

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Wednesday, March 31, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Herrick of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Resolve in favor of the Town of Old Orchard for receipt of State Treasurer for State tax to be given said town on a valuation of \$100,000. (This was finally passed in the House on March 22 and finally passed in the Senate on March 24, and was sent to the Governor and is now returned without his approval. On motion by Mr. Hamilton of York, the bill was laid on the table.)

An Act to amend Chapter 625 of the Private and Special Laws of 1893 relating to the Biddeford Board of Police, together with majority report from the Committee on Judiciary "ought not to pass" and minority report of the same committee on the same matter "ought to pass" came from the House, in that branch the majority report accepted. On motion by Mr. Staples of Knox, the majority report "ought not to pass" was accepted in concurrence. Subsequently Senator Staples of Knox moved that the vote whereby the Senate accepted the majority report in concurrence be reconsidered. The motion was lost.

Bills in First Reading.

Resolve in favor of Clerk to Committee on Ways and Bridges. (On motion by Mr. Eaton of Washington, under suspension of the rules, the resolve took its second several readings and was passed to be engrossed.)

An Act to amend Section 41 of Chapter 9 of the Revised Statutes as amended by Chapter 61 of the Public Laws of 1905, relating to the payment and collection of State taxes. (On motion by Mr. Irving of Aroostook, under suspension of the rules, this bill took its two several readings and was passed to be engrossed.)

The following committees submitted their final reports:

The Committee on Forest Preservation and Water Supply.

The Committee on Pensions.
The Committee on Claims.

Finally Passed.

Resolve in favor of free coal.

Orders of the Day.

On motion by Mr. Staples of Knox, Senate Document No. 5, "An Act to repeal Chapter 92 of the laws of 1905," was taken from the table.

Mr. STAPLES of Knox: Mr. President: This bill failed of passage in the Senate. In the House it had a passage. I move that we recede and concur with the House, and upon that question I ask that the Yeas and Nays be taken.

The PRESIDENT: The parliamentary situation is this: The Committee on Temperance to which this bill was referred, submitted two reports, the majority report being "ought not to pass" and the minority report being "ought to pass." In the Senate the majority report was accepted. The House refused to concur with the Senate in the acceptance of the majority report, and by that branch the minority report was substituted for the majority report and the bill accompanying the minority report was passed to be engrossed.

Mr. STAPLES of Knox: I move that the Senate recede and concur with the House in the substitution of the minority for the majority report.

Mr. LOONEY of Cumberland: Mr. President: I trust the motion of the Senator from Knox will not prevail. I do not at this time desire to say anything in addition to what I said when this matter was before the Senate a few days ago, except that subsequent reflection has only deepened my conviction that my position at that time against the repeal of the Sturgis Law was well founded, and that I am stronger now in my convictions that the law ought to remain than I was before.

The question being put upon the motion that Senate recede and concur with the House in the substitution of the minority report for the majority report, the Yeas and Nays were ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Baxter, Donigan, Hill,

Kellogg, Lowe, Mullen, Osgood, Staples (8). Those voting Nay were Messrs. Boynton, Colcord, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Looney, Macomber, Milliken, Minott, Reynolds, Smith, Walker, Warren, Wheeler, Wyman (19.)

So the motion was lost.

On motion by Mr. Milliken of Aroostook, the Senate voted to adhere.

On motion by Mr. Staples of Knox, House Document No. 760, "An Act to abolish liquor agencies," was taken from the table.

Mr. Staples having moved that the bill be indefinitely postponed, Senator Hamilton of York moved that the bill be laid on the table, which motion took precedence.

The question being put on the motion to lay on the table, 17 senators voted in the negative and four in the affirmative, so the motion was lost.

Mr. STAPLES of Knox: Mr. President: From my standpoint, as the Senate is aware, I am in favor of local option. The liquor agencies in this State are a step in that direction. Whether they are governed properly or not is a question I am not disposed to discuss at this time. An investigation was made of the liquor agencies of the State, which showed their conditions, and they suggested regulations for the better conduct of those agencies in the interests of temperance and for the welfare of the people. The Committee on Temperance, for some reason or other, did not adopt any of these recommendations made after a full and complete investigation of the liquor agencies in the State. Now, I wish to explain my position upon this question.

I believe that if the city of Augusta desires by a vote of its people to have a liquor agency conducted under the laws of the State of Maine, if they have any need for it and it is conducted in a proper manner, from my standpoint I believe they should have that right, and it is none of my business as I do not live in this city. If they do not want it, they can vote it down. If they do want it, they can vote for it. I believe that every city and town in the State of Maine should have that right. I do

not believe it is any of my business, outside of my own town, to manage or control what other towns and cities may do. From my standpoint, it is a step in favor of local option.

If the Committee on Temperance wanted to surround these agencies with restrictions, they would have adopted the majority report of that investigating committee, but they have not done it, and they have left it open. I am content to leave this matter to be handled by any town in its own way. I think I can trust the people of this State. I believe this investigation has done and will do a great deal of good in surrounding these agencies with safeguards in the interest of temperance, and, for that reason, I move that the bill and the report be indefinitely postponed.

Mr. OSGOOD of Androscoggin: Mr. President: I desire to say a word in behalf of my own city of Lewiston and the city of Auburn. I regret that it should be necessary to have so much strong drink and ice and other matters brought into the senatorial body. I regret, Mr. President, that there ever was an ounce of alcohol made. It has been the cause of more unhappiness and heart-breakings and broken homes and suicides and deaths than any two small wars. But this I say, that so long as the United States of America authorizes the manufacture and sale of strong drink and so long as men and women are born with appetites, if they want strong drink, they will obtain it.

Now, sir, if you admit that to be the fact, the question arises, how best to legislate upon it. You have your opinion, Mr. President, which I respect. Other senators have theirs, which I also respect. I have mine, which is worthy of some respect. I do not believe in the prohibitory law. I do not believe that that is the best method of settling this great question, but that opinion is the predominant one and with that I have not to do.

I want to say, so far as this question of liquor agencies is concerned, as applicable to my city and my neighboring city of Auburn, two cities of approximately 45,000 people, that legitimately we cannot do without it. I want the

privilege, Mr. President, that so long as the present prohibitory law is upon your statute books, that I may be permitted to go to a legalized agency and purchase legally a quart of alcohol for my manufacturing jewelry business. If that is abolished, I must send somewhere else and buy it in 4-7-8 gallon lots. I believe the city of Auburn is in precisely the same situation. The city of Auburn is a Republican city, the city of Lewiston is a Democratic city; but His Honor comes to me—and he is a personal friend of mine—and says under no circumstances do we wish for the abolishment of that liquor agency. I say, we do not wish for the abolishment of that agency in my city. We do not wish for it on account, if you please, of its revenue. It pays a revenue in my city of from \$8,000 to \$10,000, if properly conducted, and I presume it does the same proportionally in the city of Auburn.

As my friend Mr. Staples has said, I do not wish to legislate for Mr. Hastings' town; I do not wish to legislate for Mr. Irving's town; I think the inhabitants of those towns are amply well qualified to legislate and to regulate their own affairs. I do say this, in all sincerity, that so long as the present prohibitory law is the law of this State and is upon your statute books, there should be some legalized place where a man could obtain liquor, at least for sickness.

Mr. President, these are the facts as related to my own city, and I hope that the motion of the gentlemen from Knox will prevail.

Mr. HAMILTON of York: Mr. President: We are situated, in our cities of Saco and Biddeford, somewhat as the senator from Androscoggin says he is situated. There is no legalized place where you can purchase liquor in these cities, and, so long as it is used for medicinal or mechanical purposes, there is a use for it there. I am in favor of the prohibitory laws and in favor of their being enforced, and I think there is need in enforcing these laws to have the agency. I remember in 1874, when I was in the other House, as the liquor agency business was conducted, I was opposed to it. The fathers of the Maine Law

came to Augusta and reasoned me out of that notion, saying that it was a part and parcel of the prohibitory law. There are uses for liquor, and there are uses for alcohol; and, if there are uses for them, we ought to have, for those that need the alcohol, or any other kind of liquor, a legitimate place where we could obtain them. You know that, if we do not have that place, the apothecaries are almost compelled from circumstances to sell liquor. I know of a case I had this present winter, and the apothecary was so particular about it that he did not keep any liquor for his own purposes, for his drug store, and he is a practicing druggist in the city of Biddeford. He was once president of the Pharmacy Board. A man, whose wife was sick of nervous trouble, came in to get a pint of alcohol on the first of January. He took out at my advice a United States license, and the officers came out there, and I thought it was wise and he thought it was wise to do so. He did, and trouble occurred on that license and a summons was sent to the man who purchased the liquor, and he was indicted. He did that because it was a case of emergency; and I have no doubt that all over this State there are other parallel cases.

I think, Senators, if you look at this law—there are some 10 or 15 sections as you will see—you will find that the agency of today is not under a commissioner, but entirely under the Governor and Council. The Governor and Council has entire and absolute control of it, as you will see, if you read the statutes. They can discharge the commissioner. They can say about the purchase and sale of liquor. It is within their province. When it comes to the sale of liquor, a law was passed in 1906, and the Governor and Council were the liquor agency who sold to the authorized agents in the towns and the authorized agents in the towns were the municipal officers, or the agent which they appointed. The party can apply to the liquor agency of the State and obtain any kind of liquors that they apply for, and the commissioner must keep those kinds of liquors by the statutes. It is entirely in the hands and control of the Governor and Coun-

cil, absolutely. They can say what kinds of liquor and the amounts and how it shall be sold. They are to visit him, and he is to report once a month. And, if they do their duty, they are to visit him or a committee which they appoint, once a month or once in every six months or once in a year, all the town agencies and all the city agencies in the State, under the statute. The statute is very strict. It gives absolute control of this matter to the Governor and Council, or a committee of the Governor and Council, so that whatever is done, is done by the Governor and Council. He can remove the agencies, and, I think, when the town agent is not doing what they think is proper, they can remove the town agent. That is my impression. My brother (Senator Milliken) smiles here, but there are certain regulations that are absolutely equivalent to what I have said, and the Governor and Council can, at least, stop the sale of liquor to those agents that are appointed in the different towns.

Further, the agent under the statute must keep a certain amount of liquor on hand—I have forgotten how much—I have not read the statute for a long time—he must have enough on hand, I think, to supply the wants of the towns for two months—if I am correct—and I know I am correct—and I think two months is the time—but they must keep a certain amount on hand under the statute. The statutes also provide that if the city agent is removed or dies, the one who supersedes him shall take all of the liquor on hand and shall take it at the cost which the liquor agent paid. You understand that the liquor agent buys this liquor himself and is allowed so much interest upon it. Formerly, the State used to do it, but he goes into it himself. He furnishes his own money and must keep this amount on hand. I do not know how many agencies there are in the different parts of the State, but I suppose they have a certain amount of liquor on hand. If you repeal this law, what are you going to do with the liquor in the hands of the agencies. Certainly it would not be fair—it would be wrong to leave on his hands the amount of liquor which he has, and he must

keep enough under the statute for two months—or a certain time—I believe it is two months. He must keep that on hand and he must have quite a large quantity on hand. You repeal this law and what in Heaven's name is he to do with it? You do not provide in this repeal any measure or any law whereby he can dispose of it. And, if he disposes of it, why, he then becomes a seller of liquor. What will you do with the liquor that is on hand in the different agencies of the counties. Would it be fair to repeal this law absolutely, to take effect with all this liquor on hand and no provision whereby he can legally dispose of it?

I say, in the interest of temperance and in the interest of enforcing the law, that when a man, from sickness, or because of mechanical purposes as has been said by the senator from Androscoggin, finds that he cannot get liquor for mechanical or medicinal purposes, he becomes disgusted with the law, which entirely prohibits him from getting it legitimately; he thinks it is arbitrary and that his rights have been interfered with. He has a legitimate use for the liquor and he thinks he has a right to legitimately get it. And I say, that is a fair proposition. The agent is appointed for four years, unless the Governor and Council see fit to remove him. I hope that the law will be retained. If it needs amendment, why, amend it. I do not care how stringent or strict it is; but I beg for the principle, because it gives prohibition a standing and because the people are in favor of it. When you cut a man off from the use of liquor for legitimate purposes, an honest, temperate man, he will feel that his rights are taken away.

MR. IRVING of Aroostook: Mr. President: I just want to say a word in defence of the action of the Committee on Temperance. We all voted unanimously that this bill should pass and we did not do it without considering very carefully all the arguments for and against it. We took the report of the Committee on Salaries and Fees that was appointed to investigate the liquor agencies, and I do believe that those 10 men were earnest and anxious to get the right

status in regard to the way the liquor agencies are being run in the State. I think they did some hard work, good honest work, and I guess that every member on this Temperance Committee perused their report carefully for himself. I can say I did; I read it very carefully more than once and tried to get at the inwardness of the thing as well as I could. This committee found a bad condition of affairs existing in about every agency and that about every agency was being run for the revenue there was in it, and not for the intent of the law. The intent of the law is, as I understand it, to provide some place whereby sick people can get some liquor in case of sickness and other medicinal purposes. Another provision of the law is, that they can have a place where they can get liquors, like alcohol, for mechanical purposes.

Now I think, according to the finding of the committee, it appears that about 25 per cent. of the liquors sold in the agencies were used for medicinal purposes. I think that same idea was brought out by the mayor of Auburn in the hearing before the Temperance Committee; and that, I believe, was considered one of the model agencies in the State. Mayor Merrill admitted that not a great amount was sold for medicinal purposes. He did say that quite a bit of sickness was caused by the use of liquors bought in the State and it did get to a stage where it made sickness and required more to overcome the sickness.

For mechanical purposes, it appears by the report, one per cent. was used as procured in the agencies.

So you can see, that would be a very small amount to form any argument from in favor of retaining the liquor agencies. At the hearing before the Temperance Committee, there was, in all of the arguments in favor of retaining the agency, not one good logical reason advanced why they should be retained for the purposes specified by the law. Every one of them claimed before the committee that the agencies were being run for revenue only. When we got to the place where we were going to vote on the matter in my committee, in executive session,

there was not one protest. We all voted unanimously to sustain this measure, because we believed it was for the best interests of the whole State. I am going to say that we did not consider the political aspect of it. We voted for the good of the whole State.

There are 13 agencies now in operation in 13 towns in the State of Maine, and I do not believe, if the thing was investigated, that it keeps alive one person in the towns where those agencies are a minute longer than in the towns where there are no agencies. I think the death rate would not be increased materially if the last one was burned down. When we voted, we voted unanimously. I think we were honest about it and we saw that it would be for the good of the whole State. I merely wish to say that I want to support the action of the committee, and that is the reason why they voted as they did.

Mr. MILLIKEN of Aroostook: Mr. President: My excuse for troubling the Senate for a few moments on this question is, that the trend of the discussion seems to call for something from the committee which investigated this question.

I want to say at the outset that I agree with what has been said by the senator from York about the reason for the establishment of the liquor agencies. I agree fully that the ideal condition under the prohibitory law is that a place shall be provided where intoxicating liquors may be obtained under proper restrictions for mechanical purposes, and certainly for medicinal purposes. The one controlling reason, I will say, for the establishment of these agencies is the medicinal need, which is the emergency need in the sick room, and must be met at once. So far as the mechanical part of it is concerned, we find that in fact less than one per cent. of all the liquor sold is sold for that purpose, and the mechanical need is not, and never was, an emergency need. Those who use alcohol, in the first place, can use denatured alcohol, which is cheaper and does not come under the provisions of the prohibitory law; and in the next place, buying it in any quantity it can be bought cheaper through the whole-

salers out of the State. The majority report of the investigating committee recommended the regulation of the present system, and embodying that I introduced the bill which I think if adopted would go far towards making the necessary changes. That bill went to the Committee on Temperance. So much for the ideal condition which would be the adoption of a bill at this session removing the defects that exist in the present system and retaining the system. And I want to say to you that we are confronted on this question with a condition, not a theory. The proposition that is put up to you today is whether you will abolish the agencies or retain the system in its present form. There is no middle ground and is to be no middle ground; and it is for that reason that I advocate here, as I shall today, the abolition of the system, not because I believe there is no virtue in the system, not because I am opposed to the theory of the system, but because the question is, whether the system shall be abolished or whether it shall be retained in its present form. We are not going to be able to agree and the committee is not going to be able to agree, and the Legislature is not going to be able to agree on any bill to change the present system. Your choice must be made between these two things, either to retain it as it is conducted, or abolish the whole thing.

I want to call attention to another thing. The agency system exists in only 12 places in the State, and whether the agency is, or not, necessary under the prohibitory law, it has a great deal to do with the practical question of whether you shall vote to retain the system as it is at the present time, conducted for the sake of only twelve municipalities in the State. In other words, it is a great power on the question of whether you shall vote to violate the conscience of the great majority of the people of the State for the sake of giving a few municipalities the doubtful convenience they have through the agencies as at present conducted.

Now, coming to the exact conditions existing, I want to say a word about the suggestions made by the senator

from York, who is a lawyer and knows the statute about the control of the Governor and Council over the liquor agencies. It is true, as he says, that the Governor and Council—I will read from Section 14 of Chapter 29:

Section 14, Chapter 29: "The Governor with the advice and consent of the Council, shall appoint a commissioner to furnish municipal officers of towns and cities in the State, with pure, unadulterated, intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes." * * *

Section 21, Chapter 29. * * "The Governor and Council may cause the commissioner's stock to be inspected at any time," etc. * * * "The Governor and Council shall correct any and all abuses, if any exist." * * *

Section 22, Chapter 29. The Governor and Council shall annually cause the reports of the commissioner and assayers made to them to be printed," etc. * * *

Now I want to call your attention for a moment to the conditions as found by the committee which investigated this matter with the greatest care. I apprehend that nobody in this Senate except the members of the Temperance Committee have read this report. I call your attention to a few of the statements contained in the report. On Page, 2, Senate 316:

"We find in thirteen of the cities and towns in this State a system akin to local option and high license. The only difference between this system and that which prevails in states which have not the prohibitory law is that here the State and municipalities conduct the business, which under the ordinary system of license is the privilege of individuals. Over \$100,000 worth of liquors were purchased by the State Liquor Commissioner last year, and it is the universal testimony of the agents who have dispensed this liquor that only a minor portion of it was consumed for medicinal purposes, granting to that term the broadest possible construction. At Rockland, the agent testified that not over five per cent. of the liquor sold there was for medicinal purposes. In the opinion of the committee, the proportion throughout the agencies will not average higher than 25 per

cent. The agents have testified with a frankness as creditable to them as their disclosures have been discreditable to the system under which they operate. It is to be said for them that they place the blame upon the law which suffers them to be imposed upon, and which, excepting in case of special and certain knowledge that the liquor will be put to improper use, leaves them in their opinion no option. "Improper use" appears to have but one construction in their view, and that is, such use as will lead to public intoxication. In this narrow limitation apparently rests the only limitation of their sales, and in some instances even this restraint has not been observed. The agents testify uniformly to the embarrassing and difficult nature of their position. A former agent testified that, on assuming office, he was informed by the city attorney that, according to the law, any citizen is entitled to liquor for medicinal or mechanical purposes, provided he is neither a pauper, a fool or an inebriate. Others testified that to adopt any other course as to sales than the one they had adopted, would make their positions untenable. The imposition of which the agents complain is misrepresentation directly by the party obtaining the liquor or by a third party. Messengers are used to convey the requests of those buying liquor, and a regrettable feature of this is the number of minors and women thus employed."

On the question of discretion of the town agent on page four of the bill:

"Each town and city agent has a limitless discretion in regard to whether he will or will not sell to an individual, and at present it rests entirely with the agent to determine whether an individual comes within his idea of being the proper person to whom liquor may be sold. This not only gives an opportunity for abuse, but has been abused.

Many of the agents testified that they have delivered liquors upon written orders from adult persons to children a dozen years of age. Attention need only be called to this to show the enormity of the offense against public decency. No minor should ever be allowed inside of the agency for any purpose, much less be

allowed to carry liquor from the agency to its destination.

Several kinds of beers are carried in many of the agencies, and it appears that they would be furnished to all if any requisition were made. Several grades of whiskey, rum, gin and brandy are carried, while there would seem to be no necessity for so many grades and kinds for medicinal purposes. Several of the agents testified that the very cheapest kind is what seems to be called for in many of the agencies."

"The agents of at least two wholesale liquor houses outside of the State of Maine go with regularity and frequency to the towns where agencies are located, and either by direct solicitation or in a roundabout way prevail upon the town and city authorities to order for their agency goods which can only be purchased of the firm represented by these particular soliciting agents. We have no evidence that improper inducements have actually been offered, but the opportunity for such practices has given rise to criticism, and we think that something should be done to prevent even the opportunity for criticism.

While the committee has no direct evidence that the State Liquor Commissioner has failed to safeguard the interests of the State in the matter of his purchases of liquor, we do find, however, that nearly all wholesale dealers (all of whom are of equal standing with the firms with whom the Liquor Commissioner has traded) state in positive terms that there is a discount on all alcoholic liquors except alcohol of from 10 per cent. to 12 per cent. in barrel lots, and in larger quantities as high as 15 per cent. We do not find that the State Liquor Commissioner has ever obtained that discount or ascertained whether or not it could be obtained. We feel that in this respect he has been remiss in his duty, for the reason that he could have very easily obtained this information, and we think secured the discount, although he says he cannot, which would have made a difference to the State of Maine of from \$9000 to \$12,000 a year.

The entire absence of any system whatever in bookkeeping upon the part of a large majority of the agents is not only

deplorable, but leaves a decided suspicion of wrong-doing. The system of bookkeeping is such that it is entirely possible for the agent to fail to properly record all of his sales, and leaves an opportunity to put down fictitious names, the quantity of liquor purchased, and the amount received, to the end that the agent himself in consort with dishonest confederates could rob the town or city of considerable sums of money by virtue of an offense very difficult of detection."

I want to call your attention to the conditions as to the different kinds of liquor carried in these agencies, as indicated by the report on page 12, as follows:

"We found in practically every agency from two to five grades of whiskey, several grades of rum, gin and brandy, Bass's Ale, Dublin Stout, Porter, Schlitz, and various other beers, two kinds of champagne, port, sherry, wines, and in one agency a quantity of assorted cock-tails. It seemed to be the intelligent opinion of a large majority of people with whom your committee conversed and is the opinion of the committee, that there is no necessity for having this large variety of liquors for the legitimate purposes contemplated by the State. In the Lewiston agency alone from the first day of December, 1907, to the last day of November, 1908, 676 dozen quart bottles of Schlitz beer were consumed for "medicinal" purposes. And in addition to these, quantities of Bass's Ale, Providence Ale and Lager, Dublin Stout, etc."

I further call your attention to page 15 of the report, the profits vary very widely:

	Amt. purchased of Liquor Com.	Gross profits.	% profit.
Wiscasset	\$3,740.06	\$2,777.12	74%
Bath	14,646.92	5,397.45	37%
Lewiston	31,596.21	5,408.89	17%
Auburn	16,653.65	6,346.80	38%
Chelsea	2,103.06	1,436.64	68%
Randolph	5,882.14	3,204.59	54%
Gardiner	4,527.50	1,420.27	31%
Portland			
(8 months) ...	10,971.00	2,736.26	25%
Bethel	3,515.17	688.70	21%
Greenwood	1,929.97	948.78	50%
Farmington	3,972.04	1,952.96	49%
Phillips	1,427.55	795.62	55%

New, gentlemen, I do not care to take any more of your time reading extracts from the report of this special committee, but I want to say this, that the constitution as it exists at present, is simply as the committee have stated, a more or less regulated license system. The agencies in some towns are absolutely nothing less than absolute open rum shops, where anyone can buy liquor without even stating the purposes for which he wants it. At a hotel right across the street from the liquor agency in one town, any person who is staying at the hotel can send a messenger or clerk across to the agency and get any amount of any kind of liquor that he wants. That condition exists and there is nothing the State can do about it, short of the bill proposed by the majority committee, such as we are not going to be able to adopt.

Under these conditions, what are we going to do here as representing the State of Maine this morning? This bill abolishing the agency has been put in by the committee on the theory that it is the only way to deal with a situation that cannot longer be tolerated. The bill has passed the House and it is up to us in the Senate. It is late in the session and if we turn this down, nothing will be done and nothing can be done. The friends of the present liquor commissioner are very insistent that nothing shall be done and have worked all through the session, and finally had this reported to the committee and the committee have reported on it as has come in here. In my judgment, they do not want anything done now. They want the situation left as it is. They want us to go back and say, regardless of the report of this committee, regardless of the accumulated evidence in regard to the conditions, regardless of the fact that the benefits, such as they are, accrue to only a few communities—they want us to leave the situation precisely as it is.

In regard to the condition raised by the senator from York, about liquors on hand, I want to say simply this; that the bill cannot take effect, as we all know; until 90 days, which gives ample time to take care of that. If he thinks

that does not give it, some provision could be made in this bill to take care of liquors on hand. But the objection which he raises to liquors on hand would be raised at any time against the abolition of the agencies and that condition must exist at any time when the agencies are abolished.

Under the circumstances, believing as we do that it is a question between abolishing the whole system or leaving it precisely as it is, I hope that the motion of the senator from Knox will not prevail.

Mr. HAMILTON of York: Mr. President: The position which the Committee take is correct I think, so far as it goes. They do not argue but what there is a necessity and want for the agency. If there is that necessity and want, it ought to be retained under some kind of restriction. It is true the committee was appointed and then investigated it, and I have no doubt thoroughly, and when they made their report, I supposed they would make a report of some bill correcting such wrongs as they found. Now, his argument and the argument of the senator from Aroostook goes to show all the way through that there should be an agency. If a wrong has grown up, it should be remedied. I supposed that was what the committee was for, and that they would report some bill to remedy this wrong. I repeat that this whole matter is under the control of the Governor and Council, both as to buying and selling. There are 13 agencies he says in the different towns. Now how do the other towns in the State obtain liquor for legitimate purposes. You know, and I know, that you compel the apothecaries and the quasi-apothecaries to sell liquor illegitimately and you are all the time nullifying the law through this necessity, and I submit if that is not a reasonable proposition.

Further, you create a necessity which many of the apothecary shops take advantage of. And, under the law as it now stands, it gives them protection for certain amounts of liquor they can keep for purposes of preparing their medicine; and when they do keep it, they will keep as much as they please and they can sell it and do sell it to men who want it

for legitimate purposes; and that opens an opportunity to sell it to men who do not want it for legitimate purposes. There are 18 of those places in the city of Biddeford, and they are situated a good deal as the gentleman from Aroostook said. They have a bridge there and they can go over and get their liquors very easily and I see no other purposes for that bridge. We are right on the line of the road to New Hampshire and probably there are from 15 to 20 trains a day between those points; and that is a reason why I am in favor of a liquor agency under any restrictions that you are a mind to put upon them, because it gives them an excuse to go over into New Hampshire and getting rum and going home and making illegitimate use of it. It does not give an excuse to these apothecary shops to keep liquor at all if you have an agency. They have it as an excuse that the people demand it, because there is a legitimate use for it all over the State, and not only in those 13 towns where it is to be had. The result is that they go to places and it gives those places a standing such as they ought not to have. I would have an agency established in every town and established compulsorily, and I would have it under such restrictions that it could be controlled legitimately. I say the arguments of both these Aroostook attorneys, or senators, are in favor of the establishment of an agency properly run. Do you believe that the State of Maine cannot run an agency as it should be run, or that such a law cannot be enacted. I have been looking for such a bill and expecting that one would come from the commission which the State paid for travelling about and investigating the matter.

Mr. MILLIKEN: Mr. President: I desire to ask the senator from York one or two questions through the Chair.

PRESIDENT: Will the senator permit himself to be interrogated?

Mr. HAMILTON: Certainly.

Mr. MILLIKEN: I want to ask the senator from York if they have any liquor agencies in the county of York now?

Mr. HAMILTON: I will say we have not, and because we have not, we cause the people there to violate the law.

Mr. MILLIKEN: I would like to ask if, so far as the senator knows, there is any intention of establishing any agency under the present law?

Mr. HAMILTON: I do not know as there is. I cannot tell that there is. That is why I would make it mandatory. My idea is that certain districts should have these agencies, for instance, Saco and Biddeford, and certain towns, under such restrictions so that they could not sell liquor unless they sold it for medicinal purposes.

Mr. MILLIKEN: The senator from York thinks that the Governor and Council have more authority than I have stated. I have stated that the only authority that the Governor and Council over the liquor agencies was the authority to send an inspector there once a year and to investigate the quality of the liquor. They have absolutely no authority over the methods of sale. If the senator from York knows of any such authority, I wish he would read us the section from the statute.

On the question whether this matter shall be regulated or abolished, I want to say this. We have only one alternative, either to leave matters as they are, or to abolish the system, and if the senator from York and the senator from Knox want to vote for a bill to remedy the conditions, they want to wait for the bill to remedy the conditions, they want to wait for the bill which is in preparation and have this bill laid on the table until the other bill comes in here. I say, it is evident that no such bill can be passed and it leaves us in a situation which I have stated.

Mr. STAPLES of Knox: Mr. President: I agree with the senator from York that the Governor has no power except to remove a liquor commissioner. It is his duty, if he don't do his duty, to do it; and I think our Governor would do that if the conditions should come to his knowledge as suggested by the senator from Aroostook.

There is another provision which the senator has overlooked, page 329, Section 32 of the Revised Statutes:

"Upon petition and representation, in writing, to any single justice of the supreme judicial court, in term time or

vacation, of 10 or more well known taxpayers of any city or town in which a liquor agency is established, that said agency is being conducted in violation or evasion of the law creating the same, specifying in said petition the violation complained of, such justice, after reasonable notice to said city or town, if, upon hearing, it is shown that said agency is not being conducted in accordance with the law authorizing the establishment of the same, may order said agency closed, and the liquors found therein forfeited to the State."

So that the senator from Aroostook, if he thinks that the agencies are badly conducted, can get a petition in his town and get 10 in some other town who are taxpayers and go to the supreme court with the matter.

Mr. MILLIKEN: Mr. President: I do not overlook the passage which the senator has referred to. I understand perfectly well that it exists in the statute and it amounts to nothing for this reason: If evidence can be obtained that liquor is sold in violation, it does not require 10 persons, but one person can get an indictment. This provision would be of no use, so far as that is concerned. The necessary thing is to have proof of illegal sale of liquor. The question is this: John Jones goes to a liquor agent and says that he wants a quart of whiskey for medicinal purposes. The agent has either got to deny that he made the statement, or let him have the liquor, and, although the agent knows in his own mind that John Jones wanted the liquor for bait on a fishing trip, he cannot say to John Jones that he is going to use it for an improper purpose. The Governor and Council have absolutely no control over the sale in the liquor agencies.

The PRESIDENT: The matter under consideration is the bill to abolish liquor agencies.

Mr. HAMILTON of York: Mr. President: At the suggestion of the senator from Aroostook, I would move that this bill lie on the table.

Mr. STAPLES of Knox: Mr. President: There is a change in the senator from York from a few minutes ago in the matter of courtesy. When I moved to

put the bill upon the table this afternoon, I was forbidden that courtesy by this Senate. At this late time in the session, when no bill could be prepared and reported but which would carry this session over to another week and perhaps longer, I hope the motion of the senator from Aroostook will not receive any more courtesy than was granted to me this morning by this Senate. Let's dispose of the matter at this time.

Mr. MILLIKEN of Aroostook: The bill I refer to is in the possession of the committee and will be given in to the Senate not later than this afternoon. If the senator desires to do so, he could vote upon that first.

Mr. REYNOLDS of Kennebec: Mr. President and Fellow Senators: I think it would be hardly right, being on that committee, for me not to mention a few facts about the agency matter—I have looked it over somewhat, and I think it is a disgrace to the whole State of Maine to license a liquor agent to buy liquor and distribute it over the State, and he himself admits that all he has to do with it is to sign the checks to pay for the rum. Neither he, nor his man that inspects it knows the difference between a two-dollar-and-a-half whiskey and a six-dollar whiskey. They are paid about \$1.50 a year, and they do not know whether the liquor is worth \$6 a gallon or \$2.50. They do not have anything to do with ordering the liquor, only the small agencies order from the big one. Mr. Leavitt gets their order and then sends it in. If we have to hire \$10,000 in the State of Maine and pay the interest on it, and have to hire a man to hire a man, and pay six per cent. on it, or buy a license, just the same as any common dealer would have to, because we do not want to be in the business, it looks as though we were using Mr. Leavitt as a kind of cats-paw to distribute our rum; and this man Smith when he orders two, or three or five dozen cocktails—those assorted cocktails, and you ask where they go to, he says: "To the hotel, don't know who gets them. Another comes and buys a gallon of alcohol to last for several days. You ask what kind of a family he has, and he has quite a large family—his mother is sick,

and they have needed a good deal of alcohol, and some whiskey.

Here is another man who comes over and gets a half a pint—that isn't a great deal, and he uses it because he is sick.

Another comes up and gets a quart right along, day after day—he says his wife is very sick, and he has to have it. Then you go along a little further and here is another man who only earns about \$3 a week, and he gets a gallon every time—that is more than a quart a day.

This man has bought \$110,000 worth of liquors. There are quite a lot of people in Maine who have to buy their rum in Massachusetts, and lots of them have to buy their coffee in Massachusetts. It is like a lot of other things which come from another state. It looks better, and this rum tastes better; and if a man should rise up who knew the difference between a \$2.50 whiskey and a \$6 whiskey he would be called a taster and his price could not be named, it would be so high.

Can you tell of any other business in the State of Maine, where we would spend \$110,000, by a man who did not know the difference between a \$2.50 article and a \$6 article, especially where he is buying 40 different kinds? They don't consult him as to what they shall buy—they just merely tell him what he has and his place there looks a good deal like those shops you have been in where they sell a little beer and stuff down on the side of a hill—they ask a pretty good rent for the place, and the clerk does all the business. We claim to be the banner State of Prohibition, and we cannot be if you hire men to sell liquors, and hire men to buy it. The best doctors we could get on the stand, Dr. Gordon, for instance, said that one pint would last him 20 years in his business. Another man who has been examining these sales says a gallon will last him 20 years in his business. This rum today is like coffee—if you want it, you have got to send to Boston to get it.

Here is a man in Bath who employs 1,500 men; and he says the men are so poor they cannot send to Boston and get a quart of rum if they want it. I said if you will buy 20 gallons and send it

around to them, I will pay the bill. I never saw a man so poor that he could not give a dollar and a half for a quart of whiskey. We have no agency in Waterville, and no agency in Winslow. We are told that we should not have class legislation. We have 600 towns, and 12 or 13 of them have agencies. Why should those 12 be served, and only those 12 out of the 600 towns in the State? The rest of us have to send to Boston, I don't know what it is for.

If the doctors do not need this in their business, and the people have got to have it, let them send somewhere else and get it. We have no agency in Waterville. Augusta hasn't any—Bangor hasn't any. We have travelled all over the State at quite an expense to the State and I think the condition is a shame and a disgrace to the State of Maine.

Mr. HAMILTON of York: I would like to ask the senator if he stopped at the hotel where they carried the cock-tails?

Mr. REYNOLDS: I should say in reply that I did not stop at the hotel. I think my friend, Mr. Staples, stayed there.

I want to say another thing. I drink just as I vote—I do not use it—but we all know that lots of us have to use it, and stand up and vote against it, but I am here just as I talk.

Mr. Staples having moved that the bill be indefinitely postponed, Senator Hamilton of York moved that the bill be laid on the table, which motion took precedence.

The question being put on the motion to lay on the table, 17 Senators voted in the negative and 4 in the affirmative, so the motion was lost.

The pending question being upon the motion that the bill be indefinitely postponed, the Yeas and Nays were called for and ordered, and the vote being had resulted as follows: Those voting Yea were Messrs. Baxter, Eaton, Emery, Gowell, Hamilton, Hastings, Looney, Lowe, Macomber, Osgood, Smith, Staples, Walker, Warren, Wheeler (15). Those voting Nay were Messrs. Boynton, Colcord, Donigan, Hill, Howes, Irving, Kellogg, Milliken, Minott, Mullen, Reynolds, Shaw, Wyman (13).

So the motion to indefinitely postpone prevailed.

On motion by Mr. Loney of Cumberland, House Document 776, "An Act to regulate fishing in Royals River and tributaries in Cumberland County," was taken from the table. The same Senator moved that the bill be indefinitely postponed.

Mr. LOONEY of Cumberland: Mr. President, and Gentlemen of the Senate: This bill provides for the stocking, if it is enacted, of Royals river, which is a river emptying into the Atlantic Ocean just below Yarmouth, with trout. The river is already stocked with pickerel and bass, and, if this bill becomes a law and the policy is carried out, then this river, which is already stocked with pickerel and bass, will be stocked with trout. New every man who knows anything about this subject knows that the pickerel and bass are mortal enemies of the trout, and the effect will be that all the small trout which are placed in the river will be destroyed by the pickerel and bass that are already there. Not only that, but the bottom of this river is black and noisome with mud and slime, so that the trout could not live in the stream if they were placed there; and, for that reason, Gentlemen of the Senate, the leading people of the town of Yarmouth are opposed to this measure, and I have in my hands a petition to this Legislature requesting that the bill be defeated. This petition is signed by the Chairman of the Selectmen and by the Town Clerk and Town Treasurer and the Superintendent of schools, and by the President and Vice-President of the Board and many others; and the petitioners are men who have for over a quarter of a century been identified with the business, social and education life of that town, and are men who know better than anybody else the requirements of the town. And, when such a petition comes here, I feel that this body will give it the consideration which it deserves.

I will also say that there was no hearing on this matter before the Committee on Inland Fisheries and Game—no hearing whatever; and, voicing as I do the sentiment of the best element in the town of Yarmouth, I respect-

fully and earnestly request that the Senate vote supporting the motion I made.

Mr. WYMAN of Washington: Mr. President: I was on this Committee on Inland Fisheries and Game and I think the Senator must be mistaken about the hearing on this matter. It was properly advertised and we did have a hearing and the committee reported the bill. It came to the House and there were some objections to it, and, if I remember right, it was recommitted and we formulated a bill on the same lines that was defeated earlier in the session. This matter came before us and it was to close these rivers the greater part of the week, and if the senators will note, in this bill it gives on the west branch of the river Wednesday and Saturday of each week on which to fish for trout and other fish. I do not see anything in this bill that relates to the stocking of the river, but I understand that Mr. Carleton has said that he would stock it if they had this protection. The matter was fully discussed before the committee and it was the committee's unanimous report, and I do not believe at this late day, on account of a little difficulty in Cumberland county, that the report of the committee on this matter should be turned down.

Mr. LOONEY: I think the senator from Washington is mistaken in regard to the hearing. The hearing was on another bill, which had an entirely different purport and different prospects.

Mr. WYMAN: I will say in reply that we had a hearing on both bills and they were modified to suit everybody who came before us on both matters.

Mr. HASTINGS of Oxford: Mr. President: I am not personally interested in this matter and don't want to butt in, but my understanding is that the Commissioners of Game have planted there 20,000 trout and propose to plant more; and, as I look at it, and as this is a unanimous report of the Committee, it ought to be sustained unless there is some sufficient reason for its being turned down.

Mr. WARREN of Cumberland: Mr. President: I admit that I am not very well informed in regard to this matter. I do know something about Royals River, but I have not much to do with Yarmouth proper. Royals River is a fine stream and one that might, I think, be very properly stocked with trout, but there are several mills above the dam, and it is a dead level, and presumably the kind of a stream which would stock itself with pickerel and bass, and I understand there is a considerable amount of fish there. It is evident that the citizens of Yarmouth did not get adequate notice and that there has been no adequate hearing in regard to this matter, and I fear that our action in passing the bill would be premature. I feel also that the protest which comes to us, even at this late day, from the citizens of Yarmouth, is one that should be heeded, and I shall vote for the indefinite postponement of the bill.

Mr. REYNOLDS of Kennebec: Mr. President: I will say that I was on that Committee and, as Mr. Wyman has already stated, there was a hearing and both sides were there at two different times and we compromised on the best bill we could give them from the evidence.

It was quite well thrashed out and I hope that the motion of the Senator from Cumberland will not prevail.

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. Gowell, Hamilton, Hill, Kellogg, Looney, Smith, Warren, Wheeler (8.) Those voting Nay were Messrs. Boynton, Donigan, Eaton, Hastings, Howes, Lowe, Macomber, Milliken, Minott, Mullen, Osgood, Reynolds, Shaw, Staples, Walker, Wyman (16).

So the motion to indefinitely postpone was lost.

Thereupon, on motion by Mr. Wyman of Washington, the bill was passed to be engrossed.

On motion by Mr. Mullen of Penobscot, Senate Document 460, "An Act relating to the Bodwell Water Power

Company of Old Town, Maine," was recalled from the engrossing office.

Subsequently the Chair informed the senator that Senate Document No. 460 was in the possession of the Senate; and, on motion by Mr. Mullen of Perobscot, the bill was indefinitely postponed, that senator stating that another bill covering the same subject matter had been signed by the Governor.

Mr. Walker of Hancock, presented out of order bill "An Act to correct an error in a resolve granting county taxes for the years 1909 and 1910," also bill, "An Act relating to the assessment of county taxes in the several counties for the year 1909," which were received; and, on further motion by the same senator, under suspension of the rules and without reference to a committee, these two bills severally took their two readings and were passed to be engrossed.

On motion by Mr. Gowell of York, Senate Document No. 486, "An Act to amend Section 38 of Chapter 29 of the R. S. of the State of Maine" was taken from the table, and on his further motion the bill took its first reading. Pending the second reading of the bill, the same senator presented Senate Amendment A and moved its adoption, and the same was adopted, and the bill took its second reading. The same senator moved that the bill be tabled pending its passage to be engrossed.)

On motion by Mr. Baxter of Cumberland, the Senate voted to re-consider the vote whereby the order relating to the establishment of a juvenile court was indefinitely postponed; and, on further motion by the same senator, Senate Amendment A was adopted, and the order as amended was passed.

On motion by Mr. Minott of Sagadahoc, House Document No. 671, "An Act to amend Section 47 of Chapter 41 of the Revised Statutes relating to fish weirs in the Kennebec river," was taken from the table. On further motion by the same senator, House Amendment A was adopted, and, on his further motion, Senate Amendment A was also adopted; as amended, the bill took its second reading, under suspension of

the rules, and was passed to be engrossed.

Subsequently on motion by Mr. Wyman of Washington, the Senate voted to reconsider the vote whereby this bill was passed to be engrossed; and, on further motion by the same senator, the bill was tabled.

Mr. Baxter of Cumberland presented bill "An Act relating to the commissioners of public works of the city of Portland," and, under suspension of the rules, the bill took its several readings and was passed to be engrossed.

On motion by Mr. Looney of Cumberland, "Resolve in favor of the clerk to the committee on labor," under suspension of the rules, took its second reading and was passed to be engrossed.

On motion by Mr. Staples of Knox, bill, "An Act relating to the office of assistant attorney-general," was taken from the table; and, on further motion by the same senator, the majority report "ought not to pass" accompanying the same, was accepted.

On motion by Mr. Baxter of Cumberland, House Document 780, "An Act relating to motor vehicles," was taken from the table.

Mr. BAXTER of Cumberland: I should like to inquire as to the status of that matter, Mr. President.

The PRESIDENT: The Chair informs the senator that it is "An Act relative to motor vehicles, and the operation thereof," and that it was tabled pending the acceptance of the report.

Mr. BAXTER of Cumberland: Mr. President: I understood that it had been indefinitely postponed in the House but I was not quite sure about it.

The PRESIDENT: The senator is right. It bears an endorsement showing that it was indefinitely postponed by the House.

Thereupon Mr. Baxter of Cumberland moved that the Senate concur with the House in the indefinite postponement of the bill.

The motion prevailed.

On motion by Mr. Baxter of Cumberland, House Document 540, "An Act to abolish the office of auditor of State printing," was taken from the table.

The same senator moved that the bill take its second reading and pass to be engrossed.

Mr. HASTINGS of Oxford: Mr. President: I hope the senator will defer that motion for a few moments until the senator from York can be here, as he is chairman of the committee which had the matter in charge. With his consent, I make the motion that the bill lie on the table.

Mr. BAXTER of Cumberland: I am perfectly willing it should be tabled. I did not understand the situation.

The motion to lay on the table prevailed.

On motion by Mr. Wheeler of Cumberland, Senate Document 311, "Resolve in favor of Ray P. Eaton," was taken from the table. The same senator moved that the Senate non-concur with the House in the indefinite postponement of the resolve, and the motion prevailed.

The same senator moved that the Senate reconsider the vote whereby the resolve was passed to be engrossed. The motion prevailed.

Thereupon the same senator presented Senate Amendment A and moved its adoption. The amendment was adopted; and, on further motion by the same senator, the bill as amended was passed to be engrossed.

On motion by Mr. Looney of Cumberland, the majority and minority reports on bill "An Act to create a State board of arbitration and conciliation," were taken from the table.

On further motion by the same senator, the Senate voted to concur with the House in the substitution of the minority report "ought to pass" for the majority report "ought not to pass," 14 senators voting in the affirmative and four in the negative. On further motion, by the same senator, under suspension of the rules, the bill took its several readings and was passed to be engrossed.

On motion by Mr. Macomber of Kennebec, the report of the judiciary committee, "ought not to pass" on bill "An Act to amend Section 17 of Chapter 77 of the Revised Statutes, relating to rights of power," was taken from the table; and on his further motion, the report of the committee was accepted.

On motion by Mr. Macomber of Kennebec, House Document No. 789, "An Act to amend Chapter 147 of the Public Laws of 1907, creating the office of State auditor," was taken from the table, and on his further motion, the bill was indefinitely postponed.

On motion by Mr. Hastings of Oxford, the Senate took a recess until 3 o'clock, P. M.

Afternoon Session.

3.00 P. M.

Senate called to order by the President.

An Act to prefer Maine labor and Maine contractors upon all work performed for State, municipal, charitable and educational institutions, buildings and public works, or any buildings or institutions supported or aided by the State. (This bill was by the Senate passed to be engrossed as amended by Senate Amendment A. By the House it was passed to be engrossed as amended by Senate Amendment A and also as amended by House Amendment A. On motion by Mr. Looney of Cumberland, the Senate reconsidered the vote whereby the bill was passed to be engrossed as amended by Senate Amendment A; and on his further motion, House Amendment A was adopted; and the bill as amended by Senate Amendment A and House Amendment A was passed to be engrossed).

An Act to amend Section 22 of Chapter 32 of the Revised Statutes as amended by Section 5, Chapter 132 of the Public Laws of 1905, relating to the payment of damage done to growing crops by deer. (This bill was by the Senate passed to be engrossed. In the House the bill was indefinitely postponed. It was returned to the Senate and the Senate insisted on its action. The House insists and appoints a Committee of Conference. The Chair stated that he would announce the Committee on Conference on the part of the Senate).

Resolve in favor of Lowell E. Bailey. (This resolve was by the Senate passed to be engrossed. By the House the resolve was indefinitely postponed. The Senate insisted and asked for a Committee of Conference. The House insisted and appointed a Committee of Con-

ference. The President stated that he would announce a Committee of Conference on the part of the Senate).

An Act to incorporate the Milo Water District. (On motion by Mr. Milliken of Aroostook, under suspension of the rules, the bill took its second reading and was passed to be engrossed).

An Act regulating the use of joint poles in the public streets by electrical companies. (This bill came up on its first reading).

Mr. MACOMBER of Kennebec: Mr. President: As I understand this bill, it provides that municipal officers, that is, the selectmen of towns and the mayor and aldermen of cities, shall have a right at any time to require different electrical companies to place on the same poles their wires. It seems to me that this is entirely an improper proposition for anyone who understands these electrical matters. In the first place, electric light companies, street railway companies, telephone and telegraph companies are always anxious to get their wires on the same pole where it can be done with safety. They are in favor of doing that and do it to save the expense of maintaining poles; but the proposition here is, that any board of municipal officers shall say to these different electrical companies: you shall put on to one pole electric light wires, telephone wires, telegraph wires and all these different wires.

To illustrate the danger of such a proposition, the wires for the transmission of power all over the State are increasing very rapidly, some of them carrying a current with a potential of from 17,000 to 20,000 volts. A telephone wire has a very low potential. Now you put two of these wires on the same pole—one of them being one of these power wires—say on the pole of a telephone wire, and if a storm or sleet or wind occurs, and you allow that telephone wire to fall down on to that high potential wire, what is the result? You have from seventeen to twenty thousand volts of current—enough to kill a man—and that is running into the house of everybody who has a telephone—running right into the street cars; and there is no doubt but what that will do great damage to property and life.

I move, Mr. President, that this bill, more dangerous than anything we have had before us, be indefinitely postponed.

The PRESIDENT: This bill was by the House passed to be engrossed as amended by House Amendment A and C.

Mr. LOONEY of Cumberland: Mr. President: I would like to ask the Senator from Kennebec, through the Chair, whether or not this bill was considered by the committee.

Mr. MACOMBER: Mr. President: I can say as to that that I base my position on the bill simply on the knowledge which I have of the danger of these various high electrical currents. I have had quite an experience all over the State right along these lines and have seen men killed by carelessness in going along and handling wires that carried only 500 volts. And here are those two wires carrying a current liable to go into any man's house over his telephone. It seems to me there should not be any question whatever as to the action of the Senate on a matter of this kind.

Mr. LOONEY: Mr. President: If what the Senator from Kennebec has said is true—and I have no doubt it is, because he speaks from positive knowledge—it seems to me remarkable that any committee should report such a bill. But I wish to call the attention of the Senate to the remarkable change in views of the Senator from Kennebec. This morning I should judge, from the way he voted, that he considered every committee of this Legislature infallible. For my part, I do not understand the remarkable conversion of my friend.

Mr. MACOMBER of Kennebec: Mr. President: I will say that the Senator from Cumberland ought to have discovered that I do not consider the decision of every committee infallible. I vote according to my judgment.

Mr. WARREN of Cumberland: Mr. President: I would like to know whether any expert electrician appeared before that committee or not. I do not know whether this bill is a safe one or not. It seems to me very doubtful whether it is or not. It is easy to see that the bill might be discussed legally before a committee with reference to the general questions of legality, but when you are dealing with electricity, you

want somebody who knows something about it in sight. It is for the common good that as many wires should be carried on one pole as possible, but it is not good that wires of all potentials should be carried on the same pole. I admit that I am fearful that this bill has not had adequate consideration, and, unless I could be sure that it was discussed before the committee and considered along the electrical line, I should be inclined to vote for its indefinite postponement.

Mr. LOONEY of Cumberland: Mr. President: I have no hesitancy in saying that I shall vote on the indefinite postponement of the bill on the judgment of the Senator from Kennebec, rather than on the judgment of the committee.

Mr. BAXTER of Cumberland: Mr. President: This bill, if it is passed, will remove some 3000 poles from the city of Portland. I understand the objection of the Senator from Kennebec, Mr. Macomber, to be that, if all these wires are on one line of poles, they are, therefore, more dangerous than they would be on several lines of poles; but I have talked with the city electrician of Portland, and he tells me that, if these wires are properly strung on one line of poles on one side of the street, they are not necessarily more dangerous than they would be on several poles on the same side of the street.

I can conceive a situation where there would be less danger. There are fewer poles to blow down and there are fewer cross arms to be loaded down with ice, and that would perhaps reduce the hazard, if they were one set of poles properly constructed.

I think the Committee on Telegraphs and Telephones had this matter under consideration and had several hearings on it. I know representatives of the telegraph and telephone companies came to Augusta and went over this matter, and I am ready to believe that the danger to which the Senator from Kennebec refers is not really a danger; in other words, that the danger will not be increased by putting the wires on one set of poles, but rather that the danger will be lessened. I think it can-

not be controverted that the fewer poles we have, the better off we are.

It affects directly the rates of insurance in cities. I suppose it does in the country towns. Every set of poles and wires that runs past a building increases the hazard. I notice the Senator from Kennebec seems to dissent, but, if I am correctly informed with regard to the insurance rates, according to the schedule plans there is a charge of 5c on every \$1.00 insurance for every set of wires that passes a building. I think there is considerable merit in this bill.

It will not increase the hazard of the people using the streets, it will improve the conditions of the streets, and taken all in all, I hope that the Senate will consider carefully before it votes to indefinitely postpone the bill.

Mr. KELLOGG of Penobscot: Mr. President: I wish to say that this bill was quite thoroughly gone over before the Committee on Telephones. The city electrician of Portland was there, and I think he was there at two hearings. There were several other men from Portland there, and, while I do not pretend to know much about this, I would like to be put right, if the committee did not report on it without having a hearing.

Mr. MACOMBER of Kennebec: Mr. President: There is no doubt but that in putting these wires on to a set of poles, they would be more safe if done under the management of a competent electrician. Now the city of Portland has an electrician, and the city of Bangor has an electrician, but there are no others in the State, and the whole of the State is open to the objection which I make, that the men who decide this question are the municipal officers—farmers and men who are elected to those municipal places. This law applies to the whole State. There is a line of wires running from Hallowell and running by this State House, carrying 17,000 volts, and every farmer has a telephone line across that wire and there is danger if you get those lines together.

Mr. REYNOLDS of Kennebec: Mr. President: We had a hearing on this matter and a lot of people came from Portland, but no one from anywhere else, and a few from Mount Vernon out there where there are no electric lights; but

they thought, while looking this over, that it would drive these wires under ground. We thought it over and thought it would work as well as the law with regard to automobiles in Bar Harbor to have such a law for Portland alone, and we thought that this bill could do no hurt. I thought it was nothing but soap and water and let it go.

The PRESIDENT: Pending the adoption of House Amendments A and C, the senator from Kennebec, Mr. Macomber, moves that this bill be indefinitely postponed.

The question being put, 23 Senators voted in the affirmative and 3 in the negative. So the motion prevailed and the bill was indefinitely postponed.

Mr. Irving, for the Committee on Temperance, on bill "An Act to regulate the purchase and sale of intoxicating liquors by the State liquor commissioner and by town liquor agents," reported that same ought to pass.

The report of the committee was accepted and the bill was tabled for printing under the joint rules.

The following committees submitted their final report:

The Committee on Legal Affairs.

The Committee on Manufactures.

The Committee on State School for Boys.

Passed To Be Enacted.

An Act to amend Chapter 30 of the Revised Statutes relating to apothecaries and the sale of poisons.

An Act to provide for competitive bids in the award of State contracts for the construction and repair of buildings and bridges.

An Act to provide for a bounty on bobcats, loupceviers and Canada lynx.

An Act to authorize the town of York to aid the York hospital.

An Act to create a charter for the city of Rockland.

Finally Passed.

Resolve in favor of the State House employees.

Resolve in favor of the clerk to the Committee on Taxation.

Resolve in favor of the messenger to the Committee on Taxation.

Resolve in favor of the University of Maine.

Resolve in favor of the Maine Industrial School for Girls.

Resolve in favor of the plantation of Magalloway, in Oxford county.

Resolve in favor of the Clerk and stenographer of the Committee on Military affairs.

Resolve in favor of DeForrest Keyes.

Resolve in favor of the town of Harmony.

Resolve in favor of A. H. Miller, secretary of the Pension Committee.

Resolve in favor of the shorthand reporter to the Committee on Railroads and Expresses.

Resolve in favor of H. M. Sewall, chairman of the Committee on Salaries and fees, in payment of counsel's and witnesses' fees, stenographer's services, and disbursements made by him in the matter of the investigation of the State and town liquor agencies.

Resolve in favor of the clerk to the Committee on Towns and Indian Affairs.

Orders of the Day.

On motion by Mr. Baxter of Portland, bill "An Act relating to the employment of labor," was taken from the table.

Mr. BAXTER of Cumberland. Mr. President: This is the employer's liability bill. I am very much in favor of the employer's liability bill. The matter was discussed in the Judiciary Committee's room for three weeks and there were three bills before the Committee. I believe the Committee was unanimous that there was a demand and need for the employer's liability bill, and they reported this bill. The only objection I have to find with it is, that it makes certain exceptions. It exempts farm laborers and domestic servants, and House Amendment A, adopted yesterday, exempts those engaged in cutting and hauling or driving logs. I should much prefer to have this bill without any exemptions, but I do not wish to do anything to prevent the passage of a reasonable employer's liability bill. I simply want to go on record in the Senate, as I did before the Committee, that in my opinion the bill should be passed without singling out any class of employees for exemption.

Looking at it from the point of view of the laboring man, I do not see why a

man working for a farmer ought not to have protection, or why a domestic servant should not have protection, nor do I see why a man engaged in lumbering should not also be protected. I fear, however, that, if the question of these exemptions is pressed, it might result in defeating this bill, and therefore, I shall move that House Amendment A be adopted in concurrence and shall ask that the bill be sent along upon its passage.

On motion by Mr. Baxter of Cumberland, House Amendment A was adopted in concurrence.

Mr. Hamilton of York thereupon offered Senate Amendment A, providing that the provisions of this act shall not apply to employees of electric railroads.

Mr. BAXTER of Cumberland: Mr. President: I do not know the purpose of this amendment. Of course, it cannot be adopted if we are to have any employer's liability act, because this might as well exempt steam railroads and it might exempt employers in every walk of life. I do not think it should be seriously considered here. With all respect to the senator from York, Mr. Hamilton, if he wishes to kill this bill, there are other motions which would bring about that result, but surely it should not be done in this manner. If a vote is to be taken on this amendment, I move that it be taken by the yeas and nays.

The yeas and nays were ordered.

Mr. LOONEY of Cumberland: Mr. President: I wish simply to say this: the amendment of my friend from York reminds me of a celebrated artist, who painted what he considered a very handsome and remarkable picture. When he presented the picture to his friends, they all pronounced it a "chef d'oeuvre," a most remarkable painting. Then he said to each of his friends: "Take a pencil and erase that part of the picture which seems to you defective." They all did as he requested and the result was that there was not a vestige left of the picture. Now, if my friend wants to kill this bill, let him kill it in a straightforward way, and not kill it by amendment, because that is exactly what the adoption of this amendment will mean.

Mr. HAMILTON of York: Mr. President: I am not in the habit of offering an amendment unless I think there is virtue

in it. There is an amendment to this bill that has been offered and that amendment has been adopted. That amendment which has been adopted has taken from that bill, I believe, a class where the employees ought to be protected if in any place in the world, because it is the most dangerous, and where it is most dangerous, there should be the greatest protection to the laboring man. I offer this amendment, not for the purpose of killing the bill, but it is well known to you that our electric roads are the poor man's friends. They have hard work in this State to live. They run in the rural district and they carry people cheap, and the history of these roads in the State of Maine is that they have not made any money, but they have lost money; and if there is anybody in the world that ought to be exempted from the provisions of that bill, it is these roads, because it is a charity and these roads should continue to run and not be handicapped by any law, other than the general law now in vogue. I believed, when I offered this amendment, that it should apply to them—much more so than the amendment that has been offered, where there is danger and where it is run by people who are very wealthy, usually. The electric roads, I repeat, are poor and are friends of the laboring men. They help in many ways and they have hard work to get along. If you add any burden to them, it has got to result in the raising of fares which are coming out of the wages of the poor man. For that reason, and for that alone, I think that should be exempted, if anything is to be exempted.

Mr. STAPLES of Knox: Mr. President: I am in favor of the electric roads of this State and I am also in favor of this bill. I do not quite agree with the senator from York about the poverty of the electric roads of this State, and I believe that, if there is any class of employees, it is those who run upon the electric roads who are exposed to great danger, and I would rather pay a little higher fare than to go upon a railroad where there was a lower fare without such protection. I hope this amendment is passed, as it is very meritorious, in my judgment.

Mr. HAMILTON of York: Mr. President: I would inquire what the senator

from Knox thinks in regard to the other exemption.

Mr. STAPLES of Knox: Mr. President: I think there is merit in it and should vote for it for this reason, that in the lumbering regions the river drivers and men who are employed there, take charge of certain portions and they go into the woods to perform their duties, and the employer does not have any control of them from the time they go out in the morning until they get back at night, and many of them are desperate men, over whom they can have but little control.

The pending question being upon the adoption of Senate Amendment A, the yeas and nays were ordered, and the vote being had resulted as follows: Those voting yea were Messrs. Colcord, Gowell, Hamilton, Macomber, Smith (5). Those voting nay were Messrs. Baxter, Boynton, Donigan, Eaton, Emery, Hastings, Hill, Howes, Irving, Kellogg, Looney, Lowe, Milliken, Minott, Mullen, Osgood, Reynolds, Shaw, Staples, Walker, Warren, Wyman (22).

So the motion to amend was lost.

Thereupon, on motion by Mr. Baxter of Cumberland, under suspension of the rules, the bill took its second reading and was passed to be engrossed as amended.

On motion by Mr. Howes of Somerset, Senate Document No. 500, "Resolve to amend Chapter 194 of the Resolves of 1893, as amended by Chapter 155 of the Resolves of 1905 relating to industrial exhibits of the Maine State Agricultural Society," was taken from the table.

The PRESIDENT: Upon this matter, two reports of the Committee on Agriculture are presented, the majority report "ought to pass" on new draft, and the minority report, also new draft. The pending question is upon the acceptance of the majority report.

Mr. OSGOOD of Androscoggin: Mr. President and Gentlemen: The pending question is upon the acceptance of the majority or the minority report upon this bill. The stipend which has been granted to the agricultural society heretofore has been \$2500. At the hearing before the Agricultural Committee, it was thought by some advisable that that should be

reduced. I am happy to say that on account of the conference which has been held since that majority report was signed, so far as my friends upon the Senate Committee, Senators Howes, Irving and Hill, are concerned, that they have very generously, courteously and cordially acquiesced to the report of the minority, inasmuch as they have signed the majority report. Now, for a brief statement of the facts in regard to the Agricultural Society of Lewiston.

This society has been in active operation for 47 years, and must have served its purpose fairly well to have maintained its existence for nearly a half a century.

This society is composed of about 700 life members, scattered throughout the State.

Some of these life members, in the early days of the society's existence, gave ten dollars and became life members, which entitled them to admission to the fairs, with their wives and two minor children.

For several years the price of life membership tickets has been \$20. The annual meetings take place on the Thursday evening of the Fair week, where all officers are elected for the ensuing year.

The officers consist of a president, four trustees, secretary and treasurer. The trustees are chosen in what was originally Maine's four Congressional districts, when Maine had four representatives to Congress.

The society's grounds are situated in Lewiston, where the fair has been held for something like thirty years, and the city of Lewiston is very generous in its treatment of the association.

The society's accommodations are for about 600 head of stock which are entered there annually for premiums.

The entrance fees for 1908 for stock and agricultural exhibits was \$454.15, and there was paid to these same exhibitors in premiums \$4817.25.

In 1902 the association was unfortunate, when a man was accidentally shot outside the grounds—it was claimed from a shooting gallery on the grounds. It cost the association about \$3000.

For the past eight years the society has been unfortunate on account of bad

weather, having had but three pleasant and fair weeks out of the eight years.

In 1907 it rained three days out of the four days that the fair was to be held, and the society was thereby plunged into debt to the extend of \$5000. But at the annual meeting the life members voted to pay the premiums at once, and they were accordingly paid, the trustees borrowing the money to pay their honest debts to their exhibitors, and thus give themselves an honored name and not a repudiator of their just obligations.

Now, Mr. President and gentlemen, it is not necessary for me to say much about the Maine State Agricultural Society. I have been a resident of Lewiston for 50 years and have been deeply interested in that organization, not as an officer of any sort—I have never been an officer, outside of being an auditor—but I have contributed some to its welfare and propose to in the future. It was unfortunate that I was not able to be present at the hearing, because I could have readily explained some matters that I have since explained to the Committee on Agriculture, in relation to some expenditures. It is true that our expenses are large, and it is true that we have had a great deal of hard weather and some mismanagement, but I do not think that the Senate feels that they wish to deprive that great agricultural fair of any just stipend which it may have heretofore received from this State. It is a great fair, gentlemen—it is the greatest agricultural, horticultural and pomological fair in New England, exceeding by far that of Rochester, or Brockton, or Danville, Connecticut. It is a fair of the farmer and of the farmer's family. It has 50 or 60 cottages and is a little village in itself. The attendance on fair days is from 25 to 30, or even 40,000, and you will see at once, Mr. President and gentlemen, that that is indeed the Maine State Agricultural Fair—the fair of the people—not a fair of gamblers and fakirs. I hope that the senators will see fit to give this association what it has received in the past. It asks no more and, I believe, at your hands it will receive no less.

Mr. HAMILTON of York: Mr. President: If you will listen to me, I will

agree not to speak any more in regard to any other thing. I became one of the trustees of the society back in 1871. At that time, and for a year or two previous, here in Augusta, they met with a severe accident. The seats of the grandstand were not sufficiently strong and they gave away, and they had to compromise and to pay a large amount of money for damages. The fair for several years after that did not make any exhibition anywhere in the State. Some of us in that year organized the old Maine State Agricultural Society. I was elected one of the directors. That was a good while ago. We had no money, not a cent. All we had was the prestige which the fair had. We showed at Bangor. They gave us liberty to go there and exhibit and it rained every single day we showed in Bangor. We run in debt there to a considerable extent and the trustees of the society paid. Then we came back to Portland. We exhibited there two or three years, and our exhibitions were quite well attended, and we paid, as we went along, all of our premiums until 1876, and that year was the Centennial year. We run in debt tremendously, because we had been to large expenditure and we expected we should have a large income. After that we went to Lewiston with a debt of about fifteen to twenty thousand dollars, and that was secured by individual notes of the trustees at that time. Now, it costs a good deal to run one of those fairs. It is a large institution and it has to have a great many employees; and everybody thinks they should have something for nothing; and it is hard work to run one of them. There are so many people that want to receive the benefit of the fair and pay nothing for it. We were welcomed kindly and enthusiastically at Lewiston. They helped us and the debt was wiped out. For the first year I had nothing to do with the fair. A long time after I was elected again as trustee and was on the Board until about ten years ago, when physical disabilities would not enable me to be there. We run there with the aid of the city of Lewiston, whose people were very kind to us and furnished us facilities in the way of police, etc. We then had to build

new buildings. We built some large buildings and stables, and we got in debt again. We had two or three years of very fair, decent weather, and we paid up pretty well. Still, we were in debt and it cost tremendously to run it. We paid out a large amount in premiums as we wanted to keep them up with other fairs. I say to you, as I stated to the senator from Androscoggin, that I believe it was the best fair to bring the best arranged and largest premiums. They brought there and exhibited a fancy stock of cattle, and the finest exhibition of farming machinery and of everything else that appertains to a fair. It was expensive to run it. It could have been run a good deal cheaper no doubt, but it could not have been run so well and it could not have commanded the respect which it has commanded. So it went on until a year ago, after the fire—after these buildings were built—and it became necessary to buy more land to extend the buildings and to make it a fair worthy of the State of Maine, and that caused us to be in debt.

Then, as he states, a year ago came in the rain storms during the whole week through the fair, and it was a large expense every day. It takes a good many men to run it, and that expense had to be paid, and I can just imagine how those trustees agonized and worked and felt through that rainy week and how they sacrificed. I never have known the number engaged in that affair, but they have always paid their premiums and the trustees have stood back of them and they have supposed that the people of Maine had pride enough in the fair to stand behind them, and the legislature would help them. I understand that this year there is not a great deal in dispute—\$500, I think it is—and I am in hopes, gentlemen, that you will encourage these trustees and that you will aid the fair to the amount of \$500, which the minority committee has reported. Give cheerfully and freely because there is no agricultural institution in the State of Maine that is so worthy of a gift by the State of Maine as is that fair. It is a State of Maine institution and is run for the interests of the State of Maine, and I want to say that the citizens of Lewiston

have helped them with a liberal hand and with a spirit of enthusiasm for success or it never could have been run. We could ask no more of the citizens of Lewiston than they have already done, and it is right for the State to take hold and help them, not only to extent of those \$500 they have asked for in the minority report, but even if it were up into the thousands, because it is an institution which is of aid to Maine. We have a great many institutions that we are aiding that are not so worthy as this and which do not add to the character of the State of Maine as this fair does. I hope the Senate will give the \$500 which the minority report asks for.

Mr. OSGOOD of Androscoggin: Mr. President: I desire to say for the information of the Senator that the minority report only calls for the amount of the stipend which has been heretofore granted and for no addition.

Mr. IRVING of Aroostook: Mr. President: I wish to say a few words to explain the action of the members of the majority committee. We considered both these fairs at the same time, the Lewiston fair and the Waterville fair; and each under a resolve, I think, asked for \$3000, and the committee requested a statement of facts, and we received from each fair the treasurer's report. The one upon the Lewiston fair was very full and complete in detail and we gave each of the reports careful attention. We did think that the money had not been used wisely, in either case. I did not see that there was any graft; we did not discover any. I do not think anybody made any money out of it, but the money was paid out for different things: for instance, a large amount for music, something like \$550 for four days, and something like \$1500 for advertising. We felt as though that was certainly uncalled for and unnecessary and in examining both fairs, we felt that each had managed the business about the same as the other, so that in conference we felt that each fair ought to be used alike in appropriations by the State, and we tried to get together on the matter, but it seemed to be the consensus on the part of the committee that each fair should have \$2000. We did not do that to punish

the fairs—either one of them—because I think every man on that committee had the good of agriculture at heart. We did want to impress this upon their minds, that they had better work for the interests of agriculture strictly and promote their fairs in that way. We did get together and put in a unanimous report in regard to the Waterville fair for \$2000, but we had a divided report, as you see, on the Lewiston fair, 8 members voting that they should have the same as at Waterville and 2 members voting that they should have the usual amount of \$2500.

Now I am not opposing the Lewiston Fair's having \$2500. I will not oppose the accepting of the minority report if the Senate will see fit in considering the resolve in relation to the Waterville fair to act in the same way and have it amended so it will carry the same amount. I will withdraw all objections I have to the minority report. I am willing, as I said, in the first instance, that each fair should receive alike. One as much as the other is acting for the interests of agriculture according to its ability. Therefore, I withdraw my objection and will support, or have no objection to the majority report in the event that the Waterville fair has the same amount.

Thereupon, on motion by Mr. Osgood of Androscoggin, the minority report was substituted for the majority report, 20 senators voting in the affirmative and none in the negative.

On further motion by the same senator, under suspension of the rules, the resolve and accompanying minority report took its two several readings and was passed to be engrossed.

On motion by Mr. Baxter of Cumberland, Senate Document No. 477, "An Act to revive Chapter 138 of the Public Laws of 1895," was taken from the table.

The same senator presented and moved the adoption of Senate Amendment A.

Mr. Macomber of Kennebec thereupon moved that the bill with the amendment be tabled.

Mr. BAXTER of Cumberland: Mr. President: In offering this bill I should make some explanation. Under the laws of 1895 a commission on uniformity of

laws was established. This was made up of three lawyers who were appointed by the governor to inquire into the advisability of making our laws conform to certain laws of other states and of the United States. This commission has been in operation for 14 years. The commissioners inform me that through some error, I believe in 1903, in revising the statutes, the provisions which relate to the appointment of these commissioners was omitted. These commissioners have been serving ever since, from 1905 to the present time, and this act is simply to correct this omission. It is an exact copy of the law of 1905. It was first presented here as Senate Document 477, but the title did not show clearly what the act was, nor did the act itself. In order to make it perfectly clear, I copied the original act and have presented it here in the form of an amendment. The commissioners have made many valuable recommendations to the legislature. I hope this act will be passed by the Senate.

Mr. MACOMBER of Kennebec: Mr. President: I have already explained my objections to this matter. Three distinguished lawyers in this State, members of the commission, have met annually and made their reports to the Legislature. I think I am right in saying that the Legislature has never seen fit to adopt any of their recommendations, and, although all of these men are all lawyers who know something about the law, they kept right on holding meetings and bringing bills in against the State after they had been out of the job for eight or ten years. It seems to me that a commission of that kind can never be of any great service to the State of Maine. I do not believe that the State should continue any such commission. I am opposed to it. I presume they will go right on, whether we adopt this or not.

The question being upon the motion that the bill and the amendment be laid on the table, the motion prevailed.

On motion by Mr. Wyman of Washington, House Document 671, "An Act to amend Section 47 of Chapter 21 of the Revised Statutes to repeal Chapter 251 of the Private and Special Laws of 1909," was taken from the table; on further mo-

tion by the same senator, the bill was passed to be engrossed.

On motion by Mr. Irving of Aroostook, House Document No. 783, "Resolve to amend Chapter 79 of the Resolves of 1907 relating to Central Maine Fair Association," was taken from the table. The resolve took its first reading. On further motion by the same senator, Senate Amendment A was adopted; and, on his further motion, under suspension of the rules, the bill as amended took its second reading and was passed to be engrossed.

Bill "An Act to repeal Chapter 92 of the Laws of 1905."

The PRESIDENT: In this matter, the Senate accepted the majority report "ought not to pass." The House substituted the minority report "ought to pass" for the majority report "ought not to pass," and passed the accompanying bill to be engrossed. It was returned to the Senate and the Senate voted to adhere. It has been returned to the House and the House has voted to insist and asks for a committee of conference.

On motion by Mr. Milliken of Aroostook, the bill was tabled.

On motion by Macomber of Kennebec, the Senate voted to reconsider the vote whereby the Senate indefinitely postponed House Document 530, "An Act to regulate the use of joint poles in the public streets by electrical companies."

Mr. MACOMBER of Kennebec: Mr. President: The amendment provides that this bill shall apply to those cities over 40,000 in inhabitants, which restricts it entirely to Portland, and that removes my objection, because in Portland they have a city electrician. With that amendment, I have no objection to the bill.

The pending question being upon the adoption of House Amendment A, the amendment was adopted in concurrence. House Amendment C was also adopted in concurrence. On motion by Mr. Macomber of Kennebec, Senate Amendment A was adopted.

Thereupon Mr. Milliken of Aroostook offered Senate Amendment B and moved its adoption.

Mr. MILLIKEN of Aroostook: Mr. President: I would say that the amendment suggested by the senator from

Kennebec removes the objection with relation to persons living outside of the city of Portland. Anyone who knows anything about telephones knows that it is impossible to use long distance wires on the same poles with power wires. They may be used within city limits for exchange service where the line is short, but even then cause disturbance and noise through induction, but it is absolutely impossible to use long distance lines successfully on all poles containing high tension wires, and we are therefore interested in the amendment which I offer.

The question being upon the adoption of Senate Amendment B, the amendment was adopted.

On motion by Mr. Baxter of Cumberland, the Senate voted to reconsider the vote whereby the Senate adopted House Amendment A and the same senator presented Senate Amendment A to House Amendment A and moved its adoption, and the same was adopted.

Mr. HILL of Penobscot: Mr. President and Gentlemen of the Senate. I am going to move that the bill be indefinitely postponed with all the amendments, and in support of that motion I want to say that at the beginning of this session, there was a resolve put in before the Committee on Telephones to investigate the workings of telephones in the State of Maine, but it did not require that there should be any bill or anything reported from that committee. Mr. Rounds, who put that resolve in, is the rather of this bill. This bill has never been through that hopper there or the hopper in the House. It was reported from that committee by Mr. Rounds, and I do not think that more than one or two of the committee signed the bill, and I claim it is not going through this House and Senate in proper shape. I move that the bill and amendments be indefinitely postponed.

Mr. BAXTER of Cumberland: Mr. President: I would like to ask the senator from Penobscot a question through the Chair. I should like to ask if hearings were not advertised and given upon this bill.

Mr. KELLOGG of Penobscot: I answer no, there never has been any hearing advertised on this bill.

Mr. BAXTER: Mr. President: I think the answer of the senator from Penobscot is not intentionally misleading, but a hearing was, I think, given on the bill. The amendment proposed is what the senator perhaps refers to. The bill has been on the table and amendments have been offered and printed, and they have been upon the table of the House for several weeks. This bill is of great importance to Portland. The amendment offered by Mr. Macomber of Kennebec strikes out all of the objectionable features of the bill. We have in Portland a competent electrician, who will not allow these wires to be placed on poles in the streets if it is unsafe to do so. I ask the Senate not to vote for the indefinite postponement of the bill. I think the motion of the senator from Kennebec was made in good faith. This bill affects every piece of property in the city of Portland. Where the pole lines pass, as stated before, the rates of insurance are higher in consequence of these poles. We have 6,000 of them in Portland, and we ask the right to have 3,000 removed. Nobody will be wronged.

I very much resent, Mr. President and Senators, when a matter is under discussion in this body having representatives of the companies affected interfering with senators while they are in their seats. I did not wish to mention this, but cannot refrain from doing so. If it were not for this interference, this matter would have gone along very smoothly and the motion to indefinitely postpone would not have been made.

Mr. KELLOGG of Penobscot: Mr. President: I still insist on the statement I made, that this bill has not been advertised and there never was a hearing upon it before the committee. It was railroaded through the committee by Representative Rounds of Portland, and I insist that I am right in that matter.

The question being upon the motion of the senator from Penobscot, Mr. Kellogg, that the bill, together with the amendments, be indefinitely postponed, the yeas and nays were called for and ordered.

The question was put and the vote being had resulted as follows: Those voting yea were Messrs. Donigan, Hill, Howes, Kellogg, Lowe, Reynolds, Smith,

Staples (8). Those voting nay were Messrs. Baxter, Boynton, Colcord, Eaton, Emery, Gowell, Hastings, Irving, Looney, Macomber, Milliken, Minott, Mullenn, Osgood, Shaw, Walker, Warren, Wheeler, Wyman (19).

So the motion to indefinitely postpone was lost.

Thereupon upon motion by Mr. Baxter of Cumberland, under suspension of the rules, the bill as amended took its second reading and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, bill "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. MILLIKEN of Aroostook: Mr. President: This morning, when this matter came up, the motion that the Senate adhere was made with the idea that that would close the incident, but it seems to be very difficult to make it plain that the members of this Senate have voted on that proposition, and have voted on it twice, and that we have made up our minds twice; and I see no advantage whatever in bothering the committee of conference on this matter.

The will of the Senate having been registered twice, I move that the Senate still adhere and that it decline a reference to a committee of conference.

Mr. LOONEY of Cumberland: Mr. President: I am in hearty sympathy with the remarks of the senator from Aroostook; and I endorse everything that he has said.

Thereupon the Senate voted to adhere and to decline a committee of conference.

On motion by Mr. Reynolds of Kennebec, House Document 378, "An Act to provide for the uniform grading, tracking and branding of apples," was taken from the table.

The same senator moved that the bill be indefinitely postponed.

Mr. REYNOLDS of Kennebec: Mr. President: I suppose this bill has been thrashed out once by the committee. There are a great many people in my section of the country who do not want it to pass.

The PRESIDENT: This bill was, by the House, passed to be engrossed. In the Senate the report of the committee "ought to pass" has been accepted. It has received its first reading, and was tabled pending its second reading. The pending question is upon the motion of the senator from Kennebec, that the bill be indefinitely postponed.

Mr. REYNOLDS of Kennebec: Mr. President: This looks to me as a rather weak matter. A man raises fruit and he has to pack it in barrels made by more than a hundred different people and probably not one of them makes a barrel that would hold exactly two bushels and a half, or a box that would hold exactly three. I think that he should have the right to pack and ship them as he sees fit. A great many people from all over the country come here and they tell us that we have some of the best apples in the world, and others come here and say that our apples are not good for much; but I notice that they sell about every year.

There is a man in my part of the country who raises some 2,000 bushels of apples and he says that this bill is a hardship to him because under this bill he cannot sell his apples unless they are marked as second class barrels. There is no flour barrel that I ever saw that will hold three bushels of apples—perhaps they might if you were to put the apples in the cider press. In that way you might perhaps get three bushels of apples into a barrel. I do not know why we should make a law here in relation to the way in which barrels should be made. All the barrels that are made here have got to be sold and will be sold and used, and the farmer loses because he has not a stamp to properly grade them.

Mr. HOWES of Somerset: Mr. President: It is quite evident that the senator from Kennebec has been suffering from sort of a disease that may be called fantasmagoria.

It has been the privilege of three members of the Senate to serve on the agricultural committee, and this particular bill was given a fair and impartial hearing. It was even printed in the *Maine Farmer*, so that all the farmers in Ken-

nebec county have had an opportunity to appear before this committee. None of them appeared and we have reported this bill unanimously for your consideration. It is the purpose of this bill to raise the standard of apples that shall go out of this State to foreign markets. The bill does not apply to apples sold here for domestic use. We want our Maine apples to compete with apples from Oregon; and today, when you go to take a train at the station, you find the apples in the restaurants which are sold there are Oregon apples. It is the purpose of the Maine Fruit Growers Association to place Maine apples in competition with the fruit of other states; and so we find it necessary to enact some sort of a law that will prevent No. 1 apples to the amount of perhaps half a bushel, being placed in the top of a barrel and the remainder of the space being filled by apples that are only fit for cider.

It is the purpose of this law to have a uniform grade of apples throughout the barrel.

This bill provides that a barrel shall contain three bushels, and gentlemen well posted on this matter tell me that a flour barrel will hold three bushels.

The penalty of one hundred dollars is the extreme penalty, and the provision is that it shall be as much less than that amount as the justice may see fit to impose.

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. Gowell, Kellogg, Macomber, Reynolds, Shaw, Smith, Staples, Walker, Wheeler, Wyman (10). Those voting nay were Messrs. Baxter, Boynton, Colcord, Donigan, Eaton, Emery, Hastings, Hill, Howes, Irving, Looney, Lowe, Milliken, Minott, Mullen, Osgood, Warren (17).

So the motion was lost.

Thereupon Mr. Howes of Somerset moved that the rules be suspended and the bill take its second reading.

Mr. SHAW of Kennebec: Mr. President: I have not looked into this matter very fully, but one thing that was brought up in discussion which it strikes

me is wrong, and that is in regard to the size of the barrel. I think a flour barrel will not hold three bushels of apples; and I think, if you are obliged to put three bushels of apples into a barrel, it would exclude all flour barrels, and it would be a hardship to the farmers, and I think that ought to be amended, if that is the fact.

Mr. HOWES of Somerset: Mr. President: I will say that the question was asked directly from one of the heaviest exporters of apples in the State of Maine—a man who exports 30,000 barrels—and he said it would not exclude flour barrels.

Mr. SHAW: You so understand it?

Mr. HOWES: I do.

Mr. SHAW: Then I have no objection.

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

On motion by Mr. Reynolds of Kennebec, House Document No. 720, "An Act to amend Section 73 of Chapter 9 of the Revised Statutes, in relation to appeal from County Commissioners," was taken from the table.

Mr. REYNOLDS of Kennebec: Mr. President: I would say that this is one of those lawyer's bills. They want an opportunity to put the Board of Assessors to trouble about a man's taxes. The tax was too much and they appealed to the County Commissioners.

Under the law as I understand it now, they can appeal to the County Commissioners or the Supreme Court, just as they please, when they start in. Now they want a law to appeal from their own decisions. If the selectmen get beaten in the first action, they want to take it up higher, and it may be to drag a poor old fellow that may be has not got more than \$50.00, into court, and the lawyer gets the \$50.00.

Mr. STAPLES of Knox: Mr. President: The senator from Kennebec has in a very few words expressed the meaning of this bill. It is simply this, and I think it is something that will appeal to each and every senator within the sound of my voice—that the bill is wrong, unwise and unfair. When the assessors of the town assess a man upon his property, and the man who is assessed is dissatisfied with the assessment, he first goes

to the assessors of the town and asks for an abatement of his taxes, or such portion of them as he thinks he ought to have. If those assessors turn him down, and say they will not abate it, then, under the statute, they have a right—the man who is assessed—to appeal to the County Commissioners, or the Supreme Court. That has been the law upon our statute books for a great many years. If he appeals to the County Commissioners, and they see fit to overrule the decision of the assessors, then, by the statutes of this State, for a long number of years, that decision has been final.

This bill proposes to give the assessors of the town, in the first instance, an appeal from their own decision. It should be final after the assessors of the town have refused an abatement and again appealed to the County Commissioners of the County and they have overruled the decision of the assessors of the town—that should be final and ought to be made so by the statutes of this State. This bill provides that, if the assessors have been overruled by the County Commissioners, that the assessors of the town may have another appeal to the Supreme Court of the State of Maine. You take a poor man—after he has gone through with litigation with the town and the County Commissioners—that has been quite a hardship and quite expensive to him. If the assessors are disposed to be unfair, under this bill, and if they want to punish that man in some way or to make him great expense, they can again appeal to the Supreme Court of Maine and drag that man along in litigation until they ruin him, which would be unfair and unjust; and I do not believe you will support the bill. There has been a right of appeal from the assessors to the County Commissioners, for a great many years. I do not think this Senate will agree to it. There is no one who comes here in favor of the bill except a certain party whom I have no occasion to name in the short discussion that I shall make.

In the first instance the assessors of the town make the valuation. They make the tax; and the man has a right, under the statute, if he thinks his taxes are

too high, to go to those assessors. And the method already provided is right. The assessors may refuse an abatement or not, just as they see fit. If they make no abatement, then the man who is assessed in the first instance, if he wishes to do so, may appeal to the County Commissioners or the Supreme Court, as he sees fit. **The law on the statute** books at the present time is fair to both parties and we should let it remain where it is and not undertake to say to a man that he shall have a right to an appeal from the County Commissioners to the Supreme Court after they have had full hearing before the County Commissioners, and it has been overruled one way or the other. The bill is entirely wrong and unfair and I submit that it should be indefinitely postponed.

Mr. HASTINGS of Oxford: Mr. President: This is a bill proposing an amendment to Chapter 9 of Section 78 of the Revised Statutes, giving, as my brother Staples says, a right of appeal from the decision of the County Commissioners. This bill came before the Committee on Judiciary and received the usual two weeks' notice, advertising a hearing. A hearing was had and it was largely attended. Many of the citizens of East Livermore in the county of Androscoggin, came there and presented a case. No opposition whatever developed at the time of the hearing, but some of the committee then thought, and it seems to me now, that it is only just and fair that there should be an appeal from the County Commissioners in this action. The person aggrieved had a valuation placed upon his property and he asked the local assessors for an abatement in writing. It is provided that if that abatement is disallowed, then he may go to the County Commissioners, and there is no appeal from their decision. In another section of the statute—in Section 79, the aggrieved party may go directly from the assessors to the Supreme Court, and either party may appeal from a decision of the Supreme Court, to the Law Court. Now this amendment proposes practically the same thing. Let me give you an illustration, and I do not hesitate to say that it was the case which brought this bill before the Legislature, although it was

not the controlling case which induced the Committee on Judiciary to report this bill.

In the town of East Livermore is situated a plant which is a branch of the International Paper Company's business. The local assessors placed an assessment upon that plant, everything included, at about par value—I will not go into details—of \$410,000. The International Paper Company asked for an abatement of their tax in writing. The assessors of East Livermore refused an abatement and of course the International Paper Company went up to the County Commissioners, whose decision must be final. The County Commissioners gave a hearing, and upon this property they placed a valuation of \$179,000—a matter of difference of about \$231,000 between that and the valuation of the local assessors. Now that ended it. That was final. The assessors could not go any further. It struck the committee, having this one case in mind, without going into the merits of it one way or the other, and the committee did not care to allow them to do it. They did not take sides with the assessors or with the company. We excluded that evidence, as I recollect, the whole of it. This was an illustration. It seemed to the Committee on Judiciary, as if a highly important matter like this, involving a question of a quarter of a million dollars, should not have a final decision at the hands of the County Commissioners.

The County Commissioners throughout the State, are men of good intelligence, honorable and upright; but they are not learned in the law—they are not members of the legal profession even. They probably do the best they can, but they know not the slightest things about the rules of law or evidence, or admissibility of evidence, although the section of the statute, 78, now gives them the power to sit and hear the evidence and to finally decide.

My friend, the senator from Knox, says that this bill originated by a corporation, against the people. Such is not the case. The people of East Livermore were down here in large numbers. The people of East Livermore asked for this and poor men were not here opposing this bill.

Ever since this bill was reported we

have had four or five of the best fellows in the world here looking after the interests, as they say, of the poor man—and saying what a hardship it is to the poor man to be dragged up by the County Commissioners in a matter of this sort. They are good attorneys and estimable gentlemen who have honored us with their presence for the last ten days, and they are attorneys for the International Paper Company and are here in behalf of that company and not for the poor man. I personally am glad to have them here, and I know the rest of the Senate are glad to have them here, but do not let us be deluded by the talk that this is a bill to get at the poor man. It certainly is not.

I claim that this bill is right and fair. And I do not want you to think that we are aiming at the International Paper Company. The committee were unanimous in holding that the County Commissioners ought not to have a final decision in so exceedingly an important a matter as this. This is a unanimous report of the Judiciary Committee and is entitled to some respect and consideration. Take it and do what you think is right with it.

Mr. LOONEY of Cumberland: Mr. President: As one of the committee who signed the unanimous report, perhaps it may not be improper for me to say just a few words in support of the report of the committee.

I never was so amazed and astounded in my life as I was when I heard the remarkable address of the senator from Knox. From the same facts, his reasoning and conclusions are exactly opposite to the reasonings and conclusions of the committee; and if he is the paid attorney of the International Paper Company, he could not have made a better or a stronger argument for that gigantic corporation than he has here against this bill. I heard the evidence before the committee, and it was substantially this. We were satisfied that the County Commissioners were overshadowed by this corporation. Therefore, in order that the people of this town could get justice, it was absolutely essential that they should have some tribunal to which they could appeal, because, in every dispute between

them and the International Paper Company, the decisions of the County Commissioners were the decisions of the International Paper Company, and so, in order to get justice, they were obliged to appeal to a higher, a better, a more humane and equitable tribunal, the Supreme Court. Those of us who have been approached by certain lobbyists in this Senate are very much amused, not to use a milder term, to hear the remarks of the senator from Knox. It is well known to this Senate that the agents of this corporation have been floating about here with their mouths at every man's ear. No one would think that this bill was to oppress the poor man when its object and its purport was exactly the opposite.

I am reminded of some lines from Richard III:

"And thus I do clothe my naked villainy with old odd ends stolen from Nature's holy writ and seem a saint when most I play the devil."

Mr. WARREN of Cumberland: Mr. President: I wish that I had not said anything about this matter until I came here this afternoon. I have; and I do not know but that, in a hurried way, I may have given an impression, but I thought one way, when I did not.

I am very glad to hear the statements of Senators Hastings and Looney. I have felt somewhat doubtful about changing the law to hit any one particular case, however bad that case might be, but as I hear of it here, I deem that the Judiciary Committee did not act upon this one case alone, and that they deemed the change in the law to be a good change; and I am very glad of it and I want to say to anyone who is within the sound of my voice, that whatever impression I gave them, I have not made any promise and I shall vote to support the report of the committee. I want to say something further than that. There is a sort of suspicion that this valuation has been changed somewhat, by some talk about abatement of the tax, or rather exemption. I do not know what this mill is worth, but I do know that there are mills along the Androscoggin Valley that are ridiculously under value. I could easily point out some on the assessors' books; and if any of you want to talk with me about

it. I can show you. I want to say another thing: We are levying a heavy state tax, which makes the matter the more important, and our State Assessors are not doing all the work they ought to do. I do not know whether any of them are here now, but I would like to know why our State Assessors do not go into our towns and say, "Your valuation is too low,"—in a general way, talk with the assessors and find out what they are doing. I shall not be satisfied with the work of our State Board of Assessors until it is made more equitable. I beg pardon for digressing from the subject in hand. I shall support the report of the committee.

Mr. REYNOLDS of Kennebec: Mr. President: The old saying is that a burned child dreads the fire. I have been through this twice and I know that there are just as many valuations in this State as there are men to value it.

The 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. Donigan, Gowell, Hill, Howes, Kellogg, Macomber, Osgood, Reynolds, Shaw, Smith, Staples, Wheeler (12). Those voting nay were Messrs. Baxter, Boynton, Colcord, Eaton, Hastings, Irving, Looney, Milliken, Minott, Walker, Warren (11).

The President thereupon directed the Secretary to call the name of the President and upon his name being called, the President voted no. So the motion to indefinitely postpone was lost.

Thereupon, on motion by Mr. Hastings of Oxford, under suspension of the rules, the bill took its second reading.

Mr. Reynolds of Kennebec moved that the bill be laid upon the table.

The question being put, the yeas and nays having been ordered, the vote resulted as follows: Those voting yea were Messrs. Donigan, Gowell, Hill, Howes, Kellogg, Lowe, Macomber, Osgood, Reynolds, Shaw, Smith, Staples (12). Those voting nay were Messrs. Baxter, Boynton, Colcord, Eaton, Hastings, Irving, Looney, Milliken, Minott, Walker, Warren, Wheeler (12).

The President directed the Secretary to call the name of the President, and

his name being called, the President voted nay. So the motion was lost.

Thereupon, the bill was passed to be engrossed.

Passed To Be Enacted.

An Act relating to common school fund and the means for collecting and distributing same.

An Act to increase the salary of the warden of the Maine State Prison.

Mr. Staples of Knox moved to reconsider the vote whereby the Senate passed to be engrossed "An Act to amend Section 78 of Chapter 9 of the Revised Statutes in relation to appeal from County Commissioners."

Mr. Hastings of Oxford thereupon moved that the Senate adjourn and Mr. Donigan of Somerset moved that when the vote be taken, it be taken with the yeas and nays.

The question being put upon the motion to adjourn, the yeas and nays were ordered and the vote being had resulted as follows: Those voting yea were Messrs. Baxter, Boynton, Colcord, Eaton, Hastings, Irving, Looney, Lowe, Milliken, Minott, Walker, Warren (12). Those voting nay were Messrs. Donigan, Gowell, Hill, Howes, Kellogg, Macomber, Mullen, Osgood, Reynolds, Shaw, Smith, Staples, Wheeler, Wyman (14).

So the motion to adjourn was lost.

Mr. Staples of Knox thereupon renewed his motion to reconsider the vote whereby the bill was passed to be engrossed; and raised the point of order that a two-thirds vote was required for its passage to be engrossed under suspension of the rules.

Mr. HASTINGS of Oxford: Mr. President: The bill was passed to be engrossed by the unanimous vote of the Senate; and if it was not parliamentary to pass, except by a two-thirds vote, it is now too late to raise the point.

The PRESIDENT: The pending motion is the motion of the senator from Knox, Mr. Staples, that the Senate reconsider its vote whereby it passed to be engrossed the bill "An Act to amend Section 78 of Chapter 9 of the Revised Statutes in relation to appeal from County Commissioners."

Mr. SMITH of York: Mr. President: I move that when the vote be taken, it be taken by the yeas and nays.

Mr. HASTINGS of Oxford: Is the motion in order?

The PRESIDENT: Not if the point is raised.

Mr. HASTINGS: I raise the point.

The PRESIDENT: The Chair sustains the point.

Mr. Looney of Cumberland thereupon moved that the Senate adjourn.

Mr. REYNOLDS of Kennebec: Mr. President: Is a motion in order to lay the bill on the table now?

The PRESIDENT: A motion to table is in order.

Mr. Reynolds of Kennebec thereupon moved that the matter be tabled until tomorrow morning.

Mr. Looney of Cumberland moved that the Senate adjourn.

Upon the motion to adjourn, the yeas and nays were called for and ordered and the vote being had resulted as follows: Those voting yea were Messrs. Baxter, Boynton, Colcord, Eaton, Hastings, Irving, Looney, Lowe, Milliken, Walker, Warren, Wyman (12). Those voting nay were Messrs. Donigan, Gowell, Hill, Howes, Kellogg, Macomber, Minott, Mullen, Osgood, Reynolds, Shaw, Smith, Staples, Wheeler (14).

So the motion to adjourn was lost.

The pending question was upon the motion of the senator from Kennebec, Mr. Reynolds, that the bill lie upon the table. Upon that motion Mr. Staples of Knox called for the yeas and nays.

Mr. MILLIKEN of Aroostook: Mr. President: I rise to a parliamentary inquiry. As I understand the situation, the bill had been passed to be engrossed and is not before the Senate. Is a motion to lay on the table in order, under those circumstances?

The PRESIDENT: The Chair rules that the point made by the senator from Aroostook, Mr. Milliken, is not well taken; that it was passed to be engrossed by the Senate. Pending its being sent to the engrossing office, it may be laid on the table. The pending motion is the motion of Senator Reynolds of Kennebec, that this bill lay on the table; and on that motion, the yeas and nays have been ordered.

The question being put, the vote resulted as follows: Those voting yea were Messrs. Donigan, Gowell, Hill, Howes, Kellogg, Lowe, Macomber, Osgood, Reynolds, Shaw, Smith, Staples (12). Those voting nay were Messrs. Baxter, Boynton, Colcord, Eaton, Hastings, Irving, Looney, Milliken, Minott, Mullen, Walker, Warren, Wheeler, Wyman (14).

So the motion was lost.

Passed To Be Enacted.

The following resolves and bill, containing the emergency clause, required a two-thirds vote of all senators elected.

Resolve in favor of preserving the life of fish in the hatcheries and the temporary operation of the hatcheries and feeding stations of the State. (26 senators voted in favor of the passage of this resolve and there were no votes opposed.)

Resolve providing for the payment of certain deficiencies created prior to January 1, 1909. (24 senators voted in favor of the passage of this resolve and there were no votes opposed.)

An Act to create the Maine Forestry District and to provide for protection against forest fires therein. (24 senators voted in favor of the passage of this bill and there were no votes opposed.)

On motion by Mr. Wheeler of Cumberland, the Senate adjourned.