

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Thursday, March 25, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Knowlton, Senator from Piscataquis.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, "An Act to enable the town of Camden to sell and convey its interest in a school building no longer used for school purposes." (This paper came from the House in that branch read three times, and passed to be engrossed without reference to a committee.) On motion by Mr. Hastings of Oxford, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

On motion by Mr. Wheeler of Cumberland, it was ordered, that when the Senate adjourned, it adjourned to meet tomorrow morning at half-past nine.

Resolve in favor of the town of South Berwick. (In the House this was passed to be engrossed as amended by House Amendment A. On motion by Mr. Irving of Aroostook the vote whereby the bill was passed to be engrossed was reconsidered and on his further motion House Amendment A was adopted, and the bill as amended was passed to be engrossed.)

The President announced the appointment as members of a Committee of Conference on the part of the Senate on Bill "An Act to provide for a bounty on bears in Washington and Hancock County," Messrs. Hastings of Oxford, Boynton of Lincoln and Colcord of Waldo.

Majority report of the Committee on Legal Affairs, "ought not to pass," on Resolve in favor of A. L. Dow & Company of Portland; and minority report of the same Committee, on the same matter, "ought to pass," came from the House, that branch having accepted the majority report. On motion by Mr. Staples of Knox both reports were tabled and assigned for consideration, Friday, March 26.

House Bills Read and Assigned.

Resolve in favor of Herbert L. Kimball. (On motion by Mr. Hastings of

Oxford, under suspension of the rules, this resolve took its second reading and was passed to be engrossed.)

An Act to amend Section 78, Chapter 3 of the Revised Statutes in relation to appeal from County Commissioners. (On motion by Mr. Reynolds of Kennebec, this bill was tabled pending second reading.)

An Act to authorize the building of a dam at the outlet of Sebec Lake. (This bill came from the House, by that branch recommitted to the Committee on Interior Waters. On motion by Mr. Milliken of Aroostook, the Senate voted to concur with the House in the recommitment of the bill.

Senate Papers.

Mr. Eaton of Washington presented "Resolve in favor of stenographer to the presiding and recording officers of the Senate and House, and on his motion, the same was referred to the Committee on Appropriations and Financial Affairs.

Mr. Macomber of Kennebec, presented "Resolve in favor of L. S. Lippincott; and on his motion the same was referred to the same Committee.

Mr. Emery of Franklin presented "Resolve in favor of the Clerk and stenographer to the Committee on Railroads and Expresses;" and on his motion the same was referred to the Committee on Appropriations and Financial Affairs.

Mr. Howes of Somerset presented "Resolve in favor of W. G. Fuller;" and on his motion, the same was referred to the same Committee.

Reports of Committees.

Mr. Hastings from the Committee on the Judiciary, on bill "An Act regulating annulment of marriage and divorce," reported that the same ought not to pass.

The same Senator from the same Committee, on order (from the files of last session), directing said committee to consider the report of the Commissioners on Uniform Law relating to annulment of marriage and divorce, with accompanying petitions, reported that the same be referred to the next legislature.

Mr. Osgood from the Committee on Appropriations and Financial Affairs,

on Thirty-fourth Annual Report of the Board of Trustees and officers of the Maine Industrial school for Girls, at Hallowell, for the year ending November 15, 1908, reported that the same be placed on file.

Mr. Colcord from the Committee on Railroads and Expresses, on bill "An Act relating to fenders on street cars," reported that the same be referred to the next legislature.

Mr. Irving from the Aroostook County Delegation, on bill "An Act for the betterment and safety of winter roads in Aroostook County," reported that the same ought not to pass.

Mr. Smith from the Committee on Claims, on "Resolve in favor of the town of Castine," reported that the same be referred to the next legislature.

Mr. Howes from the Committee on Agriculture;

Mr. Baxter from the Committee on Military Affairs;

Mr. Howes from the Committee on State Lands and State Roads;

The same Senator from the Committee on Library;

Mr. Wheeler from the Committee on Taxation;

Mr. Walker from the Committee on State Prison;

Submitted their final reports that they have acted on all matters referred to them.

Which reports were read and accepted.

Severally sent down for concurrence.

Mr. Hamilton from the Committee on Legal Affairs, to which was recommended, bill "An Act to amend an act relating to the police court for the city of Rockland," also new draft under the same title, reported that said new draft ought to pass.

Which report was read and accepted, and the bill was read twice under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

Mr. Gowell from the same Committee, on bill "An Act to amend Section 1 of Chapter 128 of the Revised Statutes, in regard to malicious mischiefs," reported that the same ought to pass.

Which report was read and accepted,

and the bill was laid on the table to be printed under the joint rules.

Mr. Eaton from the Committee on Appropriations and Financial Affairs, on "Resolve in favor of the Maine Industrial School for Girls," reported that the same ought to pass.

Which report was read and accepted, and on motion by the same Senator, the resolve was read twice under suspension of the rules, and passed to be engrossed.

Mr. Irving from the same Committee, on "Resolve in favor of the clerk and stenographer of the Committee on Military Affairs," reported that the same ought to pass.

Which report was read and accepted, and on motion by the same Senator, the resolve was read twice under suspension of the rules, and passed to be engrossed.

Each sent down for concurrence.

Mr. Gowell from the Committee on Federal Relations, on memorial to Congress relating to the requirement of wireless telegraphy on passenger steamships and tug boats on ocean voyages, reported that the same ought to pass.

Mr. Ryan from the Committee on Inland Fisheries and Game, on "Resolve in favor of a screen at the outlet of China lake Kennebec County," submitted the same in new draft under title of "Resolve in favor of screening China lake in Kennebec County."

The same Senator from the same Committee, on "Resolve in favor of a screen at the outlet of Squa Pan lake, Aroostook County," submitted the same in new draft under title of "Resolve in favor of a screen at the outlet of Squa Pan lake, in Aroostook County."

The same Senator from the same Committee, to which was recommended bill "An Act to amend section 11 of chapter 32 of the Revised Statutes, relating to beaver," together with new draft under title of "An Act to amend section 11 of chapter 32 of the Revised Statutes, relating to the taking of beaver," submitted the same in new draft under the same title as the recommended new draft.

Mr. Gowell from the Committee on Pensions, on "Resolve to provide means

for examination of claims for State pensions," reported that the same ought to pass.

Mr. Hamilton from the Committee on Labor, on bill "An Act to amend chapter 40 of the Revised Statutes, relating to inspector of factories, workshops, mines and quarries," submitted the same in new draft under the same title.

Which reports were read and accepted, and the memorial bills and resolves were laid on the table to be printed under the joint rules.

Majority report from the Committee on Labor, on bill "An Act to amend section 5 of chapter 40 of the Revised Statutes, relating to the hours of labor," submitting the same in new draft under title of "An Act to amend section 56 of chapter 40 of the Revised Statutes, relating to the hours of labor, as amended and renumbered section 56 of said chapter, by chapter 46 of the Laws of 1907."

(Signed) LOONEY,
HAMILTON,
BIGELOW,
WHITEHOUSE,
A. F. BUSWELL,
KELLOGG,
TRIMBLE,
PATTERSON.

Minority report from the same committee, on same bill, that the same ought not to pass.

(Signed) C. W. MACE,
C. O. BEALS.

Which reports were read, and on motion by Mr. Baxter of Cumberland, were laid on the table to be printed.

Later, on motion by the same senator, the vote was reconsidered whereby they were laid on the table to be printed, and on further motion by the same senator, the majority report was accepted.

Sent down for concurrence.

Majority report from the Committee on Agriculture, on "Resolve to amend chapter 194 of the Resolve of 1893, as amended by Chapter 155 of the Resolves of 1905, relating to industrial exhibits of the Maine State Agricultural Society," submitting the same in new draft under the same title.

(Signed)

HOWES,
IRVING,
HILL,
COUSINS,
MILLETT,
SNOW,
STACKPOLE,
BEMIS.

Minority report from the same Committee, on the same Resolve, submitting the same in new draft under the same title.

(Signed)

F. N. BLANCHARD,
T. B. W. STETSON.

Which reports were read, and pending acceptance of either, were laid on the table to be printed, and Tuesday, March 30, assigned for their consideration, on motion by Mr. Irving of Aroostook.

Passed To Be Enacted.

An Act to amend Section 56 of Chapter 15 of the Revised Statutes, relating to the conveyance of pupils in secondary schools.

An Act to amend Section 42 of Chapter 15 of the Revised Statutes, as amended by Chapter 101 of the Public Laws of 1907, relating to payment of superintendent of towns comprising school unions.

An Act to abolish Rines Hill grade crossing in Augusta.

An Act to authorize the city of Portland to provide for the appointment of a deputy and district chief of its fire department.

An Act to incorporate the Penobscot Bay Water Company.

An Act relating to the Shawmut Manufacturing Company.

An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs.

An Act to regulate the hunting of deer in the towns of Camden, Rockport and Hope, in Knox county, and in the towns of Lincolnville and Searsmont, in Waldo county.

An Act to amend the charter of the trustees of Machiasport bridge.

An Act to amend the charter of the Peaks Island Water and Light Company.

An Act to amend Section 32 of

Chapter 8 of the Revised Statutes, as amended by Chapter 156 of the Public Laws of 1907, relating to excise tax on palace or other cars for which extra compensation is charged for riding therein.

Finally Passed.

Resolve authorizing the land agent to make a deed for the purpose of curing defects in the title to Dog Fish island in the Penobscot bay.

Resolve in favor of a monument for the late Commodore Samuel Tucker at Bremen, Maine.

Resolve in favor of road from town of Brownville to Katahdin Iron Works.

Resolve in favor of the town of Dover.

Resolve for the publication of the railroad map of Maine.

Resolve in favor of the town of Dexter.

Orders of the Day.

On motion by Mr. Wheeler of Cumberland, "Report of the committee on salaries and fees on bill 'An Act to increase the salary of the justice of the superior court for the county of Cumberland,'" was taken from the table. On further motion by the same senator the report was accepted.

On further motion by the same senator House Document 666, "An Act creating the Maine Forestry District and providing for protection against forest fires therein," was taken from the table. On further motion by the same senator Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

The same senator introduced bill "An Act to amend Chapter 9 of the Revised Statutes relating to assessment of taxes on lands in places not incorporated," and on his motion, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

The same senator introduced bill "An Act to amend Section 11 of Chapter 8 of the Revised Statutes, relating to duties of State assessors." On further motion by the same senator, under suspension of the rules, the bill took its two several readings and was passed to be engrossed.

The same senator moved that Senate Document 475, "An Act relating to free transportation," be taken from the table. Mr. Baxter of Cumberland presented Sen-

ate Amendment B and moved its adoption.

Mr. BAXTER: Mr. President, I want to explain to the Senate very briefly Senate Document 475. It is virtually a copy of the Interstate Commerce Act prohibiting the issuance of passes by common carriers except in certain cases. These are the officers, agents, employees, physicians, attorneys and their families—and "families" has been inserted by the amendment which has just been adopted by the Senate. It also covers persons in charge of perishable goods, and in fact practically everything that is exempted by the Interstate Commerce Act.

I believe there is merit in this act, and think this is a step in the right direction. It is not necessary to dwell upon this matter, and I shall therefore simply move that the bill pass to be engrossed at the present time, as amended. The amendments which have just been adopted by the Senate are: The insertion of the words "and interchange," "and their families," "or for charity" and "the traveling secretaries of the Y. M. C. A." These four amendments seem to me to be proper amendments to make. I move that the bill be given its second reading and be passed to be engrossed.

Mr. Staples of Knox thereupon moved that, pending the adoption of the amendment, the bill with the amendment be tabled.

Mr. WHEELER of Cumberland: Mr. President, I understand that a motion to table is not debatable, but in view of the congested condition of the calendar it seems to me that we ought to dispose of as many matters as possible at the present time, and I hope that the motion will not prevail.

Mr. STAPLES: In view of the statement of the senator from Cumberland I will withdraw my motion.

Mr. WHEELER: Mr. President, my colleague, the senator from Cumberland, Mr. Baxter, has explained that this bill is patterned after the Interstate Commerce Law. Anyone who has examined that law will see that this bill is very much more drastic in its provisions than the Interstate Commerce Law, and more drastic, I believe, than any that has been adopted by any state in this Union. I have before me the provisions of the Interstate Commerce Law, and the bill un-

der discussion copies the Interstate Commerce Law to a very limited extent only. The Interstate Commerce Law provides that—

"No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge and board of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars; express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, postoffice inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons."

There are also included superannuated employees of the company. The larger part of this list is omitted from the bill under discussion, this bill practically limiting transportation to officers, employees, attorneys of the road and their families, and the amendment offered would include—will the senator from Cumberland remind me of the scope of the amendment?

Mr. BAXTER of Cumberland: I would answer the senator by saying that it uses the word, or "charity." I think the term "charity" is a very broad term and would cover everything the senator has mentioned.

Mr. WHEELER of Cumberland: It

may be, Mr. President, that the term is broad enough to cover all that the Interstate Commerce Act provides; but it seems to me that there is a good deal of doubt about it, and it will need the interpretation of the court to determine whether the bill would include all this Legislature would desire it should include or not.

This bill, as I have suggested, is extremely drastic; and it seems to me it is an unreasonable and unnecessary interference by the State in the ordinary and proper management of the railroads of the State by their own directors and officials. I know of no call for the passage of this bill. The Legislature has already very properly forbidden the granting of free transportation to any State official. This has carried it further, and has made it apply to any county or federal official and I believe the Legislature may safely stop there. I understand that when this bill was before the committee, no one appeared in its support, or against it. It is a matter in which the public has shown no interest; and I believe there is no public exigency and no public necessity which calls for the passage of such a bill at this time; and I hope that the motion of the senator from Cumberland, that this bill have a passage, will be voted down.

Mr. STAPLES of Knox: May I ask the senator if this bill would apply to an official who has worked all his lifetime upon a railroad and who has resigned and to whom the railroads might give a pass?

Mr. WHEELER: I understand, that under the bill which is pending, the railroad would have no authority or right to grant a pass to an employee after his service to the company had been terminated.

The PRESIDENT: The pending question is upon the motion of the senator from Cumberland. Mr. Baxter, that this bill receive its second reading and pass to be engrossed at the present time.

Mr. HAMILTON of York: Mr. President: I think the senator from Cumberland, Mr. Wheeler, has voiced the sentiment of myself and of all thinking

men in the Senate. This would seem to apply to street railroads, and if so, I should certainly oppose it upon charitable grounds. I know our roads in Biddeford carry a great many people free, such as the Sisters of Charity, those heavenly women that go from place to place on their errands of mercy. Then there are the nurses in the hospitals. There are also the members of the Grand Army who use the road during Decoration day. This is the condition with our electric roads and I suppose it is much the same everywhere else. Some of these railroads run out into the country where they have started to build little homes, while still working in the city, and the electric road aids them by carrying their children in and out free. It is a kind act, and it may be an act that benefits them in extending their interests. Now this act cuts all of these things off and it seems to me that, where there is no call for the act, it is a wicked proposition to say the least.

Then there is the city of Portland. We like to go there to attend lectures and the theatre and to get some of the benefit of their culture; and we make arrangements with electric road or a steam road for that purpose, and in the city of Portland were thus to be cut off from us, it would be a bad thing for us. Then, all along the line there are scholars attending the schools in Portland and I repeat that Portland is a city of culture, and we want to send our scholars there to school; and they take them there for a certain rate which they could not do under this bill. That rate applies only to those scholars. I will say that the Boston & Maine Railroad has been very kind about that. Then there is our city missionary who passes over the roads—both the electric and the two divisions of the Boston & Maine, in his attendance upon meetings. It would cut him off. And so I might go on. And I suppose there will occur to all of you other cases.

Above all, Mr. President, there is no call for it. Nobody asks for it. Nobody wants it in the State of Maine. If there was a call for it, it would be quite different. The State of Maine has got

along well and the railroads have been fair in the transaction of their business and we cannot find any fault with them and I understand there is no fault found, except by my friend, the senator from Aroostook (Mr. Milliken). They have done what they thought was for the best interests of the people, because from the people they derive their earnings; and if they feel a desire to give a pass to anyone, why should they not be permitted to do so. Do you think that because a man has a pass in his pocket that that will influence him to vote against the public good. Suppose you have a pass this afternoon to go to Portland, how much would it influence your vote? How ridiculous that talk is and how ridiculous it is to cut off every avenue which we have for charitable work, school work and for the social life we are leading.

Mr. WHEELER of Cumberland: Mr. President: To simplify the question before the Senate, I move that this bill be indefinitely postponed, and I understand that motion takes precedence to the one now pending.

The question being put upon the motion to indefinitely postpone, the yeas and nays were called for and ordered; and the vote being had resulted as follows: Those voting yea were: Messrs. Colcord, Donigan, Eaton, Emery, Gowell, Hamilton, Hill, Howes, Kellogg, Knowlton, Looney, Macomber, Mincit, Mullen, Osgood, Reynolds, Smith, Staples, Walker, Wheeler, Wyman (21). Those voting nay were: Messrs. Baxter, Boynton, Hastings, Irving, Lowe, Milliken, Shaw, Theriault, Warren (9).

So the motion prevailed, and the bill was indefinitely postponed.

On motion by Mr. Milliken of Aroostook, Senate Document No. 311, "Resolve in favor of Ray P. Eaton," was taken from the table.

Mr. MILLIKEN of Aroostook: Mr. President: I move that this resolve be indefinitely postponed; and in support of that motion will say just a few words. In the first place I wish to read the resolve:

Resolve in favor of Ray P. Eaton.

Resolved, That the sum of \$2809.90 be paid to Ray P. Eaton, being the

amount of his official fees, including disbursements for clerk hire, in excess of his salary and allowance as register of deeds for the county of Cumberland from the first day of July, 1905, to the 31st day of December, 1906.

The facts in this case are these: The Legislature of 1905 passed a set of general laws, removing or abolishing the system of fees in certain offices throughout the State, especially certain county offices, and placing those officials upon a fixed salary. Ray P. Eaton had been elected in 1902 as register of deeds for Cumberland county, the term of office being for four years, and the custom being that no incumbent should be re-elected.

On the first day of July, 1905, the date when this new law went into effect, Ray P. Eaton was in office in Cumberland county, having served two and one-half years and having a year and a half still to serve. Under the old system of Cumberland county, the revenue of the office, if I am correctly informed, was somewhere in the vicinity of \$4000 a year. He had received up to this time, therefore, about \$10,000. The new law, as made by the Legislature of 1905, gave him a salary of \$2500 and clerk hire at \$1800.

The claim that is made, for which this resolve has been drawn, is that he be reimbursed by the State for the difference between what he expected to receive and would have received under the old fee system, and what he did in fact receive during the balance of his term, from July 1, 1905, to Dec. 31, 1906, under the new law.

There are three objections to this claim. I want to say, in the first place, that I have absolutely no personal feeling in this matter. Mr. Eaton is a very estimable gentleman, so far as I know; and I would certainly be glad to vote for anything that was reasonable to my friends in Cumberland county.

The first objection is that, whether the action of the Legislature was wise or not in cutting down the remuneration of these various officials, it was in fact cut down all over the State, and that Mr. Eaton, an officer in Cumberland county, as well as any other official in the State who did not care

to continue in the office at a reduced salary, had the option of resigning, if he wished to do so, or remaining in the office. It seems to me that he equitably stopped from asking for further remuneration.

The next objection is that the passage of this resolve will open the way for every official who was in office at the time the law was passed, who feels that his remuneration for the balance of the term should not in any way be cut down, to come here at the next session; and I should imagine, if the resolve was passed, that the rest of them would ask for further remuneration.

The third objection is that this money, if it is to be paid at all, should be paid from the treasury of the county of Cumberland. I understand perfectly that there are legal obstacles in the way of compelling the county of Cumberland to pay, but it is for the county and not for the State to pay it.

Those are the three *prima facie* objections which I have to the resolve.

There is another objection, and that is this: The same resolve was presented at the last Legislature and turned down. At this session it was presented and was referred to the Cumberland delegation. And the delegation, of course, was in an embarrassing situation in the matter and could not very well do any differently from what they did, that is, to report favorably. I move that the resolve be indefinitely postponed.

Mr. WHEELER of Cumberland: Mr. President: I believe that the senator from Aroostook, in all of his legislative career, has been actuated by the highest ideals of public service; and I am sure that his only objection to this resolve is through a mistaken zeal for the public welfare.

I do not believe that the senator from Aroostook would intentionally do injustice to any man; but I do believe that, if this resolve is indefinitely postponed, it will result in a grievous injustice to one who is deserving of better treatment from this State.

Mr. Eaton, a disabled soldier of the Civil War, was register of deeds of Cumberland county from 1903 to 1907. By a political custom, which exists in

that county, and which has been referred to by the senator from Aroostook, the office of registry of deeds is regarded as a one-term office, that being an unwritten law which prevails there and no man has ever been re-elected to that office. He serves for a single term of four years and then he goes out and another comes in. And in the history of the county, I believe that rule has been rigidly adhered to.

Mr. Eaton was elected register of deeds in 1902 for a four-years term, beginning Jan. 1, 1903. He expected, and he had a right to expect, that he would receive, for the term of office for which he had been elected, the compensation and income of the office as prescribed by law in existence at that time. He had every reason to believe that he would receive, as his predecessors had received, the unimpaired compensation of the office for the full term for which he had been elected. He had a right to expect that if any reduction was to be made in the compensation of that office, that the reduction should take effect at the commencement of a new term.

I think we must all agree that it is extremely unwise and unfair, and against public policy for the State to reduce the income of a public official during the term for which he has been elected. The senator from Aroostook states that, if any public official, after his income has been reduced, is not satisfied to continue for the remainder of his term at the reduced income, he may resign. But I do not believe that the senator, on second thought, would urge that as a reason why this resolve should be defeated.

The Constitution of this State expressly forbids the Legislature to reduce the compensation of the Governor during his term of office, and the Constitutions of most of the states go further than that and forbid the Legislatures of those states to reduce the compensation of any public official during the term for which they have been chosen. The constitution of this State does not go to that extent, but I believe, nevertheless that, upon every principle of justice and fair dealing, any reduction of the compensation

of a public official should be made to take effect at the termination of the term of office of the officials then in office. If this change is made to take effect at the commencement of a new term, no hardship is inflicted upon anyone. The candidate for that office at a reduced compensation knows in advance what he is to receive. He solicits and accepts the office with full knowledge that his compensation is to be fixed at a certain rate, but having accepted the office, he is then entitled to receive that compensation unimpaired, to the expiration of that term. And evidently the Legislature of 1905 felt that there was justice in that plan, because in this very act the Legislature expressly provided, in the case of county attorneys, that wherever by that act the compensation of any county attorney was reduced, it should not take effect until the expiration of his term of office.

Why should there be any discrimination or distinction between a county attorney and a register of deeds? The passage of this resolve would merely extend to Mr. Eaton the same consideration and the same treatment which the Legislature expressly recorded to the county attorneys.

The senator from Aroostook suggested that this matter was before the Legislature two years ago. It was before the Legislature in the shape of a bill instructing the county commissioners of Cumberland county to refund this amount to Mr. Eaton. That went before the judiciary committee, and that committee found as a matter of law, that the Legislature had no power to direct that payment from the county treasurer. Many of the members of that committee, individually, at that time and since, expressed their opinion that this was a meritorious claim, and that it was merely a legal difficulty on account of the impossibility of ordering the money to be paid from the county treasury which rendered their adverse report necessary. The present chairman of the judiciary committee, the senator from Oxford, Mr. Hastings, who was a member of the committee at that time, I think will confirm my statement in that particular. That committee found, and

it is unquestionably true, that the only way in which this matter could be adjusted is by a resolve, in the form in which it is now presented.

The senator urges that this money ought to come from the treasury of Cumberland county, and I agree with him; and the members of the Cumberland delegation would prefer to have it come from the county treasury, but it is impossible. The only way in which it can be adjusted is through the passage of this resolve. The senator says that it would establish a precedent. It seems to me that we need not be disturbed by this spectre of a precedent which he places before us, and I think I can make that clear to you. This law went into effect in 1905, but the question of establishing salaries for all the county and State officials was first presented to the Legislature of 1903; and that Legislature appointed a committee which visited all the counties of the State, had public hearings and in that way fixed and established the salaries of all the State and county officials. So that anybody seeking an office at the election of 1904 had definite prior knowledge of what the compensation of his office was to be. He took office on the first day of January, 1905, with full information as to what income he would receive from that office. So that, the only persons who would have any grievance from the passage of this law, wherever it reduced their compensation, were those who were serving a four-years term, commencing in January, 1903; and those were the judges of probate, registers of probate, clerks of courts and registers of deeds. In most of the cases those officers were elected in 1904 and were not holding over on the first day of January, 1905, from the election of 1902; and if you will look over the list of those county officials, you will find that in very few cases did the Legislature reduce their compensation. In a few cases where it did work a reduction, it was so slight and so trivial that they would have no valid claim against the State.

Now as to the payment of this from the county treasury. While we regret that we are obliged to ask the State to reimburse Mr. Eaton in this way, it

may be new, I submit, for the State to contribute anything to the county expenses of Cumberland county. It never has been done before in the history of the State, but it is not a new proceeding in the case of other counties in this State. The State of Maine today contributes annually to purely county expenses in several of the counties of this State, including the county of Aroostook, represented by the senator who opposes this resolve.

I suggested to the Senate the other day that, under the present law relating to the collection of taxes on lands in unincorporated places, the county commissioners of the county in which those lands were situated assesses the land for the county tax. The county commissioners then certify the amount of that assessment to the State treasurer and the State acts as a collection agency and it collects those taxes for that county. But it does more than that. It pays to those counties the full amount of the county taxes which they have assessed, whether the State gets the money or not. In other words, it appropriates from the State treasury every year the difference between the full assessment made in those counties for county purposes and the amount which it actually succeeds in collecting. The difference is appropriated out of the State treasury for purely county purposes, and the county of Cumberland pays one-fifth of that appropriation and has always done so, for the benefit of the county of Aroostook, for county expenses, for the benefit of Washington county, for the benefit of Franklin county, for the benefit of Penobscot county and for the benefit of Piscataquis county; and we never have complained and we never have asked that the State contribute anything for any county purpose in the county of Cumberland. And it seems to me that it comes with ill-grace from the senator from Aroostook, which is receiving State assistance every year for county purposes, to object to this resolve on that ground; and I submit to you frankly that if it were possible for us to pay this from the county treasury, the Cumberland delegation would not ask to have it come from any other source.

This matter was referred to the Cumberland delegation. That delegation consists of 26 members of this Legislature, there being five Democrats and 21 Republicans. The membership is almost as large as the membership of this Senate. At a full hearing, where the county commissioners were present, together with Mr. Eaton and many others interested in this matter, with a full knowledge of all the facts, and a full hearing, the Cumberland delegation unanimously recommended the passage of this resolve; and the Cumberland delegation unanimously requests its passage from this Legislature.

Mr. MILLIKEN of Aroostook: Mr. President: I tried to make it plain, in what little I had to say a moment ago that the objection to this resolve is not the fact that we are appropriating money to Cumberland county. I shall cheerfully vote anything reasonable that Cumberland county may ask for; but the senator has said that those elected in 1904 had full knowledge of what their salary would be. I cannot agree with that, and no one who was in the Legislature of 1905 could agree to that. They differed from those elected in 1902 in this respect, that they knew some change was to be made and that the free system in all probability was to be abolished, but the salaries actually to be paid were in fact fixed long after the Legislature of 1905 got together, and the committee had hearings and the recommendations of the special committee of 1903 were altered in a great many cases. The senator has referred to the provision of law in regard to county attorneys and to the question of whether or not it is wise for the State to change the compensation of officials while in office. I think I should agree fully with the arguments that the senator has presented on the fairness of continuing officials in office at the same salary to which they were elected; but I want to point out the fact that that argument, while it would have been very appropriate to suggest before the Legislature of 1905, cannot be addressed to this Legislature except upon the assumption that we are now going to adopt a precedent at this late day of

reaching back and undoing the work of the Legislature of 1905, to the extent of changing all the changes made, by their abolishment, so far as they affected officials in office at that time.

Mr. President and Gentlemen, I expect to be criticised after this Legislature adjourns and I expect the Legislature will be criticised for a good many things. I expect it will be abused and misunderstood; but I should like, so far as possible, to avoid being laughed at; and I am inclined to think that my section of the country at any rate would be obliged to laugh at us if we were to take the position that this register of deeds of Cumberland county, who had received \$10,000 out of his office and by the Legislature of 1905 was reduced to the paltry sum of \$2500 a year, was suffering a hardship to such an extent that he came before this Legislature and we relieved him and established a precedent that any official in office at that time was entitled to similar relief. We must remember, as we vote on this question, that it is not this question alone which we are deciding. We are deciding whether every official who was in office in 1905, whose salary was in any way changed, is entitled to such relief. If this resolve is passed, every official then in office is entitled to relief by the next Legislature. I ask that when the vote is taken, it be taken by the yeas and nays.

The question being put upon the motion that the resolve be indefinitely postponed, the yeas and nays were ordered, and the vote being had resulted as follows: Those voting yea were: Messrs. Boynton, Donigan, Gowell, Howes, Irving, Kellogg, Lowe, Milliken, Shaw, Smith, Theriault (11). Those voting nay were: Messrs. Baxter, Colcord, Eaton, Emery, Hamilton, Hastings, Hill, Looney, Macomber, Minott, Mullen, Osgood, Reynolds, Staples, Walker, Warren, Wheeler, Wyman (18).

So the motion to indefinitely postpone was lost.

On motion by Mr. Wheeler of Cumberland, the resolve thereupon took its second reading and was passed to be engrossed.

On motion by Mr. Staples of Knox,

Senate Document No. 5, "An Act to repeal Chapter 92 of the Laws of 1905, entitled "An Act to provide for the better enforcement of the laws against the sale and manufacture of intoxicating liquors," was taken from the table.

Mr. STAPLES of Knox: Mr. President, I move to substitute the minority report for the majority report of the committee on temperance.

Four years ago in this body there was a bill passed, after much discussion, known as the Sturgis bill. At that time I discussed the matter very fully as you will see by the Legislative Record of that year. I was the only person in this Senate at that time who voted against that bill. The bill came before the Senate two years ago after it had been tried for two years, and I found the Senate changing by a large vote—a majority vote in favor of repeal of the Sturgis law. After it had been tried in this State for two years, the people of this State, I believe by a large proportion of them—of the voters outside of the Legislature—who in the House and Senate repealed what I then called, and what I now believe to be, an unconstitutional, wicked, obnoxious law. And I believe today that I voice the sentiment of seven-eighths of the voters of this State when I stand here and ask for its repeal at this time. I do not stand here for any rum element in the State of Maine, but for the temperance element. I do not stand here alone for the Democratic party, but for a good portion of the Republican party of this State, when I say that I am in favor of the repeal of that law. I cannot see that it stands any different today from what it did two years ago. Why is this change that we see at this session of the Legislature when both parties by a large vote repealed it two years ago? The people upon this question have gone mad. We find prohibition contortionists all over the State of Maine advocating measures for the enforcement of the liquor law who are doing more injury to the cause of temperance than they can conceive of. They are people who have no idea of the practical working of the prohibitory liquor law. There is no conservative man in the

State of Maine who does not believe in temperance. Believing in temperance, we say to these contortionists that they are doing a great deal of injury to the temperance element of the State. I believe it to be contrary to our form of government and un-American, I believe in the inherent rights of the common people and never, so long as I am able to lift my arm and to talk, will I ever consent that the rights of the people shall be jeopardized and taken from them to please the prohibition contortionists and fanatics of Maine.

"Those whom the Gods wish to destroy, they first make mad." I never saw that so applicable as I find it now to the prohibition element of Maine. I deny that the law prohibits. The public sentiment is what we want to get at and I am stronger today in favor of the repeal of that law than I was two years ago. The best element of the State are saying that these drastic laws shall not be put upon our statute book. I think that some who voted for that bill, which was in the Senate day before yesterday, on sober second thought would vote the other way. You have given those people the right to remove county attorneys. I said two years ago that I believed it to be unconstitutional. These contortionists go to the Governor and he appoints a county attorney to supersede a man elected by the people of Somerset county in the performance of his duties before the grand jury. He went there and took control of it—and what is the result? There will be 15 suits in Somerset county on account of false imprisonment. The matter went to the supreme court, and these contortionists said, we have the right—the Governor has the right to go into that county and appoint a county attorney. And some fanatic says to him, that they are not enforcing the prohibitory liquor law—but what did the supreme court do? Under this very bill that I am now asking you to repeal, they declared that the Governor had no right to appoint a county attorney in that county, and that it was unconstitutional. If it is unconstitutional in that respect, pray tell me, when you come to vote as lawyers and as conservative

men, are you going to say, when the supreme court has declared a part of the bill to be unconstitutional, that any of it is constitutional? You cannot do it as lawyers and business men.

Another reason why I am opposed to it, even more today than I ever was, is because it is something that effects the home and the fireside. It affects that guaranty of the constitution of Maine, that every home shall be safe against the intrusion of any body, in their castle or their house or their papers. The supreme court in its decision upon this county attorneyship said they should be safe and be protected by that guaranty of the Constitution which is the sole protection of the American citizen.

What did we do day before yesterday? I find up here the Sturgis deputies—half of them outlaws from the beginning—some rundown politicians who wanted some place in the State where he might perform his feats upon the people—tore a man's house down, because they supposed some liquor was there. They have a right to search in a reasonable way, but they tore every room upon the lower floor to pieces and drove the family out that inhabited it, and the State paid those men for the damage they had done, after the Supreme Court had decided that they were trespassers and had exceeded their duties. And these contortionists who undertake to control the rights of the people, induced the State to pay the damage these deputies have done; and not only that, but paid the attorneys who defended them. I said that was wrong and I put in a bill here at this session providing that when the Supreme Court of Maine has decided that a State officer had exceeded his duty, that he was a trespasser and that the State should not pay any of the bills. One of the Senators said to me: "I thought there was a cat under the meal and that you were talking politics." I was not. I was talking for the protection of the home and the fireside, and of women and children. A more infamous act has not been done by this Legislature than the one by which you have licensed the Sturgis deputies in the State of Maine to do just as they please if they think there is liquor in a house

and to say to them, the State will pay for it. That bill should be stricken from the statute book.

I haven't any doubt if Mrs. Stevens and one or two more fanatics were to ask you to give them the right to assault them and to do what they pleased, that the Legislature you have here this winter would give it to them. This prohibitory law has created hypocrisy and liars in the State of Maine for the past forty years; and you know it, and you have been playing with it. If it wasn't for politics, you would never have had a Sturgis Commission, but you would annihilate it from the face of God's earth as soon as you could vote.

We have had four years of Sturgisism for the better enforcement of the prohibitory law. Is there a Republican Senator who will tell me that he thinks there has been any better enforcement since the Sturgis Commission was formed, that there was before. I know that there has not.

In Bangor, all last summer, you had four deputies whom you were paying \$3.00 a day and expenses, who were going up and down Main street and other streets in Bangor, past houses, saloons and stores, where they had beer on draft, and they did not make but one search and seizure in the four months they were there. Do you think there is any better enforcement in Portland than there is in Bangor? I find fault with it again for the reason that you have not put the Sturgis deputies in all the counties of the State. York county urged the Governor to put them there, but no Sturgis deputies were sent there and you know how the law was enforced in that county. In my county, of course, we do not sell any rum, but we have grand good officers. But it will be sold in Knox and in Kennebec and in every county in the State under this bill and you may pile in Sturgis deputies, but it will result just the same way because of the ridiculous manner in which you have handled this thing. I would give more if we could go back to it for the old Washingtonian system than for all that can be accomplished or has been accomplished by the prohibitory liquor law in the last fifty years. And I will join any party that will make me believe

that they can revolutionize the State by any law that will keep people from using intoxicating liquor.

We have been hypocrites on this question for 30 years or more. The men who have the real cause of temperance at heart believe this law should be abolished.

I do not know what new dream is coming over my Republican friends who two years ago voted for the repeal of the Sturgis Bill. I do know and you know that there was a howl going up over the State of Maine in favor of that repeal.

You did not dare to say a word against the Sturgis Bill in your platform at the State Convention. You wanted to keep the temperance element in your party and to do something to please the conservative element of your party.

If I were only talking to get votes, I would say, do not repeal it, and we will go to the people and two years from now will show you the handwriting on the wall. You pay your money at this session and you take your choice. The people have got mad over this thing, and they demand in the interests of temperance that no more drastic laws shall be put upon the statute book. Let us enforce what we have.

We have sixteen sheriffs in the State of Maine and 128 deputies and sixteen county attorneys and more than a hundred other officers whose duty it is to enforce the prohibitory liquor law. Let us keep the matter right down to the people. The majority of the people are conservative upon this question of temperance and are willing to do what is right about it. They want to see less rum sold.

When you see the young men going down to perdition and when you see the aching hearts and scalding tears of the widows and mothers, I say to you, there is something wrong, and when you know that condition has been brought about by hypocrisy, there is something wrong, and you have something to answer for. I know that in the State of Maine today liquor is sold as freely as at any time in the last twenty-five years. You have driven it out of the public places into the dens and kitchen barrooms. Let us get this matter out of politics. I plead for the

young men, for good society and for temperance today. The keeping of this law on the statute book makes men mad and distorts public sentiment. Something has got to be done. Did you ever know men to be reformed by law upon the statute books.

I am opposed to this law because it is destroying the young men of the State. I admire frankness, and there shall not be any hypocrisy in my position. I stand today as President Taft stood in his letter of six months ago, when he said that he believed that local option was the best method for handling the liquor traffic of this country, and Governor Bell of Vermont was in favor of local option. The Mayor of Auburn, who was a grand man and I think a temperance man, stood for local option. I would have local option restricted so that it could be handled in the best possible way. I believe today that if the prohibitory law was wiped from the statute books that you would have less drunkenness in the State of Maine.

This is a great moral question, and one that affects the household and the firesides, our sons and our neighbors, and society in every way. Shall we be so recreant as to keep this thing in politics? I do not believe you will do it. The Republican Party, in caucus assembled here this very winter, declared that the Sturgis Law was a bad law, and you have said it time and time again; and, while you do not in your platform promise to repeal, you tacitly promised the voters you would do so.

A leading member of the House, when they were discussing the Eaton Amendment, said that the Sturgis Law was a bad law and that they wanted to get something else in place of it, and that if you could find something else—this is a fair construction of what he said—that would please the prohibition cortortionist, then you would repeal the Sturgis Law. If it is a bad law, are you going to wait to get something else?

I saw the light of day when standing here alone four years ago. And two years ago I saw a new light dawning upon the minds of my Republican friends, and they joined with me and we did not shed tears of agony and distress, but of exultation and gratitude and joy,

and a smile beamed upon the faces of the Senators because they could get rid of that terrible putrifying corpse.

I believe the majority of the people in Maine are in favor of repealing that law, and it will not take you a great while, it seems to me, to find something that is a good deal better. I believe the people are demanding it at our hands and that there will be trouble in the party unless you repeal it.

I believe that the sheriffs of the counties should not be insulted. I should not blame the sheriffs of our county so much if they were a little slow in performing their duties, on this matter or any other, if three or four men should come into the county and undertake to take away from them the rights which the constitution gives them. Let every county manage its own affairs in its own way. They have the referendum behind them in each county, and if the sheriffs do not do their duty, the people will turn these men out and put others in. This matter depends upon the moral sentiment of the people. The great danger to the State of Maine today is because of the inactivity of the common voter. It is hard work to get him to the polls because you have taken his rights out of his hands, and he has no hand in the making of the laws of the State. Do not understand me that I am opposed to temperance. I would have it in every household. The future of the State depends upon enthusing the common men in the workshop and on the farm. Do not take from the people their rights.

Mr. LOONEY of Cumberland: Mr. President: I am always pleased to listen to the entertaining and interesting addresses of the Senator from Knox. In discussing the prohibitory law, he is always at his best. For the last quarter of a century, on the stump, on the platform and in the Legislature, he has lashed the law against the licensed saloon with all the resources of his rich and variegated vocabulary. Some men have wearied in their efforts to repeal this law, but not so with him.

"Time writes no wrinkles on his azure brow." Like Tennyson's brook, "Some may come and some may go, but he goes on forever." I regret to say, however, that, while his addresses mani-

fest great ability, they do not also show logical consistency. No man in Maine has denounced the prohibitory law in more scorching terms than he has. According to him, it has created and has been the fruitful mother of perjury, hypocrisy and all manner of crime. According to him, its enforcement has been a monumental farce; and according to him, the executive officers throughout the State, whose duty it is to enforce the law, have shamelessly and scandalously omitted to perform their constitutional duties. Imagine then, my surprise, some three weeks ago, when the Eaton resolve was before the Senate, to hear my friend from Knox, with calm and unruffled front, assure the Senate that the law was being vigorously and impartially enforced from one end of the State to the other. Imagine my surprise when he also assured us that the officers, whose duty it was and is to enforce the law, were enforcing the law with fidelity and with due regard to their oaths.

The senator from Knox has been the exponent of the common people of Maine. He has assured us time and time again that he loves the common people as he does the apple of his eye—that it is his desire at all times to appeal to them for their opinion when matters of great importance and moment come before us. And he has assured us that the referendum and plebescites are the most important factors in our legislation. Imagine then, my surprise, when this same Eaton amendment was before the Senate, to hear my friend from Knox denounce in the most unmeasured terms the proposition to submit that amendment to the people for their consideration. In other words, the senator from Knox denounces today what he advocated yesterday, and denounced yesterday what he advocates today. It is certainly very amusing to watch his gyrations in this respect. One moment his doctrines are as narrow as the bridge which leads to the Mahometan paradise, and again they are as broad as the way to death. They remind me of the tent in the Arabian nights entertainment, which at one time was so small that you could place it on the

palm of your hand, and again, to suit convenience, could be expanded so as to cover large fields, and serve for an encampment of immense armies.

The truth is that my friend's courage, ability and talents are worthy of a better cause. He is almost alone in his advocacy of license for open saloons. The very fates and the stars in their courses are fighting against him. The liquor tariff cannot point, nor can it give one reason for its existence. It cannot point to one blessing it has conferred upon humanity. From every point of view—from the point of morals, of politics, of material prosperity, the American saloon is a blight. The uplift of modern times—all the principles of Christian civilization have doomed it to destruction.

For reasons which I have before given, I am in favor of prohibition; and I might say here that the law which prohibits the sale of intoxicating liquors and which looks upon liquor selling as a crime and upon liquor sellers as criminals, in a certain sense, educates the people in favor of temperance.

I believe, as I said, in prohibition. I believe in enacting laws, not for the purpose of catching votes, but for the purpose of exterminating the traffic. I believe that what we want in this State is not more law, but more enforcement. The prohibitory law is a State law; and, in theory, as I have before said, it should be enforced from one end of the State to the other—in those counties which do not believe in it. And, being a State law, the machinery to enforce it should be wide all over the State in its effect.

The reason that we have had such an important enforcement of the law is that, being a State law, it has been left to localities to secure its enforcement. And, in my judgment, until the Governor of the State is armed with the necessary powers to perform his constitutional duty—until the executive officers are held responsible to him, and he to the people for the enforcement of the law, we will never have prohibition in the legal or in the moral acceptance of the term.

With the assistance of the minority

in this Legislature, which is really when it came to the last analysis, in favor of the open saloon and in favor of nullification—with the assistance of that minority, the Eaton amendment, which in my judgment is the best proposed amendment to our laws and our Constitution yet devised for the purpose of securing the enforcement of the law—with assistance of that minority, that amendment was defeated.

Now, there not being any proper law to give the Executive the power to enforce the law, I ask my friend from Knox, and I ask the gentlemen who are opposed to the law, what should be done when the Executive is satisfied that in one, or two, or three—or a large number of the counties of the State, the law is nullified and is being shamefully violated? What should be done? Echo answers, what?

In my judgment, inasmuch as we cannot secure an amendment, arming the Executive with the power to remove recreant officials, the next best thing to do is to keep upon the statute books, and enforce it, a law like the Sturgis law. I know there are some objections to the Sturgis law; but I tell you, gentlemen of the Senate (and I have given this matter careful consideration) the objection to the Sturgis law comes from the violators of the law. It comes from those sections of the State where the law has been nullified, and where, as far as this law is concerned, we have had anarchy; and so it is from those sections of the State where the law has been shamelessly violated, and where it has been enforced under the Sturgis law, that we have objections to the law. In other words, the objections to the law are the strongest possible arguments to be brought in favor of it.

In my judgment, the Sturgis law is the only rational and radical piece of legislation we have had in the last 25 years; and it is the only law upon the statute books which saves us from Anarchy and nullification; and because, gentlemen of the Senate, I am in favor of an honest and impartial enforcement of the prohibitory law from one end of the State to the other—because I do not believe in enacting a law for the purpose of catching the

temperance vote, and then violating it for the purpose of catching the liquor vote—because I believe that in theory and in practice this is the best law for the extirpation of the liquor traffic, I am in favor of the Sturgis law and shall vote against its repeal.

Mr. STAPLES: Will the senator permit a question?

Mr. LOONEY: I will answer it if I can.

Mr. STAPLES: The Sturgis law has been upon the statute books for four years. Don't you know that since the change of your administration, in the county of Cumberland, that in the city of Portland, in the last six months, there have been more arrests for drunkenness than at any time in the last four years?

Mr. LOONEY: I know that the law is better enforced than it has been for years. And I have it from the mayor of Rockland, that since the Sturgis deputies have gone into Rockland there has been more enforcement and honest enforcement of the law than they have had for the last 25 years.

Mr. STAPLES: I beg to say that that is absolutely untrue, whoever said it. We have had the best enforcement of the law by our sheriffs that we have ever had. When the Sturgis Commission was there they wouldn't do anything. But I don't blame them for that.

Mr. LOONEY: The report of the Sturgis Commission shows that for the last five years the rum traffic has been carried on scandalously in the city of Rockland, and that in that city they practically had free rum.

Mr. STAPLES: Mr. President, I resent that aspersion upon the people of the city of Rockland, whoever that man might be, whether it be a Sturgis commissioner or whoever he may be, it is absolutely and unqualifiedly untrue. And I want to say in behalf of that county that there are Republicans that will agree with me, as well as Democrats, that we have enforced that law, and the county attorney, who is a Democrat, has paid in more funds, according to the population of the county, into the county treasury, than any other county in the State of Maine.

Mr. LOONEY: The senator from

Knox has made a remarkable admission. He virtually says that the prohibitory law in the county has been used as a license law rather than as a prohibitory law, in saying what he says about fines.

Mr. STAPLES: The senator from Cumberland has no right to impute that we are in favor of a license law or of the open saloon.

Mr. LOONEY: I take your own words for it.

Mr. STAPLES: That you have had in Cumberland county and are having it today, but if you would use your efforts there as much as you do upon the floor of this Senate, you would be a remarkable martyr to the cause of of temperance.

Mr. LOONEY: I will say that bye and bye the people will say that the senator from Knox and myself are the only teetotalers in the Senate.

The question being put upon the substitution of the minority for the majority report, the yeas and nays were ordered and the vote being had resulted as follows: Those voting yea were Messrs. Baxter, Donigan, Hill, Kellogg, Lowe, Mullen, Osgood, Staples (8). Those voting nay were Messrs. Boynton, Colcord, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Knowlton, Looney, Macomber, Milliken, Minott, Reynolds, Shaw, Smith, Thierault, Walker, Warren, Wheeler, Wyman (22).

So the motion was lost.

Thereupon, on motion by Mr. Looney of Cumberland, the majority report was accepted.

On motion by Mr. Baxter of Cumberland, House Document No. 220, "An Act to establish a standard unit of measure and a standard size of can for the sale of milk and cream, and to regulate the sanitary conditions under which milk and cream shall be handled," 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. Hamilton of York, House Document 623, "An Act to amend Section 13 of Chapter 117 of the Revised Statutes as amended by Chapter 66 of the Public Laws of 1907, relating to the per diem attendance of

expert witnesses," 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 the same senator, bill to provide for attorney general and assistant attorney general to take charge of local prosecutions in certain cases, together with accompanying reports, were taken from the table; and on further motion by the same senator, were assigned for consideration Tuesday, March 30.

On motion by Mr. Colcord of Waldo, House Document No. 7, "An Act to amend Section 11 of Chapter 39 of the Revised Statutes relating to the sale of milk," was recalled from the Governor. On further motion by the same senator, the vote whereby the bill was passed to be enacted, was reconsidered; and on his further motion, the bill was laid on the table.

On motion by Mr. Hastings of Oxford, House Document 706, "An Act in relation to the Limington Public Cemetery Corporation," was taken from the table. On further motion by the same senator, the bill was passed to be engrossed.

On motion by Mr. Shaw of Kennebec, Senate Document, No. 455, "An Act to exempt growing white pine from taxation," was taken from the table.

Mr. SHAW of Kennebec: Mr. President: I would say that my object in tabling this bill was simply to examine it. It seemed to me at first that it would create a great deal of unnecessary trouble for the board of State assessors to exempt certain growing pine trees from taxation. I thought I could see, and I believe now, that there would be very many cases where men would want their wood lots exempt from taxation, if this was to become a law. And I can also see where the amount of work would be very large to meet the demands that would be put upon the Board of State Assessors to meet this bill. I cannot see any benefit in it; and without any further remarks, I move that it be indefinitely postponed.

Mr. WARREN of Cumberland: If we could choose but one tree among those with which nature has endowed us, it would, without doubt be the Oak, but we are rather above the northern limit

of Oak and it is out of our field. Next would be the White Pine and then at a respectful distance the Spruce, and so our heritage includes in good measure two of the three most valuable trees that the world affords. Maine is the Pine Tree State. It is upon our shield; we ought to do it honor. There is no better White Pine land in the world than that lying between the mountains and the sea in Maine and New Hampshire, and in a state of nature it was an almost unbroken pine forest from the Kennebec to the Merrimac. Standing alone upon the hillside or in clumps and groups or in the larger forests, in summer or in winter, in sunshine or in storm, the White Pine is a thing of strength and beauty. We could not ask for a better emblem. The pine forest was what brought the early settlers to our State and millions of logs have been floated down our rivers, sawed into lumber and sent into the markets of the world. In those days it was the principal source of revenue. We ordinarily have little conception of the grandeur of this primeval forest. Sometimes in our older mansions we see in the wainscot pine boards three feet or more in width and as clear as a hound's tooth, which shows what they had for lumber in those days.

In Colonial times the King's Commissioners came across the seas and selecting the finest specimens, marked them with the King's broad arrow and the cutting of the trees so marked for any other purpose was forbidden under heavy penalties.

In the days when England gained her supremacy on the seas, which she still holds, she had ships of English Oak with White Pine masts from Maine. The primeval forests were cut long ago. But our soil and climate remained and obeying the law of its nature, the Pine began to grow again and was already giving promise of restoring in some measure the glory of the original forests. Within the past few years, however, the portable mills have prematurely harvested this second crop before it had half a chance to show what it could do and we need some measure to help to again clothe these cut-over fields. Not with a chance growth, but with

White Pine. Fortunately we cannot keep it from growing, but we can favor and protect it.

When we speak of our forests we think of the Spruce and those may be more immediately important, but the White Pine is hardly second to it, as there are hundreds of thousands of acres if not millions, which should be in White Pine, and the yield of land in the long course of years will be, double in White Pine what it will in Spruce, owing to its greater size and height and more rapid growth.

The ordinary method of taxation, unless the assessors are better than the law, which is often the case, would compel the cutting of this growth prematurely, and so this bill which applies only to the incorporated part of the State adopts the principle of the stumpage tax, which is I believe the right plan for taxing forest growths and which I believe will, sooner or later, be applied to the Spruce as well.

The bill as it stands may raise some questions and in the future require some amendments; but it is I believe on the right line and it is safe to pass it in its present form, and I trust that motion of the senator from Kennebec, Mr. Shaw, to indefinitely postpone, will not prevail.

The pending question being upon the motion to indefinitely postpone, the yeas and nays were called for and ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Lowe, Macomber, Milliken, Reynolds, Shaw, Staples, Theriault (7). Those voting nay were Messrs. Baxter, Boynton, Donigan, Eaton, Gowell, Hamilton, Hastings, Hill, Howes, Knowlton, Minott, Smith, Walker, Warren, Wyman (15).

So the motion to indefinitely postpone was lost.

Thereupon Mr. Warren of Cumberland moved that the bill take its second reading and passed to be engrossed.

Mr. MILLIKEN: Mr. President: I want to say that I was obliged to vote for the indefinite postponement of the bill not because I am opposed to the general principles of the bill, but because my attention has been called to the fact that the change of the pro-

vision involving the stumpage tax, which I was not aware was incorporated in this bill and which we have generally associated with the so-called Darling bill, I wish to say that if this bill is to be passed I would very much like to confer with the senator from Cumberland in regard to that provision, for I do understand that it is a very drastic system of taxing the timberlands of the State of Maine. It is incorporated, as I said before, in the Darling bill.

Mr. WARREN: Mr. President: I will say, in response to the remarks of the senator from Aroostook, that it does inaugurate this stumpage tax, and that to my mind is the real virtue of the bill. I have no question but what the stumpage tax is the correct tax, whether it was a feature of the Darling bill or not; but the Darling bill was not turned down because of that feature, but because it was too comprehensive and undertook to do too much. I have no question but what the stumpage tax is the correct tax. The virtue of this bill is largely in the fact that it inaugurates that tax; and if any of you gentlemen do not believe in that tax, it is very well to turn this bill down. You do not need to carry it further. However, I would say that you do not need to apply it to spruce or to hard wood. The only two trees that we have in Maine which are worth stimulating as a product, are the white pine and the spruce, and the conditions under which they are growing, are not the same. We can put a stumpage tax on one and not on the other. It does not follow as a matter of course that we must go along this same road. Indeed I think it is a very good plan to make an experiment and see how it works. There may be difficulties which will develop that we do not know about, and there may be advantages that we do not think of, and it will be in the line of education. It does inaugurate the stumpage tax.

Mr. MILLIKEN: My point was that I would like to vote on the two propositions which this bill contains separately. The bill is ostensibly a bill for the encouragement of the growth of white pine by exemption

from taxation; and to that part of the bill I have no objection. But it contains also a separate and distinct proposition, and that is a new method of taxation of timber lands, that is, upon stumpage; and on that proposition I cannot assent and I would like a chance to vote on the two propositions. If the senator will hold the matter long enough for an amendment, I would like to vote on the amendment, and then on the bill if the amendment is adopted.

The question being put on the motion that the bill take its second reading and pass to be engrossed, the motion prevailed.

The bill took its second reading and was passed to be engrossed.

Mr. WYMAN of Washington moved that House Document 645, "Resolve in favor of DeForest Keyes," was taken from the table. The same senator moved that it be assigned for consideration on Tuesday, March 30.

Mr. MACOMBER of Kennebec: Mr. President: It seems to me that on this matter we ought to reach a decision before next Tuesday. I wish the senator would have it assigned not later than Friday.

Mr. WYMAN: I have inquired of parties interested and have arranged with them to have it assigned for next Tuesday. I thought it was a pretty good idea that if they had money to waste they could spend it here in Augusta.

Mr. MACOMBER: Mr. President: I certainly haven't any objection to their spending their money in Augusta, but they have indicated to me that they desire to have this matter closed up at the earliest possible moment; and to put it over until Tuesday does not seem to me to be quite fair. It seems to me we ought to thrash this out tomorrow. These men have been here on expense and I think it is due them that the Senate should take some action and I hope it will be assigned for tomorrow.

Mr. WYMAN: Mr. President: I am obliged to be in Boston tomorrow. And I do not believe the senator desires to take any advantage of my absence. I will agree to its assignment for either Saturday or Monday.

Mr. FOYNTON of Lincoln: Mr. President: It does not seem to me that we have any other interest to consider than our own. If we are to put these matters over until next week, why not go on now and dispose of this matter at this time.

Mr. MACOMBER: I am ready to agree to that. We are as ready to vote on it as we shall be next week.

Mr. HASTINGS of Oxford: Mr. President: It looks to me as if I should have to be absent from the Senate on Saturday. As assignment for any other day would be agreeable to me.

The question being put upon the motion of Mr. Wyman of Washington that the matter be assigned for Saturday, March 27, the yeas and nays were called for, but a sufficient number not voting, the same were not ordered.

On motion by Mr. Smith of York, the matter was assigned for consideration on Monday, March 29.

Mr. WHEELER of Cumberland: I would like to call the attention of the Senate to an error in the printed calendar of today. It appears that House Document 411 was tabled by me. This is a mistake. There is also a mistake in the number of the document, because 411 is not the bill to amend Section 28 of Chapter 38, relating to buildings. I have no interest in that matter; and bring it to the attention of the Senate in order that some disposition may be made of it.

The PRESIDENT: The record shows that the mistake in the number is due to a misprint of the calendar. The record shows that it was tabled by Mr. Wheeler.

Mr. WHEELER: I assure the Senate that I know nothing about it. I will move that the bill be taken from the table.

The motion prevailed.

On further motion by the same senator, the bill took its second reading, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Macomber of Kennebec, "Resolve levying the tax on the counties of the State for the years 1909 and 1910," was taken from the table.

On further motion by the same senator, the resolve took its first reading.

On his further motion Senate Amendment A was adopted, and, under suspension of the rules, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Cumberland, House Document No. 696, "An Act to prevent the desecration of the 30th day of May, commonly known as Memorial day, and providing penalty for violation," was taken from the table.

Mr. BATER: Mr. President: I tabled this bill because I thought its provisions too sweeping. It makes it unlawful to hold any "carnival, circus, circus parade, ball game, horse racing, or any other sporting entertainment in public on that day. I do not wish to do anything to detract from the sacredness of Memorial day, but when it is undertaken to prevent a ball game, it seems to me it is going too far. It does not restrict the matter to a ball game played where admission is charged, but applies to any ball game. I think the measure is too drastic, and move that it be indefinitely postponed.

Mr. GOWELL of York: Mr. President: I think there is more or less merit in this bill, and the objection raised by the senator from Cumberland might be cured by an amendment, and I think it might be fair to some of the senators that the matter be tabled and specially assigned.

Mr. BAXTER: If the senator from York will make an amendment so that small boys can play baseball on Memorial day or indulge in other harmless sports, I shall be glad to favor the bill, but I think it too sweeping as it is.

On motion by Mr. Gowell of York, the bill was tabled and assigned for consideration Monday, March 29.

On motion by Mr. Knowlton of Piscataquis, House Document No. 62 was taken from the table. On motion by Mr. Gowell of York, the Senate voted to reconsider the vote whereby it passed to be engrossed, as amended by Senate Amendment A, House Document No. 62. On further motion by the same senator, Senate Amendment B was adopted; and on his further motion, the bill as amended by Senate Amendments A and B, was passed to be engrossed.

On motion by Mr. Wheeler of Cumberland, the Senate voted to reconsider the vote whereby it passed to be engrossed, House Document No. 711, "An Act to amend Section 38 of Chapter 28, relating to buildings." On his further motion, Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

Mr. Eaton of Washington presented "Memorial to Congress relating to the proposed reduction of the duty on lumber, pulp and paper and moved its adoption." On request of Mr. Staples of Knox, Mr. Eaton further moved that the memorial be laid on the table, pending adoption.

On motion by Mr. Milliken of Aroostook, Senate Document No. 404, "An Act authorizing and empowering Albert C. Page and Roger G. Leonard to erect and maintain a boom and piers in the Passadumkeag river," was taken from the table. On further motion by the same senator, the bill was passed to be enacted.

On motion by Mr. Staples of Knox, the order in relation to payment of money to Newell F. Skelton, was indefinitely postponed.

On motion by Mr. Boynton of Lincoln, the Senate adjourned.