signed) J. O. DAVIDSON,"

I have also another article I should like to read that it seems to me applies fully as well as any I have read, an article taken from the message of Governor Folk of Missouri. Governor Folk says: "In a large majority of the

counties of the state the local officials at least endeavor to carry out the law, but there are some counties where the officials willfully neglect their duties and where the sovereignty of the lawless liquor seller is greater than the sovereignty of the state, for they overrule the statutes of the state and set aside the mandates of the commonwealth with impunity and the state is powerless. It is a travesty on state government to have the dram shop laws enforced where the Governor has the power to enforce them—enforced in counties where the local officials want to enforce them—and ignored in counties where the officials either cannot or will not enforce them."

Governor Folk insists that some remedy must be found for this travesty upon state government. He justly says there can be no such thing as local option in obeying or not obeying state laws.

And, gentlemen, I think I have proved to you: First, that the law is not an untried one. I have proved to you I think from the statement made before that committee and from the letters received by Mr. Owen, that the sentiment of the temperance people today is 92 to 48 against the Sturgis law. I have shown to you that four of the states have similar laws and I have proved to you that the four governors of those states advise strongly that we have such a law on our statute books.

I move, Mr. President and Gentlemen, that when the vote is taken, it be taken by a yea and nay vote.

Mr. STAPLES of Knox: Mr. President and senators, I am glad that the Republican party of the State of Maine, by their senators assembled, have agreed upon one thing with the Democrats, and that is that the Sturgis law is a bad law.

I find that the Republican prohibitionists are not in favor of the Eaton Amendment. The Rev. Mr. Berry, last Sunday night, delivered a sermon in this city, where he said that the undertaking to repeal the Sturgis law and to substitute the Eaton bill in its place was a subterfuge.

Let us be honest about this. Why

is this Eaton resolve put in here? The Republican party of the State of Maine are afraid of it. The vote last fall put the handwriting upon the wall; and this very resolve today takes up both the Sturgis commission and the Eaton resolve. It keeps the Sturgis bill upon the statute book for the next two years at least, if the resolve passes this Senate.

Do the people of this State, after what they have known of the transactions under the Sturgis bill, and its iniquitous practice in some of the counties of the State—do they want to keep that upon the Statute Book for two years longer? Is not this the situation in which the Republican party finds itself today, which they have down in a caucus? We want to get rid of the Sturgis bill, but we are afraid to on account of some of the temperance element in the State of Maine; and undertake to substitute the Eaton bill so that they can say to the people: "Why, we are going to get rid of the Sturgis bill."

Let me tell you it is not a question of liquor at all. It is a question of the constitutional rights of the people. I understand how the Republican party is situated in this matter. If they do not repeal the Sturgis law, they are damned; and if they do they are damned. I am not opposed to the Sturgis law because it searches for liquor, but I am opposed to it upon constitutional grounds. I do not believe that it is constitutional, and whenever any of it has come before the supreme court of Maine, as in the instance when they appointed a county attorney up in Somerset county, then the court, as far forth as it went, declared it to be unconstitutional.

I do not believe that you can usurp the power of the sheriffs of the county by the Sturgis deputies. What complaint has been made? Has anybody complained of the sheriffs of the State of Maine, that they have not done their duty? Pray tell me where one complaint has been made against a sheriff in any county of the State of Maine. The Constitution provides the duties of the sheriffs and how they shall be elected.

If we are going to have a representative form of government, let the counties elect their sheriffs. I have heard no complaints. I know that in my county the sheriff has executed the law as far forth as he could. But because somebody gets a miff against a sheriff of a county, I am not going to put into that man's hands the right to go to the Governor and to say to him: "We want you to remove this man from office," and have him appoint another man to take his place. Somebody, the next week or the next month, will complain that this man is not doing his duty and it will be asked that he be removed and somebody else put in his place. I do not believe that the people of this State demand it at our hands. I do not believe the temperance element demand it at our hands today. We have all the law that is necessary upon the statute book. The Governor has a right to impeach today, by address to the Legislature, if any sheriff does not do his duty in any county, or if any other officer of the State of Maine does not do his duty. You have in the Constitution of the State of Maine today the right to have such a sheriff impeached and turned out of office, if he won't do his duty. What more do you want than that? I have faith in the sheriffs of the State of Maine. I have faith in the people. I do not believe that any sheriff in the State of Maine will wilfully violate his duty. It is an insult to the people of every county. My experience is, if we have a sheriff in any county and he did do his duty, they would turn him out and put in somebody else.

I do not believe such a law is constitutional. I do not believe the people demand it at this time. If you believe in the Sturgis law, why vote like men to sustain it. If you do not believe in it, vote to repeal it. That is a fair proposition. You have all the law upon the statute books that is needed. You have a right to remove sheriffs. Why come up here with this resolve? Let me say to you that it is done for one purpose. It is done for a sop to the temperance element of this State. If it was not for that, they

would not do it. They know that something has got to be done in order to maintain their supremacy in the State of Maine. Be honest with yourselves in this matter. If you believe in the Sturgis law, come right out like men and vote for it. If you do not believe in it, vote against it, and repeal it. Do you tell me that there is honesty in all the Sturgis deputies that have been here? Take Bangor, for instance—four Sturgis deputies there all summer, last summer, walking up and down Main street, going right past places where it was "on tap" for beer; and you are paying them, and have paid them \$74,000 for doing that which belonged to the sheriffs to do; and I can say to you, sheriffs would not do their duty so well when the Sturgis deputies are put into every county almost in the State—but not all the counties—there are some counties which they have not been in at all where there is more need of them than in any other county in the State. Take Androscoggin county and Knox county, which have two efficient Democratic sheriffs, and they fooled them in there, and over in York county where they told me there was more liquor sold than in our county there was not one put in there, though the county attorney asked the Governor to do it.

Mr. President and Gentlemen, you take this bill of my Brother Eaton, and you find that the bill does not contain anything as to who shall communicate to the Governor. There is no expense regulated by it. Do you believe the people of this State, knowing the law upon the statute books in regard to the enforcement of law against the sale of intoxicating liquors, would at the polls, if you submitted it—do you believe for a moment that they would vote for a constitutional amendment, giving the Governor of the State of Maine the right to remove sheriffs? That is a right that is given to the people of the county to regulate; and you cannot show me in the history of this State up to the present time a case where any sheriff at the request of the people of his county to enforce the law, has failed to enforce it. The sheriff of my county en-

forces it. It will not affect me any down there, or our county. Of course, we believe in the enforcement of all laws. If you have not any law upon the statute book to enforce the prohibitory liquor law, I would say: Let them have the Sturgis law, or any other they want. But you have all the laws that you need and all the laws you can execute. You may take a thousand men and you have got enough law to keep every one at work, but it don't do any good. No, my friends, it is not a question of temperance. We all believe in temperance and in temperance laws, but we believe in something more. We believe in the rights of the people, in a representative form of government; and if you are going to put this resolve through in favor of giving anybody the right to remove sheriffs or county attorneys, why then you destroy the representative form of government in this State.

In great states, like New York and the other states from whose governor's letters extracts have been read, that might work with them, but we do not need any such thing down here in Maine. A constitutional amendment! Why, let the people vote on it. I have tried here a number of terms to get you to let me vote on resubmission, but you rise up in holy horror; and are not you doing the same thing? I do not believe this Senate will do any such thing. Upon the other hand, as Mr. Berry said in his sermon down here, the Republican party are opposed to the Sturgis law. If what he says is true and the letters which the senator from Washington received are true and correct, and I do not doubt it, then a majority of the temperance element of this State are opposed to the Sturgis law. There are two propositions in this resolve: First, do you want to keep the Sturgis law on the statute book two years longer, because, in any event, if you pass this resolve the condition is to keep the Sturgis law on the statute book. If I was talking politically in this matter, I would say keep it on the book, and we will bury the party so deep in two years that there will be no record of it.

There is something more than this. There is the question of representative government; and the right of the people is greater than the Sturgis law or any other question before the Senate today. For that reason, I stand here today in behalf of a representative form of government and the right of the people to manage their own affairs in their own counties in their own way, and everybody else mind their own business.

Mr. President and Senators, do you want to keep the Sturgis Bill? Wipe that out; and then, if the sheriffs do not do their duty, there is a remedy in the Constitution of Maine. I know the most of the sheriffs in this State, both Democratic and Republican; and I do not believe that there is one among them but what would do his duty; but he feels incensed and insulted that he has got to be dogged around by some temperance crank who apprehends that this man sells rum and the sheriff cannot find it, and he comes up to the governor and the governor sends him up a Sturgis deputy; and he may do it every week or every month. Oh, no, you won't do that, gentlemen. You have more confidence in your sheriffs and if that sheriff does not do his duty, the people of the county will attend to it. I believe in the sheriffs of the counties enforcing all the laws of the statute books and I believe they will do it so far forth as they can. There is no sheriff, whoever might be appointed, who can enforce the law to the satisfaction of everybody; but he will approximate it and do the best he can.

Of course, it will take a two-thirds vote to submit to the people this constitutional amendment, and it cannot be voted upon for two years. They say in this resolve, if the people vote to give the governor the right to remove sheriffs, then we will repeal the Sturgis Law,—admitting in the very wording of it that they do not believe it is a good law; but they think that they can satisfy a certain element in the party by promising the people that. I am going to tell you that the standing of the Sturgis Commission in this State has been so reprehensible that the people of this State are not going to stand it for two years longer. You will hear

from them from the cross roads. You heard sounds last fall and you will hear the clatter of 40,000 cowhides coming to the polls when the matter comes up.

What I may say may be of little consequence to this body. I find that the Sturgis Commission has cost \$74,758.90. Does the Senator from Washington want to keep that class of men who tear down houses over in Androscoggin County—so wanton was their action that the Supreme Court of the State of Maine said they were trespassers, not only there but in other places; and still you have got sheriffs who are willing to do their work. Let us vote down this resolve, because if a sheriff grossly and wantonly refuse to do his duty, there is a remedy in the Constitution and he may be turned out. This is simply a political matter, and nothing more. There is not anything honest in it. There is not anything sincere in it. If those opposed to it had not rolled up a large majority last September, you would not have heard anything more about this Eaton resolve or my brother Hastings' amendment.

But you have got to do something. I do not blame you. I appreciate the situation in which you find yourselves. You are not to be pitied at all that you find yourselves in this dilemma, because you have brought it upon yourselves. You have not been honest with the people upon this question of temperance. You have not been honest with them and you do not propose to be honest with them, for you say to the people: You give us this, and we will repeal the Sturgis law that they admit is wrong and wicked and not conducive to the cause of temperance.

Now of the two evils, if I was a Republican I don't know which I should take, the Eaton Resolve, or to stand by the Sturgis Bill. That is a matter for you; but as far as I myself am concerned, believing in good law, believing in having all laws upon the statute book enforced, believing that all the sheriffs of the State of Maine of all our counties are honorable men who have done and who will do their duty, I am opposed to having placed in our constitution the right for the governor to remove a lawfully elected officer of a county. When you do that you take

from the people their rights, which should be guarded with great sacredness. With these remarks, I hope the motion of the Senator from Washington will not prevail.

Mr. WHEELER of Cumberland: Mr. President: I have listened with great interest, as I always do, to the characteristic campaign oratory of the Senator from Knox and to his familiar defence of the the constitutional rights of the people of the State of Maine. I fear, however, that the Senator misunderstands the pending question before this Senate; and my only purpose in addressing the Senate at this time, contrary to my intention, is to correct a few of the mis-statements of the Senator from Knox, which I feel he would not have made if he had read the resolve which we are now considering.

The Senator and myself are in accord upon one proposition. He states that he does not believe in a nullification of law. He says he believes that the laws should be faithfully and honestly enforced. I believe that is a matter which is not open to argument. No two honest or high-minded citizens of the State of Maine could find themselves in disagreement upon that proposition. Parties and persons may disagree upon the most effective or expedient measures or means to secure an enforcement of law, but as to the fundamental proposition that all laws, while they are laws, should be enforced there is and can be no disagreement among the members of this body.

We are not considering a legislative bill. We are considering a resolve for a constitutional amendment. The Senator suggests that we should not take the sacred rights of the people from them in this manner. We are not, by any arbitrary act of this Legislature, taking from the people of the State the right to control the public officers whom they elect. We are merely submitting to the people the question, whether they will give to the governor of the State the right to remove officers whom they elect and who are found recreant or delinquent in the discharge of their official duties; and it strikes me as rather inconsistent in the Senator from Knox in opposing a measure which seeks to submit to the people of the State,

for whom he has such a sincere regard, the question which is before us.

The Senator states that this matter cannot be determined for two years; but, if he had read the resolve, he would see that it proposes to submit this question to the people on the second Monday of September following the passage of the resolve; consequently this question would be voted upon by the qualified electors of this State on the second Monday of September next,—a date six months distant.

The Constitution of the State provides that the Governor shall cause the laws to be faithfully executed; but the constitution gives the Governor no power or authority in the premises. It places upon him a duty, but it does not give him the power. I submit that we either remove from the Constitution the constitutional duty placed upon the Governor or else we should give him constitutional power to fulfil that duty. The only power which the Governor now has is the power given by the Legislature, and I submit it is wrong in principle and unscientific, contrary to the principles of political science to to fulfil that duty should be constitutional duty without a constitutional power. If the duty is constitutional, the power, to fulfil that duty should be constitutional and not legislative; and that is my principal reason for urging the passage of this resolve.

Mr. LOONEY of Cumberland: Mr. President, In theory we have had for the last 50 years in the State of Maine, prohibition. In practice we have had what might be termed "free rum" or illegal local option. Nullification has been the rule and prohibition has been the exception.

One reason for this—what I consider disgraceful condition of affairs, has been that while prohibition is the State law, there has been no State machinery to enforce it. The enforcement of the law has been left to different localities. Now, the prohibitory law being a State law, it should be enforced all over the State, in those communities which do not believe in the law as well as in those communities which do believe in the law. Under this law, the legislative unity is not a town, not a city, not a county, but the State, and

therefore, in order to secure uniform effective, rigid enforcement of the law, there should be a State machinery to enforce it; and for that reason we have had all over the State, for the last 30 or 40 years, nullification. There has not been one moment, one week, one month or one year since the prohibitory law was enacted that it has received that uniform, effective enforcement which the law contemplates, and the reason that it has not received that effective enforcement of the law which the Constitution and the law contemplates is because, as I said before, the enforcement of the law has been left to different localities and has not proceeded from a central point. In other words, what we have had—I repeat it—is not State prohibition but illegal county local option.

For this reason I consider the Sturgis law a step in the right direction. The Sturgis law is an honest attempt, put forward by an honest Governor and endorsed by honest temperance people, to secure a State enforcement of a State law; and while I admit, with my distinguished friend from Knox, that that enforcement has had its limitations, still I believe that, on the whole the Sturgis law has been a great blessing to the State of Maine. Since the Sturgis law has been in existence the number of retail liquor licenses paid in Maine has gone down from 1800 to 600. I know that, from certain quarters, there have been urged objections to the Sturgis law, but in the last analysis, in my judgment, those objections fall to this: That the Sturgis law as enforced, or the Sturgis deputies acting under the Sturgis law have enforced the law in communities where before there was nullification and a disgraceful violation of law; and the question is: Whether we will repeal this law at the request and at the demand of violators of the law—men who are really outlaws all over the State. So, for this reason I am in favor of keeping the Sturgis law on the Statute Book until it is replaced by something better. That "something better" in my judgment, is arming the Executive with power to enforce the laws. The Governor is the Chief Exec-

utive of the State. In other words, it is his sworn constitutional duty to secure an enforcement of the law. As it is now, the Governor, as far as the enforcement of the law is concerned, is a mere shadow—a Governor "of shreds and patches." He may be satisfied as Governors in the past have been satisfied, that the law has been violated in two-thirds of the counties of the State. He may be satisfied that anarchy, so far as this law is concerned, is rampant from one end of the State to the other, and yet as the law now is, he being the Chief Executive—the law-enforcing power under the Constitution of the State, he is powerless to remedy the evil. He is powerless to secure an enforcement of the law.

As my distinguished friend from Knox knows, there are three departments of government: There is the legislative, which enacts the laws; there is the judicial, which interprets the laws, and there is the Executive, which enforces the laws; and when one of these departments infringes upon the functions of the other then there is sure to be friction.

The able statesmen, the profound and learned lawyers who dominated and controlled the Constitutional convention of 1819-20 understood thoroughly the functions of the different departments of government. They understood that it was the duty of the Executive to enforce the law; and so in the constitution, as the Senator from Washington has pointed out, there was a provision by which the Governor appointed all of the sheriffs in the different counties of the State, and they could be removed at his pleasure. In other words, the Sheriffs who enforced the laws were responsible to the Governor and the Governor was responsible to the people. This principle was never more clearly and succinctly stated than by that model Democrat, that learned and able jurist, William L. Putnam, judge of our United States circuit court, in that address which he delivered in the city of Indianapolis last June; and I desire to call the attention of my Democratic friends to this utterance of that distinguished and learned Democratic jurist. Judge

Putnam said in this address: "There should be but one prosecutor, he should be the Governor. The Governor should appoint all of the executive officers who enforce the law. They should be responsible to him and he should be responsible to the people."

So this principle is observed in the structure of our national government. The President is the supreme executive officer of the nation. He is the head—the commander-in-chief of the army and the navy. As commander-in-chief of the army and navy, he protects the country from invasion from without and from rebellion from within; and in order that he may enforce the national laws and the national constitution in every state of the Union, the United States marshals and the United States deputies and the United States district attorneys who enforce the laws in the different states and territories of the country are not elected by those different states, but they are appointed directly by the President, and are responsible to him for the faithful enforcement of the law.

Therefore, I say, Gentlemen of the Senate, that, until the Governor is armed with sufficient authority to enforce the laws of this State, we shall never have honest, uniform enforcement of the prohibitory law, but we shall have in the future, what we have had in the past, a long, dreary, and weary history of non-enforcement and disgraceful violation of the law.

The question being upon the motion of the senator from Washington, Mr. Eaton, that the majority report be accepted, the yeas and nays were called for and ordered.

The PRESIDENT: The question is upon the motion of the senator from Washington, Mr. Eaton, that the majority report "ought to pass" upon two papers "Resolve amending the Constitution authorizing the Governor to remove sheriffs," and bill conditionally repealing the Sturgis law, so-called, the repealing act to take effect upon the ratification of the constitutional amendment. The minority report reports "ought to pass" upon a bill absolutely repealing Chapter 92 of the Public Laws of 1905, namely, the so-

called Sturgis law. Those who are in favor of acceptance of the majority report will, when their names are called, vote yes; those opposed no.

Mr. STAPLES of Knox: Mr. President: I understood that if a majority vote yes, it sustains the Sturgis law and carries the amendment.

The President: The Chair does not fully agree with the senator. The Chair will restate what he understands to be the effect of the two reports. The majority reports "ought to pass" upon two papers, one a resolve providing for a constitutional amendment authorizing the Governor to remove sheriffs; and it also reports "ought to pass" upon a bill which repeals the Sturgis law, the repealing act to take effect upon the ratification of the constitutional amendment. The minority report reports also a bill, and reports "ought to pass" upon the bill absolutely repealing, at once, the so-called Sturgis law.

At the request of Senator Osgood of Androscoggin, the secretary read the names of the members of the committee signing the majority and minority reports, as follows:

"Majority report of the committee on judiciary, to which was referred the bill, entitled 'An Act to repeal Chapter 92 of the Public Laws of 1905, entitled 'An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors,'" have had the same under consideration and ask leave to report a resolve, and an Act in new draft, as follows, to wit: "A resolve providing for an amendment of the Constitution, empowering the Governor to remove sheriffs," and "An Act conditionally repealing Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors," and asked leave to report that the same ought to pass.

HASTINGS,
LOONEY,
BAXTER,
DAVIES,
WING,
PETERS,
HERSEY,
ANDREWS,
BURLEIGH."

"Minority report of the committee on judiciary, to which was referred an Act entitled 'An Act to repeal Chapter 92 of the Public Laws of 1905, entitled 'An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors,' have had the same under consideration, and ask leave to report a bill in a new draft for the following reasons:

The purposes of this legislation is to get rid of the Sturgis bill, so-called, and to the annoyances its attempted enforcement produces on the public mind, alike upon the members of every political party, and its expense to the State. This annoyance has become such that all well meaning and honest temperance people deem its longer existence a menace to the due respect of all law; and certainly to a due regard for the provisions of the Constitution of the State.

Heretofore it has been the policy of the Legislature to promptly repeal such unpopular laws, and all such that seem to be unconstitutional.

To return to the enforcement of the laws by the duly elected officers of the people is a wise and safe course.

Under the title of "An Act to repeal Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors," and that it ought to pass.

J. H. MONTGOMERY."

The question being upon the acceptance of the majority report, the yeas and nays being taken, resulted as follows: Those voting yea were: Messrs. Baxter, Colcord, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Knowlton, Looney, Macomber, Milliken, Minott, Reynolds, Shaw, Smith, Theriault, Walker, Warren, Wheeler, Wyman (22). Those voting nay were: Messrs. Boynton, Donigan, Kellogg, Lowe, Mullen, Osgood, Staples (7).

So the motion to accept the majority report prevailed, and the resolve and bill accompanying the majority report

were tabled for printing under the joint rules.

On motion by Mr. Baxter of Cumberland, Senate Document No. 215, "An Act relating to returns of corporations," was taken from the table; and on further motion by the same senator, Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

Mr. LOONEY of Cumberland: Mr. President: I desire to call the attention of the Senate to the bill "An Act to amend Chapter 18 of the Revised Statutes, relating to the State Board of Health. This bill passed to be engrossed and passed to be enacted and was sent to the Governor for his signature and approval. It has now been returned from the Governor and I desire to offer an amendment.

On motion by the same senator, the Senate voted to reconsider the vote whereby the foregoing bill was passed to be enacted and also the vote whereby the bill was passed to be engrossed; and on his further motion Senate Amendment A was adopted, as follows: "Amend by striking out the words 'Six thousand' in the fifth line of Section 1 and substituting the words 'Fifty-five hundred.'" On further motion by the same senator, the bill as amended was passed to be engrossed, and passed to be enacted.

On motion by Mr. Macomber of Kennebec, House Document No. 140, "An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases," was taken from the table. On further motion by the same senator, Senate Amendment A as offered by Mr. Smith of York, was adopted, as follows: "Amend Section 1 by striking out in the sixth line thereof the words 'Thirty-five' and inserting in place thereof the words 'Twenty-five.'" As amended the bill was passed to be engrossed.

On motion by the same senator, House Document No. 244, "An Act to amend Section 25 of Chapter 53 of the Revised Statutes relating to necessary regulation of street railroads by municipal officers," was taken from the table.

Mr. MACOMBER of Kennebec: Mr. President: This bill is An Act to amend a law relating to regulations of street railroads by municipal officers. I understand that the provisions in this bill are embodied in another bill, House Document No. 259, which went through this body yesterday; and that this is simply a duplication of the same proposition. I move, Mr. President, that this House Document No. 244 be indefinitely postponed.

Mr. BAXTER of Cumberland: Mr. President: I think the senator from Kennebec is under a misapprehension. The bill to which he refers relates merely to instances where streets are sprinkled in cities and towns which do municipal street sprinkling, but this bill relates to any street railroad and is much broader. It seems to me the provisions of the bill are perfectly fair. It merely leaves the question to the municipal authorities subject to the approval of the railroad commissioners, and I understand there are some places in the State which may benefit by the passage of this act where the towns do not do municipal sprinkling. Therefore, I hope the motion of the senator from Kennebec will not prevail.

Mr. MACOMBER: Mr. President: Under House Document No. 259, although I have not examined it very carefully, on lines 14, 15 and 16 it seems to me that practically the same provisions for the sprinkling of streets by street railroads are included. I never have understood that there was any proposition to require street railroads to sprinkle their tracks away out into the outlying districts; and if this bill under consideration is to be considered fairly by the Senate, I should want to introduce an amendment that would cut out the possibility of towns, for any purpose, asking street railroads to sprinkle their tracks in the outlying country districts. Of course, street railroads today are very different from what they were some years ago. They are more like steam railroads, running for many miles into the rural sections of the State; and I believe the intention of the people behind this bill was simply and solely to require street rail-

roads in cities to do their share of the sprinkling—that is, to sprinkle that portion of the street which they occupy. I do not understand that any street railroad objects to doing that; but to make it clear that it shall not require them to sprinkle inter-urban railways is the point I am trying to get at; and it seems to me that under House Bill 259 everything is taken care of.

Mr. HASTINGS of Oxford: Mr. President: I trust the senator from Kennebec will not insist upon his motion to indefinitely postpone this matter this morning. It is a matter which was heard by the judiciary committee and this represents the unanimous report of that committee. It was not heard hastily or gone over carelessly. There was a sub-committee of that committee appointed and that sub-committee conferred with Mr. Libby of Portland and other electric railroad men in different parts of the State in relation to this very bill and the other bill, and it is my recollection that after the matter had been tabled a couple of weeks it was gone over in executive session carefully and this report was sent in. If the senator is serious in this matter I certainly hope that he will defer this action to some day certain when the matter can be taken up.

Mr. MACOMBER: Mr. President: I am perfectly willing to take it up later, but I was never more serious; and I hold the amendment here which was suggested by Mr. Libby; so that it seems to me he could not have understood this bill as reported, or else he has changed his mind. However, I will move, Mr. President, that the bill lie upon the table until conference can be had to make it clear. I withdraw the motion to postpone and move that the bill lie upon the table.

The motion prevailed.

On motion by Mr. Shaw of Kennebec, House Document No. 235, "Resolve in favor of Waldo County General hospital," was taken from the table, and on further motion by the same senator, the resolve took its second reading and was passed to be engrossed.

"Resolve in favor of the enlargement

of the State House, or the erection of a suitable State office building adjacent thereto" came up by special assignment, the same having been tabled by Mr. Staples of Knox.

Mr. STAPLES of Knox: Mr. President, I feel at this time, in regard to this appropriation, that we should be just to ourselves before we are generous to ourselves. The State House in our State is located in Augusta and I apprehend that the senators from Kennebec county will never expect the question to be raised again in our lifetime, of its removal from the city of Augusta. I make that remark because one of the senators from Kennebec said to me, and sincerely I have no doubt, when I asked him if this resolve might be postponed to some future time, that if it was postponed there would be another effort to remove the capitol from the city of Augusta. I have no such apprehensions.

We have had a fight over that matter and we are all content to let the capitol remain in the beautiful city of Augusta and never again undertake its removal. There are too many interests connected with the State House in Augusta; and we have in this State at this time great requests for money. We have very many beneficiary institutions that are demanding our support; and in looking over all these beneficiary appropriations I cannot see one that could be lessened and the poor unfortunates of our State receive that aid they ought to have. Hence I believe that the appropriations of the committees have been as economical as the dire wants of our institutions have demanded at their hands. We have the feeble minded institution upon the table here now and it is one of those institutions whose appropriation you cannot cut down. It is appealing to us from every town in the State, and humanity demands that that institution be placed upon its feet as soon as possible, to relieve the towns and to care for the unfortunate. My friends, if you could see what good is being done by such institutions in this country you would never say a word against an appropriation for such an institution.

I do not believe that there is any

great demand today for the enlargement of the State House. During the legislative session, of course, there is some inconvenience to the regular heads of departments; but when the Legislature has adjourned, then there is plenty of room for the State to transact its business. In the future it may be needed. I heard a proposition the other day that is very feasible in regard to the State capitol. I understood that the Blaine mansion was for sale. I thought to myself that it would be a fitting thing for the State to buy that institution and convert it into a library. If the library could be removed from the State House into an office building contiguous to the State House, then we should have plenty of room for the next 20 years at the old State House. We have got along 20 years and we can get along 20 more rather than to tax people at this time to build a State House. Our money can be used for a better purpose; and when we get upon our feet financially, then I will be willing to building a State House commensurate with the wants of the people of Maine. Until then, I cannot say to the taxpayers of this State that I believe it is good economy at this time to spend \$350,000 of the people's money when it is not a necessity. No man can say that there is a necessity for us to repair the State House this year. Let us get those institutions that are begging of us to aid them upon their feet and then I will be willing to pay my proportion of tax to repair the State House. It is not that I am penurious in this matter, but I am aware that we are appropriating large sums of money, and I am aware that the taxpayers are asking us to be economical. I am aware the burden of taxation does not rest equally upon the shoulders of the people. I am aware that, while we have appropriated large sums of money, we have not done one thing during this whole session to tax property so as to get any more revenue for the State of Maine. A proposition will come up before this Senate before long upon that question of taxation; but I am not willing until we can have equal taxation upon all property in the State of Maine that they should bear that additional burden. I

do not feel that it is my duty to stand here unless it is for a question of necessity, as it is for our humane institutions, to spend money to gratify any section of the State of Maine. We do not need it. Does anybody doubt for a moment that when you come here two years from now the business can be transacted just as well as it is now and that you can get along without any trouble whatever? Is there any necessity for it, my friends? O, no, I think not. In the near future a time may come when it will be, but whether it shall be an office building or an extension of the old State House I do not know. When that time comes, then the people will join together and willingly support it; but as the Governor of this State has said, we should cut down our expenses. We cannot cut them down upon our beneficiaries, but we can cut them down upon the building of the State House, because there is no exigency existing for it. Let us be just to our constituents, just to the taxpayers of the State, and when the time comes we will all vote together. I am thankful there is no politics in this at all. It is simply what is for the best. I want to do what is for the best, and I believe that this matter should lay over until some future time when we shall be better prepared and the people are better prepared to vote for it; and I move that the resolve be indefinitely postponed.

Mr. SHAW of Kennebec: Mr. President and Senators: The Governor, at the beginning of this session of the Legislature, in his annual address said:

"I hardly need call to your attention the crowded condition of public departments and the lack of adequate committee rooms in this State House for it is evident to you all. Several departments have been added within the past few years, the housing of which greatly over-crowds the building. Understanding fully as you do that a limit must be set upon our expenditures in any given year, you must, nevertheless, note the serious situation that confronts us. Valuable documents are stored in hazard of fire. You have inadequate quarters for your committee work. There is every indication that the demand for room will increase

greatly within the next two years. If new departments are created the question of where to house them becomes practically unanswerable. Various expedients have been suggested, such as the erection of an office building or an extension to the State House. I suggest an early consideration of this by the committee on public buildings."

In accordance with the recommendation of the Governor there was introduced in the House a resolve which called for \$175,000 for the year 1909 and a like sum for the year 1910, to be expended in building an office building or an addition to the State House. In that resolve it was provided that a commission consisting of the Governor and four others of which two should be from each political party should have this matter in charge. This resolve was referred to the committee on public buildings and was amply advertised in all the daily papers of the State and many of the weekly papers; and there appeared at that hearing many men who have been prominent in the legislative affairs of this State; and they every one argued, recommended and urged that something be done to relieve the congested condition at this Capitol; and there was not one voice raised in opposition to this measure.

The committee, after duly considering the matter, reported unanimously that this resolve have a passage; and, as you know, it has been passed by the House of Representatives.

It seems hardly necessary to take your time to go over the situation here as to the need of more room. It is plain to every legislator who has been here that conditions exist which should not exist. There are only three rooms, practically, in the State House which can, in any sense, be called committee rooms. This Senate chamber, as you know, for nearly every day in this session, in the afternoon, is taken by the committee on appropriations and financial affairs; and if any senator has wished to do any writing or reading or to go to his desk, he has been practically crowded out. The same condition prevails over in the Council chamber. That chamber has been occupied by a committee nearly every day in this session. Gentlemen, is that commensurate with the dignity of the State

of Maine? I say no. I say that it is apparent to every member that something should be done to relieve the condition.

This is not a matter for Kennebec county, particularly. It is a matter for the whole State of Maine. We have no fears as to the removal of the State House. We want to have this question threshed out on its merits. We want every section, as we know they will, to take an interest in this matter and make it one of State pride. We are not only proud of our own county, but we are proud of every county in the State. We are proud of old Hancock county and the men she has sent here for the years long passed. We are proud of the men that have come from Washington county, a county whose shores touch the blue ocean; we are proud of old Aroostook county, the story of which has but half been told. We are proud of all of them—proud of Androscoggin county, the home of Dingley; proud of the great county of Cumberland that has sent down here a long line of distinguished men. Every county in the State has a pride in this matter, and while they all wish to avoid extravagance, at the same time I believe they have an honest desire to make this building efficient for the needs of the State; and as I was in the rotunda the other day and looking at the pictures and flags, I thought that we had treasures here that should be cared for. Gentlemen, this building should be made fire-proof; and I hope, gentlemen, that this question will resolve itself into a simple business proposition. It is up to the people of this State to do something to make this building ample for the needs of the people of this State; and I hope that the motion of the senator from Knox will not prevail.

Mr. DONIGAN of Somerset: Mr. President: I will take but a moment's time in regard to this question of the State House, but it does seem to me that the members who favor that this year are not sincere. Two years ago, as a member of the House, I heard the arguments against the removal of the capitol to Portland and at that time the members who now are for the extension of the State House said that the building at that time was plenty large enough—that they did not believe any addition was necessary and they did not believe in the expense of removing the capitol to Portland, and before the Legislature adjourned two years ago, those same members came

forward with a bill asking for an extension, or an office building for this capitol. Now I do not believe that that is sincere. As far as Portland is concerned, I have been in Portland within a few weeks and I have talked with many business men in that city and they wondered why their members from that city and that county favored an extension of the capitol. I asked a great many people about it but not one of them believed it was necessary. As one member told me, the other day, he was tied up on the matter, I will say this: That if any members are tied up on the question of the extension of the capitol, the people should have a right to vote on it; and I believe they will.

It seems to me that all we have done in this Legislature so far is to pay out and to give money to anybody and everybody that wants it; and everybody has had almost all they wanted, and when anything came up that was a benefit to the people, they sat down on it; and I have yet failed to see a Legislature so far that has been against the will and the wish of the people as this Legislature has. And all I can say further is that I do believe and I hope that this Legislature will not appropriate \$350,000,—and that means possibly twice that amount, because all the other institutions that have got appropriations have in every case asked the next Legislature, and received appropriations added to those of the preceding Legislature. I believe and hope that, if the members do vote to appropriate this \$350,000, that the people will vote on it and we shall see whether they believe in it or not. The State is poor, and I for one do not believe in this appropriation.

Mr. LOONEY of Cumberland: Mr. President: I am in favor of an appropriation which will place the capitol in condition suitable to the requirements of the State. That this building should be enlarged—that material alterations should be made, I think every candid man will admit. Every office in the building is congested. In the auditor's room—I will not call it an office—there are six desks, where there is hardly room for one; and that proportionally can be said of

every department office in the building. The requirements of the State library call for room space four times what the library has at the present time. A fire may come at any time and destroy records which are of untold value to the State.

Now, while I believe this, I also am of the opinion that sound State policy and good business sense demand that, before spending money, we should have it in our possession, and that before appropriating money we should know what the resources of the State are; and so believing as I do in regard to the State Capitol, upon reflection it is my deliberate judgment that the highest interests of the State demand that, for the present at least, we go slowly and that this matter be put in abeyance until the latter part of the session at least.

Mr. MILLIKEN of Aroostook: Mr. President: I do not find myself in agreement with the senator from Knox in this proposition, because I do not wish to assent this morning to the proposition that this matter shall not be acted upon at this session. I cannot on the other hand, feel to vote this morning for the bill as it is. The senator from Kennebec has called attention to the recommendation in the Governor's message, stating the need of an addition to this State House. With that recommendation I am in entire sympathy. There is another recommendation in the Governor's message, however, and it seems to me it is important in this connection, and that is the recommendation that certain interests in this State should pay a materially larger tax,—that a larger revenue should be raised from those sources.

My position in this matter this morning is simply this:

That in my judgment by considering this appropriation now before we know what the increased revenue is to be, we have got the cart before the horse.

It is our duty here, as we all agree, to administer the business affairs of this State upon business principles, as representatives of the people of the State. It is our duty to see that the money is collected from the proper sources.

that taxation is equitably distributed; and it is our duty also to see that that money is applied in appropriations in such way as will give the people of the State the most good and as well return to them the best results for their money.

There can be absolutely no argument, in my opinion, upon this proposition; that if we are to find ourselves at the close of the session short of money, and it is a question of reducing instead of postponing this appropriation, or reducing and cutting out a number of those other appropriations that concern the whole State,—I say there can be no argument upon the proposition that we should postpone this rather than those. Your constituents and mine, gentlemen, are willing, I trust to do us the honor to believe that any appropriation we make is made upon our judgment of what the best interests of the State demand. My constituents, I believe are willing to trust my judgment, to some extent at least, upon the question of whether the Capitol needs to be enlarged; but if it comes to a choice between this appropriation and the ones they know about, there can be no doubt in my mind that they will say, we should appropriate for the others first. In other words, while this need is an urgent one, it is not a need that appeals so strongly and directly to the people of the State as those other things before us that we should do anyway, whether we do this or not.

I am not going to make this motion for the purpose of shutting off discussion, and will withdraw it if anyone wishes to discuss the matter further, but for the purpose of delaying this appropriation until we find out more accurately what the sources of revenue are to be, I move that the matter lie upon the table.

The PRESIDENT: The motion to lay upon the table takes precedence to the motion to indefinitely postpone. It is not debatable ordinarily, but unless the point is made, it may be debated.

Mr. WARREN of Cumberland: Mr. President: I do not wish to speak out of order, and presumably will not. I will only say that the bill which is before us contains two propositions: The first is for the improvement and enlarge-

ment of the present State House to meet the needs of the State; the second is for the alteration of the present building, together with the construction of an office building connected therewith. I do not believe that we should consider the alteration of the present State House. There are two needs that are apparent to us all I think; first, the library. The valuable documents which this State House contains will have a better and safer place. The other is that of committee rooms. There should be more committee rooms so that the committees could come better in touch with the public. I think that both these needs would be filled by the erection of an independent building of a house or library to contain the documents, together with, it may be one or two of the departments of the State and possibly even more added committee rooms; and that, if such a building as this were constructed, it would release the space now occupied by the library sufficient unto our needs. What could we wish for as a better Senate Chamber than that in which we now meet? The hall of the House of Representatives, I admit, is not so good, but neither the State or the Representatives that are confined there suffer much because of its size or character. We cannot break into this present building without great cost. It must be carried out exactly in the same style that the building now exists in or else it would break into its harmony. An office building which may be built outside, but in direct connection with this building, may be strong, substantial, fire-proof, low, inconspicuous and business-like; and would not in any way obscure the real beauty of this present building. For such a purpose I do not believe so large an appropriation as \$350,000 would be required. For this reason I shall sustain the motion made by the Senator from Aroostook, that the matter be laid upon the table,—not for the purpose of postponing it until an indefinite time, but that we may have a further time to consider it.

Mr. MACOMBER of Kennebec: Mr. President, I want to call the attention of the Senate to one or two things that are embodied in this resolve, thinking that perhaps they have been overlooked. First, as to the question which has just been

raised by the gentleman from Cumberland. The resolve, as I understand it, is an exact copy of a similar resolve passed 20 years ago when the addition to the present State House was built. It provides, in the first place, for a commission and for an appropriation not exceeding \$350,000 to be used in the judgment of the commission either for the erection of an addition to this State House or for an office building, leaving it entirely with the commission to determine what is the interest of the State and just what should be done after the appropriation is made. Now before that commission—which is appointed by the Governor and consequently absolutely under his control—can spend a dollar, they must get bids; they must get their plans; they must get bids that will not be in excess of \$350,000. So that, so far as we are concerned today, there can be no fear whatever that an excess of \$350,000 would be expended. On the other hand, it is absolutely left to this commission to decide whether it shall be an addition which will cost a hundred thousand or a hundred and fifty thousand, or an office building that will cost a hundred and fifty thousand or two hundred thousand, or any amount. So that it is entirely within the hands of the Governor of this State to determine the expenditure necessary to provide the State with additional accommodations and rooms which I think it is the unanimous opinion of everybody that we require. It seems to me, too, that it is necessary, at this stage of the legislative session, that we should decide some of these matters instead of postponing them from day to day and from week to week. It seems to me it is good public policy that we should determine the question of what we are going to do here. I had a conversation with the Governor within a week, since matters with reference to appropriations have been up, and he told me he had not changed his mind in any particular with reference to this appropriation and that we were authorized to so state to the Senate and House that it was his belief that this appropriation should be made; and it seems to me, safeguarded as it is, leaving it entirely in the hands of the present executive—and I think we never have had a better one or one who has been more strenuous in

looking after the interests of this State than the present Governor—it seems to me we ought to act today on this measure.

So far as the statement by the gentleman from Aroostook with reference to increased taxes is concerned, I think I can assure this Senate that the committee having the matter of taxation in hand will present measures to this Senate which will produce a very large increase of income from the corporations, the wild lands and other interests which are specially taxed; and it seems to me that we ought not to postpone this matter, but that we should vote on it today.

Mr. MILLIKEN of Aroostook: Mr. President: I want to say just one word. I do not wish to drag into this discussion the question of the Governor's attitude. We all know that he is in favor of this proposition and that he recommended it in his message; but I want to say that, if the senator from Kennebec believes that the Governor is opposed to the proposition that we should wait until we can see where the money is coming from, I advise him to talk with the Governor again, as I have this morning.

The question being upon the motion of Mr. Milliken of Aroostook that the resolve be laid on the table, the yeas and nays were called for and ordered and the vote being had resulted as follows: Those voting yea were Messrs. Colcord, Donigan, Emery, Hamilton, Hastings, Howes, Irving, Kellogg, Knowlton, Looney, Lowe, Milliken, Minott, Smith, Staples, Theriault, Walker, Warren, Wyman (19). Those voting nay were Messrs. Baxter, Boynton, Eaton, Gowell, Macomber, Mullen, Osgood, Reynolds, Shaw, Wheeler (10).

Mr. Hastings of Oxford presented the following order: Ordered, That there be, and hereby is, appropriated the sum of \$463.11 to pay to Henry H. Hastings, chairman of the committee on the service and observance of Lincoln day, 1909, to reimburse him for moneys expended for necessary bills incurred.

This order was referred to the committee on appropriations and financial affairs.

On motion by Mr. Theriault of Aroostook the Senate adjourned.