

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

from the House, by that branch indefinitely postponed.

(On motion by Mr. Donigan of Somerset, tabled pending acceptance.)

The report of the committee on ways and bridges, on Resolve in favor of the Eastport bridge, came from the House, by that branch indefinitely postponed.

(On motion by Mr. Chandler of Washington, tabled pending acceptance of the report.)

Reports of Committees.

Mr. Stearns for the committee on military affairs, on Resolve for the preservation of the regimental rolls in the office of the attorney general, reported the same "ought to pass."

Mr. Donigan from the committee on interior waters, on Resolve in favor of navigation of Lake Sebec, reported same in new draft under same title and that it "ought to pass."

Mr. Kellogg for the same committee, on Bill, An Act to render valid the doings of the Little Madawaska Improvement Company and to amend the charter of the same, reported a new draft under the title of "An Act to render valid the doings of the Little Madawaska Improvement Company" and that it "ought to pass."

The same senator for the same committee on Bill, An Act to incorporate the Northern Penobscot Water Company, reported a new draft under the same title and that it "ought to pass."

Mr. Winslow for the committee on fisheries and game on An Act to limit the number of fish which may be taken in one day in certain tributaries to Wilson lake, which lake is situated in the town of Wilton, also in Alder brook, a tributary of Weld pond, which pond is situated in the town of Weld, down as far as Hildreth's mill dam, so called, in the county of Franklin, reported that same "ought to pass."

Mr. Foss for the committee on claims, on Resolve in favor of John R. McDonald of Addison, reported same in a new draft and that it "ought to pass."

Mr. Osborn for the committee on school for the feeble minded, on Resolve in favor of the Maine School for Feeble-

Minded, reported same in a new draft and that it "ought to pass."

The reports were accepted and the several bills and resolves tabled for printing under joint rules.

Orders of the Day.

On motion by Mr. Sanborn of Piscataquis, Senate Document No. 100, An Act to abolish the Dover municipal court and the Milo municipal court and to establish the Piscataquis municipal court, was recalled from the engrossing committee. On further motion by the same senator the vote whereby the bill was passed to be engrossed was reconsidered, and the bill was re-committed to the committee, to correct a clerical error.

Sent down for concurrence.

On motion by Mr. Allan of Washington, Adjourned.

HOUSE.

Wednesday, March 8, 1911.

Prayer by Rev. Mr. Clifford of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to incorporate the Carleton Stream Dam Company came from the Senate amended by Senate Amendments A and B.

The House reconsidered the vote whereby this bill was passed to be engrossed, and on motion by Mr. Davis of Guildford the amendments were tabled.

Senate Bills on First Reading.

An Act to amend Section 10 of Chapter 3 of the Revised Statutes, relating to the powers and duties of the Maine Library Commission.

An Act relating to lumbering operations, came from the Senate indefinitely postponed in that branch.

On motion by Mr. Peters of Ellsworth, the House non-concurred with the Senate and voted to appoint a committee of conference.

The Speaker appointed as such committee Messrs. Peters of Ellsworth, Pattangall of Waterville and Mace of Great Pond.

An Act to amend Chapter 4 of the

Revised Statutes, in relation to wharves and fish weirs.

Tabled on motion of Mr. Heffron of Eastport, and assigned for today to be taken up under Orders of the Day.

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

Judiciary.

By Mr. Strickland of Bangor—An Act to amend Section eight of Chapter 62 of Revised Statutes, relating to divorce. (Tabled for printing pending reference on motion of Mr. Hersey of Houlton.)

By Mr. Colby of Bingham—An Act to amend Section six of Chapter 123, relating to malicious mischief and trespass on property. (Tabled for printing pending reference on motion of Mr. Murphy of Portland.)

Also, An Act to amend Section seven of Chapter 52, as amended by Chapter 134 of the Public Laws of 1907, relating to fraudulent evasion of payment of fares on steam railroads, street railroads, steamboats and ferries.

Legal Affairs.

By Mr. Clearwater of Hallowell—An Act relative to change of location of main office of Mutual Fire Insurance Company.

By Mr. Hogan of Portland—Petition of W. R. Evans of Portland for amendment of law relating to registration of dentists.

By Mr. Murphy of Portland—Petition of James H. Spear of Portland, for same.

By Mr. Powers of Caribou—Petition of Charles H. Tuell of Caribou, for same.

By Mr. Connors of Bangor—Petition of Clinton E. Sawyer of Bangor, for same.

By Mr. Williamson of Augusta—An Act to amend Chapter 123 of the Laws of 1905 as amended by Chapter 43 of the Laws of 1907, entitled "An Act for the protection of children."

Banks and Banking.

By Mr. Deering of Portland—Resolve authorizing the Governor to ap-

point a commission to investigate investments for savings banks.

Reports of Committees.

Mr. Skehan from the committee on railroads and expresses reported "ought to pass" on Bill, An Act authorizing Booth Brothers and Hurricane Island Granite Company to construct and maintain a railroad crossing or crossings in the town of St George.

Same gentleman from same committee reported same on Bill, An Act to amend Chapter 70 of the Public Laws of 1907, entitled "An Act amending Chapter 164 of the Public Laws of 1905, relating to location and assessment of damages for property taken for public uses."

Same gentleman from same committee reported same on Bill, An Act to amend and extend the charter of the Lincoln County Street Railway.

Same gentleman from same committee reported same on Bill, An Act to extend the charter of the Rumford Falls and Bethel Street Railway Company.

Same gentleman from same committee reported same on Bill, An Act to extend the charter of the Waldo Street Railway Company.

Same gentleman from same committee reported same on Bill, An Act to amend Section 12 of Chapter 53 of the Revised Statutes, relative to locations for street railroads.

Mr. Skehan from committee on State lands and State roads, on Bill, An Act to amend Sections 1, 2, 7 and 13 of Chapter 112 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, reported the same in a new draft under the title of "An Act to amend Section 13 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909," and that it ought to pass.

Mr. Kelley from the committee on claims, on Resolve in favor of John Holden and Company, reported the same in a new draft under the title of "Resolve in favor of John Holden and Company," and that it ought to pass.

Same gentleman from same committee, on Resolve in favor of H. P. Mc-

Kenney, reported the same in a new draft under the title of "Resolve in favor of H. P. McKenney," and that it ought to pass.

Mr. Hodgkins from the Lincoln county delegation, on Resolve in favor of the erection of a suitable monument to Commodore Samuel Tucker, reported the same in a new draft under the same title, and that it ought to pass.

Mr. Strickland from the committee on military affairs, on Resolve in favor of Edward Fahey, reported that the same be referred to the committee on pensions.

Mr. Noyes from same committee, on Resolve in favor of Rose J. Bubier, reported that the same be referred to the committee on pensions.

The reports were accepted and bills and resolves ordered printed under joint rules.

Orders.

On motion of Mr. Williamson of Augusta.

Whereas, the probate courts in the various counties of the State have not adopted a uniform construction of Chapter 186 of the Public Laws of 1909, with reference to the amount of exemptions in assessing the inheritance tax, and

Whereas, the rule of computation of exemptions allowed widows and others has been thereby different in different counties,

Ordered, The Senate concurring, that the committee on judiciary examine into such allowances with a view to equalizing the same, and if they deem it expedient, report by bill or otherwise.

First Reading of Printed Bills and Resolves.

Resolve in favor of reciprocity with Canada.

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

Passed to Be Engrossed.

Resolve in favor of a publication of the documentary history of Maine.

Mr. PATTANGALL of Waterville: Mr. Speaker, I suppose it is necessary for the House to dispose of a large number of resolves on the House calendar today because, although no final report of the appropriation has yet

been made or can be made for a few days, the work on the calendar is accumulating so rapidly that some of it or perhaps all of it ought to be taken care of, either by passing the resolves, indefinitely postponing them or amending them of in some other way disposing of the various matters before the House.

Now, I want to say just a word on this resolve, Senate Document No. 105. It carries an appropriation of \$5000. It provides that four documents of the history of Maine shall be completed under the charge of the Maine Historical Society, and that the State shall pay \$2.50 per volume for 500 volumes of each of those four volumes, making an appropriation of \$5000. I haven't any doubt but that might be a good way to spend money if we had it. The House will have before it tomorrow the report of the joint special committee which was appointed to let this House know the financial condition of the State. I have a copy of the report here, and on account of the difficulty in getting around to have it signed by all the members of the committee it could not be presented yesterday. I want to call the attention of the House to a part of it. That committee found as existing pressing liabilities of the State current and unpaid bills amounting to \$348,247; they found unpaid warrants amounting to \$384,644, making a total in those two items of \$732,892, aside entirely from the \$300,000 temporary loan. Now, that presents this situation: In some way during the next two years about a million dollars of the State's income must be laid aside to pay debts. I would like to make that statement perfectly clear. I am not including in that statement any bonded debt or trust fund or any matter of mere bookkeeping. The State owes, first, the temporary loan of \$300,000 which is its limit of loans, and which ought not to be resorted to except under extraordinary circumstances. It owes besides that \$732,892 of current bills. The condition of those bills is such that your committee learned that in different parts of the State men who loan money at high rates of interest were buying up bills against the State

of Maine, in one instance at 20 per cent. discount because people are holding those bills who cannot wait for their money. That is a condition that never obtained in the State of Maine before, I think, and I hope never will again. It is absolutely necessary for this Legislature to appropriate money enough to pay those bills, and in order to do it without raising a heavier tax than anybody is willing to pay or wants to inflict on anybody else, it goes without saying that it is necessary for this Legislature to expend only such money as we are obliged to spend in order to maintain our various State institutions and to keep our State government going along, coupled with those appropriations a charge for our various hospitals such as their needs demand.

Now, while no one of these resolves presented here this morning is very large, the total is large, and unless the House is willing to commence now and cut out unnecessary expenditures, before the session closes we will find a condition where, instead of having saved something to pay our debt with we will have accumulated new debt. I would be perfectly willing, had we the money, to vote to appropriate \$5000 towards the compiling of the documentary history of Maine, but when I know that people in Maine are being obliged to take their orders on the treasury of the State of Maine and sell them to loan sharks at 20 per cent. discount, I feel as though the compiling of that documentary history might well wait two years until we have paid our honest debts. Therefore, Mr. Speaker, I move that this resolve be indefinitely postponed.

The motion was agreed to.

Resolve concerning the preservation of the archives of the State of Maine.

Mr. Plummer of Lisbon moved that the resolve be indefinitely postponed.

The motion was agreed to.

Resolve in favor of the town of Wiscasset.

Resolve in favor of repairing Mattawamkeag bridge.

Mr. PATTANGALL of Waterville: Mr.

Speaker, under the rules of this House no resolve carrying an appropriation of money can be passed unless it contains a statement of facts. No statement of facts accompanies this resolve, and I move that it be laid upon the table pending the filing of a statement of facts.

The motion was agreed to.

Resolve in favor of the town of Phillips.

Mr. PATTANGALL of Waterville: Mr. Speaker, this is a resolve in favor of the town of Phillips. It contains a statement of facts. Now there are a number of such resolves. I suppose every member of this House knows that if a town has a claim against the State because of the support of a State pauper that claim can be presented to the Governor and Council and the Governor and Council can order it paid. If they have not the money they can ask for a general appropriation. The Governor and Council have an opportunity to examine into the facts in every case and ascertain whether the State is legally bound to pay those bills or not; the Legislature has no such opportunity. The resolves before the House this morning are full of cases where different towns have come to the State for the payment of pauper bills which if paid, and I presume the most of them are legitimate, should be paid by order of the Governor and Council and not by order of the Legislature, where they can be examined, where legal advice can be put in. I have, among other gentlemen here, presented a resolve in favor of the city of Waterville being paid some pauper money. I do not believe it ought to be paid by the Legislature, although I put in the resolve because it came from my city. We have several thousand dollars in such resolves pending here. There is a legal way of collecting that money, and there is a legal way of proving the case against the State; and I move that this resolve be indefinitely postponed.

Mr. AUSTIN of Phillips: Mr. Speaker, I wish to say for the information of the gentleman from Waterville and also for the members of the House that this statement of facts which was thoroughly investigated, I think, by the committee on claims, was accompanied by a sworn statement of the selectmen of the town of Phillips together with an itemized

statement in each instance to a cent showing what was paid and the date. I have an idea that the committee on claims gave this matter their careful attention and they really thought it was up to the State to reimburse the town of Phillips. Of course I recognize the truth of what my friend from Waterville has stated, but at the same time the town came here by its municipal officers, they were here in person, and made a clear case out before the committee on claims and we got a unanimous report, and on that plea I hope the motion of the gentleman from Waterville to indefinitely postpone will not prevail.

Mr. AMES of Norridgewock: Mr. Speaker, I would like to ask, as a member of the committee on claims, a question of the gentleman from Waterville. It was put up to us a great many times that some of these pauper claims were neglected until the authority of the Governor and Council—that is, the time when they could act upon it—had passed and still they were just claims. I wondered whether some of them did not belong in that class or were misinformed. For instance, in the case of an insane pauper the claim would be presented to the Governor and Council and they claimed that it had been presented too late for their consideration, and the only way for them to get their pay was to present it to the Legislature and get a special act, and while the claim was just and proper the Governor and Council could not legally act upon it, and on the supposition that was so we passed quite a number of those claims. I don't know whether that was true or not.

Mr. AUSTIN of Phillips: Mr. Speaker, I want to say further to the gentleman from Norridgewock that he has mentioned the very case which I have here, the case of an insane pauper in the town of Phillips, and the only reason that it was brought before the Legislature was as stated and because we were informed of what we thought was good authority that the Governor and Council were not in position to take jurisdiction of that particular claim and for that reason we brought it before the Legislature. I only want justice done to my town.

Mr. PATTANGALL: Mr. Speaker, of

course it is not possible for me to know anything about the particular facts in this case, neither I think is it possible for this case to be intelligently discussed here before the Legislature; but if the statement of facts which accompanies this resolve is correct—and I suppose it is—then I haven't any doubt but that the town of Phillips has a legal claim against the State of Maine of which the Governor and Council will take cognizance. And, Mr. Speaker, if the town of Phillips or the city of Waterville has any claim against the State that is legal there is no question but that in the course of time the Governor and Council will pay it, and if either of these communities has a claim against the State of Maine that is not legal then I don't think in our present condition we have any money to make them presents with.

Mr. ANDREWS of Norway: Mr. Speaker, I presented a resolve before the House in favor of the town of Oxford with a statement of facts, and that has the recommendation of the last Council that An Act be presented to this Legislature in favor of the town.

Mr. WILLIAMSON of Augusta: Mr. Speaker, Section 30 of Chapter 27 of the Revised Statutes, which I think has not been amended, provides that "When such paupers have no legal settlement in the State, the State shall reimburse said town for the relief furnished, to such an amount as the Governor and Council shall adjudge to have been necessarily expended therefor." Now, I am not familiar with any statute which provides any time within which notice may be given to the Governor and Council or any time within which the Governor and Council are obliged to allow them. I think all these claims can be taken up at any time by the Governor and Council and allowed, and that this particular claim which I have no doubt is a just one can be as well allowed by the present Governor and Council as by the State. I think it stands in exactly the same position as, for instance, a man who has had a cow

killed by the cattle commission, and he couldn't get his pay because there was no money; and it seems to me if we pass these bills and resolves to reimburse these towns that we ought also to reimburse every one else who has a just claim against the State; in other words, it seems to me just and fair that these matters should not all be acted upon by the Legislature but should go to the Governor and Council and be by them taken up in their due order because they have full authority as I understand it to act upon them.

Mr. KELLEY of Boothbay: Mr. Speaker, in reply to the gentleman from Augusta I will say that I was cited to the same statute by a member of the former Council, and he also at the same time cited to me some amendments which had been put upon it later; but I don't at this time remember what it was or where it was, but I am quite sure there has been some change.

Mr. Austin of Phillips moved that the resolve be laid upon the table.

The motion was agreed to.

Resolve in favor of Stockholm plantation.

Mr. PLUMMER of Lisbon: Mr. Speaker, I move that this resolve be indefinitely postponed. If I am correctly informed there is no occasion for the plantation of Stockholm or any other town or plantation in this State to pay out money on any such case as this. I think there is a law, and I am not saying whether it is a proper one or not, that requires that selectmen or municipal officers shall ship to the Maine Anatomical Society or some other society of that description all cases such as are herein described; and it is for that reason that I move the indefinite postponement of the resolve.

Mr. Hersey of Houlton moved that the resolve be laid upon the table.

The motion was agreed to.

Resolve in favor of the town of Castine.

Mr. PATTANGALL of Waterville: Mr. Speaker, here is a resolve in which

there is not a single word that would indicate but what this man O'Reilly was a resident of Castine and always had been. It does not even say that he belonged in a neighboring town. The resolve calls for the payment from the State treasury of \$843.60 because the town of Castine supported a pauper, without a solitary statement or anything connected with it to show where he belonged or what the money was spent for. I do not mean to criticize the committee on claims. I am speaking of the printed resolve. I have no doubt that the committee acted conscientiously and on such evidence as was presented; but if the State of Maine owes the town of Castine anything for Mr. O'Reilly's support the Governor and Council can pay it and they can examine the evidence on it and know what they are doing. If there is any legal claim against the State on the part of Castine, the money can be got in the proper way. This is not the proper way. If there is not a legal claim, Castine is not entitled to the money. The other towns have some rights as well as the dozen or 15 towns that have come here with these claims. Just now when everybody is waiting for money that everybody knows is due them, it seems to me that it is hardly right to pass these resolves, but I think we ought to dispose of these matters this morning. We have only about three weeks between now and the first of April. We hope to adjourn sometime; and it seems to me that we ought to act one way or the other. If we are going to start in voting money on anything that comes in so long as some one shows us a prima facie case at an ex parte hearing, let us do it, but let us have sand enough to do it now. As that resolve stands, if Castine has got a claim against Maine it can be collected in a proper way before the Governor and Council. If Castine has not got a claim against Maine it ought not to be paid. And either way the resolve ought not to pass. I move that it be indefinitely postponed.

Mr. PETERS of Ellsworth: Mr. Speaker, it occurred to me that we all probably have the same general idea

as to the necessity for economy in appropriations, and where all these matters of appropriating money are now before us, or a large number at one time are before us, that we should be careful in our proceedings and not do injustice. If we indiscriminately turn down some of these resolves, and because there happens to be no objection, pass others, it may very well be we are not doing even justice between claimants against the State. We are at the head of this column of resolves on the calendar. It will be necessary, as we are going on, to take very hasty action in these matters. Many of us will know very little about them; and I have been thinking that it might be wise if we could know in some way how much of these were legal claims against the State in the sense of being actionable as the lawyers say, if we could also know how many of these were mere gratuities and for what. It would make a good deal of difference in my vote if I knew what of these were gratuities to institutions other than to State institutions, and if I could know how many of these were claims against the State that were not legally enforceable or not legal claims or that were provided for by some other method of procedure; and while this matter has not formulated itself exactly I would like to suggest as to whether or not a small committee could not be appointed and report say by tomorrow or the next day to the State along the lines I have mentioned as to how many of these resolves are legal claims and how many of these are gratuities paid to institutions other than to State institutions, which might assist us in coming to a just conclusion in the payment of the claims. I deprecate acting on these things so hastily that somebody will get what they want and others may not get what they want and may not get what they are fairly entitled to. I present these suggestions for the action of the House; and in order to get them before the House I move that a committee of three be appointed by the Chair to investigate these resolves carrying appropriations of money and report to the House by Friday morning as to

how many of these resolves embrace legal claims against the State, and how many embrace the payment of gratuities to institutions other than State institutions.

Mr PATTANGALL: Mr. Speaker, I would, with the consent of the House, withdraw my motion to indefinitely postpone and give way to the gentleman from Ellsworth, excepting for this: In order to decide whether the State of Maine owes a bill or not it is necessary that certain matters of fact should be proved. Now there isn't any feasible way by which 15 or 20 towns can prove those matters of fact before a special committee between now and Friday. It would necessitate the calling of a considerable number of witnesses. As most lawyers have, I have presented claims to the Governor and Council in the past on pauper claims. I have found that in order to make out my case I had to present evidence as I do in court. I had to have my witnesses there, and depositions taken if I did not bring them personally. It is quite a thing to bring a pauper claim against Maine. So I see no good that could come from the hasty investigation of a committee of three, or any other number, between now and Friday. If that committee decided that those claims were legal, what would we say? We would say: "Go to the Governor and Council," wouldn't we? Now if the committee decided that they were illegal, what would we say then? Would we say: "Pay them?" So that no matter what that committee reported, we are right up against a proposition where we haven't got any right to appropriate the money, excepting on the order of the Governor and Council, where all these claims should first go. I therefore insist on my motion.

Mr. KNIGHT of Monroe: Mr. Speaker, I wish to say that I appeared before the committee on claims and said to them as a reason why I was so appearing before them was because of the law which as I understood justified my appearance—a law to the effect that except pauper claims against the State of Maine were filed with the Governor and Council before a certain

period, they would not be allowed, the Governor and Council had no authority to allow them; and I desire to justify myself before the House and before the committee by calling attention of the House to Chapter 113 of the Public Laws of 1907, which says: "All bills for the support of State paupers shall be filed with the Governor and Council within three months after the same are contracted, and no such bill shall be allowed unless they are so filed within thirty days after the 31st day of December of the year in which they are contracted."

Now it seems to me that that may explain one reason at least why so many of these bills are presented here. They are in a sense legal claims against the State of Maine except that they are rendered illegal by the phraseology of the Statute. I simply desire to call the attention of the gentleman from Augusta to the fact that the section which he referred to has been amended by this one which I have read.

Mr. PETERS: Mr. Speaker, I am aware that my motion was out of order, I only made it for the purpose of assisting if possible to straighten the matter out a little. I did not intend by my motion to provide that this committee should take evidence and pass upon the merits of the various claims embraced in these resolves. I only intended that the committee by consulting with the secretary of the committee on claims and otherwise should ascertain whether or not if these claims were legal or probably legal there was any other way for providing for their payment than this way, for instance, I did not intend to go back of the fact as found by the committee on claims.

Mr. CLEARWATER of Hallowell: Mr. Speaker, at the beginning of this session there was a committee on claims appointed consisting of 10 men on the part of the House and three on the part of the Senate. Now I would like to ask just what that committee on claims was created for if it was not to take care of just these matters that have come before us? As a member of

that committee I want to say that the committee on claims have put in considerable time in looking into these matters, and I for one feel that they have looked into them very carefully and very conscientiously; and I think if the members of the House could see the mass of stuff which has been brought before the committee on claims and has been turned down simply because it was felt that it was not meritorious, if the members could understand the care with which everything that has come before that committee has been scrutinized, they would feel that they had done their duty very well indeed, and would perhaps feel a little more like accepting the report on some of these resolves that the committee has sent in.

Now at the outset, in regard to these pauper claims, the committee got what we supposed to be good information and which has just been brought out by the gentleman who has read the statute. Take this claim from Castine. No statement of facts appeared with this printed resolve, but I want to say that in every instance where these claims have been presented there has been a statement of facts with them. If there was not, the claim has not been entertained for a moment. I want to reiterate that every one of these claims that have been before the committee on claims have been investigated thoroughly and that the work has been thoroughly done. Now if the committee is simply an incumbrance and don't amount to anything, let us dissolve it and not waste their time and the time of the Legislature in their doing what they should have done. It seems to me that these resolves have been passed upon and considered and that they are legal, fair, honest and just claims against the State and should be paid.

Mr. PATTANGALL: Mr. Speaker, notwithstanding the care with which the committee have examined the various cases I did not hear any statement about this Resolve No. 102 which they recommended. Would the gentleman from Hallowell be willing to

tell us who Terrence O'Reily was and how Castine came to support him so that we could know something about him? Nothing in the resolve shows but what he was a resident of Castine.

Mr. CLEARWATER: Mr. Speaker, I will admit that what the gentleman from Waterville says is perhaps very apt. I will further say that I don't know personally why the statement of facts regarding that did not appear with the printed resolve; but I do say this, that this resolve for \$843.60 in favor of the town of Castine did not go by the committee on claims without a statement of fact or without the committee on claims being satisfied by evidence that the claim was right and fair.

The SPEAKER: On House Document 102 which is furnished the Chair by the clerk there appears written with pen and ink at the foot of the resolve a statement of facts, although it does not appear in the printed resolve. It is as follows: "This claim is made under the provisions of Chapter 142 of the Public Laws of 1905 known as the alien law. Terrence O'Reily was an alien beginning with the year 1909. The claims for the support of the pauper have been allowed in the usual manner. The claims prior to the year 1909 were not filed with the Governor and Council within the time provided for by Chapter 117 of the Public Laws of 1907. Hence a special resolve is necessary to reimburse the town of Castine."

Mr. PATTANGALL: Mr. Speaker, I understand that the position now taken is that the claim had been presented to the Governor and Council and disallowed and now the Legislature is asked to allow it.

Mr. MACE of Great Pond: Mr. Speaker, I will say that there was documentary evidence presented to the committee on claims, vouchers were presented, showing that every cent had been paid out for the support of Terrence O'Reily and that by the Governor and Council he was acknowledged as a State pauper, and the State has paid in the past the town

of Castine for money which they expended. At the present time they ask the State to reimburse them for other money which they have expended and which the State should reimburse them for, because the town of Castine has no right, or had no right, to support the State paupers. Now it seems only fair to say that a good many claims came before the committee on claims that are not strictly legal on account of some technicality because of which the Governor and Council cannot allow them; but the committee on claims examined them carefully, scrutinized their bills, and they believe that those claims are just and meritorious; and I ask the members of the House to take this matter into consideration before they turn down just claims for the towns of the State of Maine.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I wish to acknowledge in this matter of notice that the gentleman from Brownville is correct and I am wrong. There has been an amendment since the Revised Statutes as he has stated. It seems to me without in any way criticizing the action of the committee on claims that the Governor and Council have more leisure and a better chance to take up these matters than any committee could, and it seems to me by making an amendment to that act which would apply to all these resolves. It seems to me they could be taken care of in that way, and if time was allowed I have no doubt that a bill might be drafted which would allow an examination of these claims which are technically barred by the statute.

Mr. BOMAN of Vinalhaven: Mr. Speaker, with all due respect to the committee in claims it seems to me that this matter under consideration is a peculiar claim. Part of this claim is 15 years old. It appears to me very strange that any town will permit their claims to go as long as that without making any effort to collect it. I think that this claim is strange in that respect to say the least.

Mr. AMES of Norridgewock: Mr. Speaker, I think that a great deal of

the business that came before the committee on claims ought properly to go before the Governor and Council, but inasmuch as we were instructed that the 30 day limit in that law barred them we seemed to be obliged to consider them. Now I think that in a great many of these cases there was negligence, but in every one where we allowed them there was certainly merit. In most instances there were vouchers and in a great many cases the Governor and Council themselves approved of them; and it seems to me that in most instances the State should not repudiate the claims simply because the 30 days had expired, and I think the proper thing to do in this case is in some way to make a law so that the Governor and Council will investigate them.

Mr. QUIMBY of Turner: Mr. Speaker, I am somewhat interested in this discussion here. It seems that this particular resolve has been before the Governor and Council and that it was found to be illegal for some reason or other. I am sorry for the town of Castine; I have been sorry for my own town before now because I did not proceed legally and collect pauper bills when I ought to have done so. I know of other towns to be in the same situation in the past 20 years; and it seems to me that our pauper laws are not what they ought to be, and there is where so many towns fight among themselves over these pauper bills. It seems to me that we are now where we should decide whether these people who by their negligence have lost a claim, can now recover it. If you pass this resolve you are teaching me that in the future if I am negligent in this respect I can go to the Legislature with a resolve and can get it through and have my town reimbursed; but I think I should be punished for my carelessness in not obeying the law. I believe this resolve should be indefinitely postponed.

Mr. GROSS of Orland: Mr. Speaker, I represent the town of Castine. I would ask the House to use the town of Castine the same as they do the rest of these resolves.

Mr. KELLEY of Boothbay: Mr. Speaker, I desire to say that there has been no negligence in this case. Under the statutes as they were supposed to be the paupers have been supported by the towns, the alien paupers. In 1908 the supreme court handed down a decision that all alien paupers should be supported by the State. Since then the State has been supporting them. The State supported this pauper until he died. This is simply a claim for years back. They did not neglect to present their bill, they simply asked in regard to back claims and the Governor and Council informed them that they could not pay them, that they would have to be paid through the Legislature. As to the statement of facts, it should have been printed with the resolve. A statement of facts was reported with the resolve.

Mr. GOODWIN of Biddeford: Mr. Speaker, I wish to call the attention of the House to Resolves No. 296, 303 and 305. I want to say in regard to those that the statement of facts in each case is fairly complete. I think it covers the entire ground so far as those resolves are concerned. Those were presented by the proper city authorities to the Governor and Council and the Governor and Council declared in their judgment that they were legal and just claims against the State. They paid so much of them as they had a right to under the statute of 1907. When those resolves were presented to the committee on claims they were not quite satisfied with the proof and we got additional facts on file with the State auditor; and I think in all those cases we made out our case completely and that there could be no question but that they are just and legal claims. I am as anxious as any one that the State shall live within its income but I do not think it is right or just to indefinitely postpone all these matters.

Mr. MANTER of Parkman: Mr. Speaker, I think there is no question but what every selectman of any town will say that they have lost a lot of bills in this way by not putting in their claims in season. I know it is so in our town; we could go back a

great many years and find bills that were unpaid.

Mr. PETERS: Mr. Speaker, I think in fairness to the resolve in favor of Castine we should consider that there are other resolves coming of the same general character, resolves carrying appropriations to pay claims which probably would not be approved by the Governor and Council on account of some technicality of the law and which were referred by the necessity of the case to this Legislature. The gentleman very properly urges us to take the same action on all the resolves of this general character. If we indefinitely postpone this resolve, we should take the same action in regard to all resolves of the same general nature. I still think that we would do well to make some temporary arrangement in regard to having some report of a general nature concerning the amount and nature of this large number of resolves.

There is no question that the committee on claims has given the most painstaking consideration to them, but they have to consider each one separately, not in any relation to the total amount of them nor in relation to the large indebtedness of the State which must be provided for. It is desirable that any action we take in regard to these matters should be consistent so far as possible with the condition of the State and the necessity which confronts us of providing for the payments of debts. In regard to these gratuities also it seems to me proper that some general policy be adopted as to all of them. I would go farther than the gentleman from Waterville. I think I would be willing to cut off all gratuities, treat them all alike, I would say that they must delay until we have money. Now if these matters were referred to a committee to make such general investigation as I outlined and such recommendation as they might see fit to make, it may very well be that our action would be less hasty and would do better justice between the interested parties and localities represented here in this long column of resolves on the calendar. I oppose the motion to indefinitely post-

pone this resolve in favor of the town of Castine.

Mr. TRAFTON of Fort Fairfield: Mr. Speaker, it seems that in this matter in 1907 when this law was passed it indicated a policy on the part of the State to create a statute of limitations upon a certain class of pauper claims. Now if we let these claims all in here against the provisions of this statute, it seems to me we are changing this policy of the State which was adopted at that time. It may be a good thing to change that policy, but at all events I think we ought to decide that question before we go much further. If we are going to let in all these claims, why not repeal this law of Chapter 113 of 1907 and let them all go in before the Governor and Council where they naturally and properly belong? But if we are going to adopt this policy which the law provides for, it seems to me that these claims ought to be disallowed.

Now there may be one other element in the question. It is possible that some of these claims ought to have been allowed and were pending at the time this law was passed and which are cut off on account of that law. Perhaps that class of claims ought to be provided for in some way. If it is thought best to provide for that class of claims, why not pass a law here allowing the Governor and Council to investigate all that class of claims and make a report to this Legislature in regard to them. If they come under that particular phase of the law the Governor and Council could recommend to the Legislature that the claims should be allowed. If they don't they could recommend that they should be disallowed; but it seems to me if we are going to open the door here we might just as well repeal this statute first as last and let the Governor and Council take care of these matters, as they ought to.

Mr. AMES of Norridgewock: Mr. Speaker, I think it was the policy in the committee on claims not to consider the strictly legal phase of the matter but rather to look into the mat-

ter as a point of justice. We did not attempt to state any policy, nor did we know what the policy of this Legislature would be; we simply investigated each one on the ground of what we considered just and right, and that only.

The question being on the motion to indefinitely postpone the resolve, a division was had and the motion was agreed to by a vote of 65 to 61.

Resolve in favor of repairing the highway in the town of Moscow and plantations of Carratunk and The Forks.

Mr. Allen of Columbia Falls moved that the resolve be laid upon the table.

The motion was agreed to.

Resolve in favor of the Central Maine Fair Association.

Mr. PETERS of Ellsworth: Mr. Speaker, it seems to me that this brings up the question of our attitude towards those gratuities, and for the purpose of getting the question before the House and ascertaining the judgment of the House in regard to the policy to be pursued, I move that this resolve be indefinitely postponed. This simply provides for the payment of \$2500 to a very deserving institution, doubtless, the Central Maine Fair Association, operating a fair, I believe, in this county. I have no question but what they are in every way worthy of help from the State, but the question is whether we can afford to appropriate the sum of money to this doubtless worthy institution, and as I claim we cannot and that it is improper, unreasonable and unbusinesslike give to all that are probably coming along, of which this is the first one, in our present financial condition, and as I am willing to be the one to take the responsibility of refusing them, I move that we indefinitely postpone this resolve.

Mr. PATTANGALL of Waterville: Mr. Speaker, it happens that this is the first of a series of resolves of a like nature to come before this House, and the reason that this came in so early was because there is a change in the name of the Central Maine Fair Association this year. The resolve for the Central Maine Fair and for the Lewiston Fair and for the State Fair at Bangor, and some \$18,000 for

various agricultural societies, all come up before the House at various times. Now, if this Legislature is not going to vote any money for any fair at all, either in Bangor or Lewiston, the Hancock county fair, the Washington county fair, and various other fairs around through the State, then I will sit right in that game and I will vote to take it away from all of them, if that is the sense of this Legislature; but I feel just as the gentleman did from Castine. I think we ought to use all alike, and I am not at all particular about the thing. I don't care if we don't have a fair in Maine, if that is the attitude of this Legislature, but I don't think it is. I believe you are going to group your regular appropriations for your agricultural societies through the State, and if you are going to do that then of course you would not indefinitely postpone this resolve. If you are going to indefinitely postpone the others then you would indefinitely postpone this resolve, but I know you would not indefinitely postpone this resolve just because I happen to live in the city where the Central Maine Fair is held. That would not be right.

Mr. PETERS: I would not for the world think of endeavoring to indefinitely postpone this resolve because of the fact that, as the gentleman says, he lives there in the town which may be interested in it. That of course, is clearly incidental. I am perfectly willing and I will urge that the same attitude be adopted towards the Hancock County fair and the Washington County fair and the Penobscot County fair and every other county fair, and I think it is a pretty good time to see whether we are going to adopt a policy of saving our money and not giving it away, but holding it to pay our bills with, or whether we are going right along in the same way and give money promiscuously right and left in spite of the fact that we owe \$700,000 that we cannot pay. I insist upon my motion.

Mr. KNIGHT of Monroe: Mr. Speaker, we have a fair down in Waldo county, and we have a little over \$1600, and the people down there say to me that it is of no use to go before the Legislature and ask for any money be-

cause they reminded us this last fall to be economical.

Mr. MACE of Great Pond: Mr. Speaker, I should hate to kill this bill just simply because the gentleman from Waterville lived in the city where this fair is held. The only insane alien pauper bill from our county was the one selected to be indefinitely postponed, and therefore I hope the motion of the gentleman from Ellsworth will prevail.

Mr. PLUMMER of Lisbon: Mr. Speaker, there is an intention apparently to mix up this proposition of the gratuities, so-called, to the Maine fairs, with that to the towns to pay for pauper bills. Now, personally, I am not interested in any fair, and personally I don't care so very much whether any gratuity is made to any of them or not. I think as an abstract proposition it is contrary perhaps to any fundamental principles practically. The State fairs are purely gratuities so far as the State as an organized body is concerned. If these various claims or these various desires of the towns to be reimbursed for pauper supplies, if they wish to be considered purely as gratuities, then the two things will come on all fours with one another and might be considered together, but aside from that the two bear no relation to one another. I might suggest further, if all these things are to be considered gratuities that it might be well, perhaps, for us to vote 10 dollars apiece to each individual in the State, and then we would all have some claim coming to us, some charge against the State.

The question being on the motion of Mr. Peters of Ellsworth, to indefinitely postpone the resolve, a division was had and 79 voting in favor of the motion and 47 against the motion, the motion prevailed, and the resolve was indefinitely postponed.

Resolve in favor of providing plans for school buildings.

Mr. Bogue of East Machias, moved that the resolve be indefinitely postponed.

Mr. ALLEN of Columbia Falls: Mr. Speaker, as I understand this resolve

it is simply a matter of taking \$200 from the general fund of school money of the State and putting that amount of money with the amount now used for school purposes. It is not a special appropriation, but simply taking it from the general fund and applying it to this fund for school purposes.

The question being on the motion to indefinitely postpone.

Mr. Bogue of East Machias, called for a division.

A division being had, 55 voted in favor of the motion and 55 voted against the motion.

The SPEAKER: The Chair votes to indefinitely postpone, and the resolve stands indefinitely postponed. (Applause.)

Mr. AUSTIN of Phillips: Mr. Speaker, I move that the House take up at this time bills in the third reading.

Mr. PATTANGALL of Waterville: Mr. Speaker, in order to bring the question before the House, I will call for a division on the question.

A division was had, and the motion was lost.

Resolve in favor of State aid for support of the Eastport bridge.

Mr. PETERS of Ellsworth: Mr. Speaker, I move that this resolve be indefinitely postponed. It comes under the same category exactly with the other resolves, and of course we should treat them all alike.

Mr. PATTANGALL of Waterville: Mr. Speaker, while I myself cannot see the relation between a bill carrying money to repair a bridge and a bill carrying money to pay a pauper bill that the Governor and Council have turned down, I hardly agree with the motion made by the gentleman from Ellsworth because I notice that in this resolve, House bill No. 287, in the statement of facts is omitted one important fact. It is difficult in hearing these matters in an ex parte hearing before the committee to get at the actual facts of the case, they get part of the facts and do not get them all. The statement of facts neglects to state what is true, that the bridge which this resolve appropriate \$750 for purposes of repair is a toll bridge and always has been a toll bridge. I hope the motion of the gentleman from Ellsworth will prevail.

The motion was agreed to and the resolve was indefinitely postponed.

Resolve in favor of the city of Gardiner and town of Randolph.

Mr. PETERS of Ellsworth Mr. Speaker, as this resolve comes within the same category as the pauper claim of the town of Castine, and in the same category with the Central Maine Fair Association and the Eastport bridge, I move that it be indefinitely postponed.

Mr. PATTANGALL of Waterville: Mr. Speaker, the House in going through this list of resolves this morning has passed, and I think properly passed, already, two resolves similar to this, one in favor of repairing Mattawamkeag bridge, which was afterwards tabled—and I mean that it was passed for the moment, and the other in favor of repairing the highway in the town of Moscow and plantations of Carratunk and The Forks. Now it would seem to me that there was a vast difference between this resolve, the particulars of which I am acquainted with, and the resolve which we discussed quite fully in regard to the pauper bills of the town of Castine. I take it for granted that this Legislature is going to spend some money, and I also take it for granted that notwithstanding the attempt of some members to make the position that we take in favor of economy a little ridiculous, the House is not going to spend money every time it is asked to. We are not school boys, and we are not playing here, we are doing business. I believe that the right thing for this House to do this morning is to table the bridge bills and road bills that come before it unless they are peculiar ones like the resolve in favor of giving money to a toll bridge, and leave them on the table until we see where we are coming out. (Applause). And in the meantime weed out from this list of resolves like that one which we discussed at length where it appeared that the committee had heard the case of a pauper claim tried, and that it had been before the Governor and Council and had been rejected and then they had passed it—we should weed out some of that stuff right here

without any trouble, and at the same time we don't have to go to the extreme where we are going to indefinitely postpone every resolve that is here and the only purpose anybody could have in taking that position would be to place us where tomorrow we would have to reconsider all our acts and go right on and spend a lot of money foolishly. Now I say that is something which this House does not want to indulge in even to please the gentleman from Ellsworth, for whom I have the greatest esteem and respect, but who is evidently this morning playing horse with the House a little bit; and I would suggest if the motion of the gentleman from Ellsworth did not prevail that it might be proper for a motion to be made to lay on the table this appropriation for the city of Gardiner and town of Randolph until we had determined how much money we had to spend, not how much money we had to give away, but how much we had to spend for legal purposes, for we haven't got any to give away.

Mr. PETERS: Mr. Speaker, I just want to say that all these gratuities look alike to me. It makes no difference from my point of view towards them whether they are for a bridge in the town of Gardiner or a bridge in the town of Eastport, or rather the city of Eastport, or a gratuity in aid of a fair in the city of Waterville. The only principle I insist on is that we use all these people, all groups of people asking gratuities, alike. I do not like to have my motives in this matter impugned, although I think it is done with perfect propriety. If the gentleman from Waterville will remember, a matter came up early in this session, I think the very first or second week of the session, in which I took exactly the same position that the State probably could not afford to give gratuities this year. My attitude has been consistent from the start and I shall take the same attitude in the future, and I am not in the slightest degree trying to play horse with the House or any part of it. I stand here, as I have from the start, in favor of economy and in favor of cutting off these gratuities, and

I firmly stand in favor of using a just and impartial policy of treating them all exactly alike. I am aware that in the hasty consideration of these matters as it is necessary to give them we are likely to do some injustice. We have to adopt this policy of refusing to give gratuities. We have got to take time enough in going over this calendar to see what are gratuities and what are not. I am perfectly satisfied to have any laid upon the table about which there are any doubts, and if there appear to be any particular doubts about any gratuities as we come to them I believe we ought to take care of them right along until we adjourn. I am still willing if it could be arranged to have some committee make a report upon them. The question I believe is on the indefinite postponement of the resolve which I insist upon.

Mr. PATTANGALL: I move to lay the motion of the gentleman from Ellsworth on the table.

The SPEAKER: The gentleman from Waterville moves to lay the motion of the gentleman from Ellsworth on the table.

Mr. PATTANGALL: That would make the indefinite postponement of the pending question.

A division was had and the motion was agreed to by a vote of 66 in favor to 53 against the motion.

On motion of Mr. Pattangall of Waterville, the resolve was laid upon the table.

House resolve, No. 289, in favor of repairing bridge over Garland's brook, in the town of Mariaville.

Mr. PETERS of Ellsworth: Mr. Speaker, this is a very worthy resolve, providing money for a very worthy town in the county of Hancock where I come from, but nevertheless and notwithstanding, by virtue of the policy which I think should be adopted and in view of the fact that this is a pure gratuity which to my regret on account of the citizens who live in this locality in my county, I move it be indefinitely postponed.

Mr. PLUMMER of Lisbon: Mr. Speaker, I move to lay the motion of

the gentleman from Ellsworth on the table, or if it be in order I would move to lay the resolve on the table.

The question being on the motion to lay on the table the motion of the gentleman from Ellsworth, a division was had, and 53 voting in favor of the motion and 51 against, the motion prevailed.

On motion by Mr. Plummer the resolve was tabled.

Resolve in favor of the town of Rockport. (Tabled on motion of Mr. Packard of Rockport.)

Mr. SCATES of Westbrook: Mr. Speaker, it is very evident from the sentiment of this House that we cannot accomplish anything at the present time on these resolves, and I would move that we now take up bills on third reading.

The motion was agreed to.

Passed to be Engrossed.

House Bill No. 359, An Act relating to liens on lands.

House Bill No. 362, An Act removing waste from journal boxes.

House Bill No. 363, An Act regulating rights and locations in public streets. (Tabled pending third reading on motion of Mr. Murphy of Portland.)

House Bill No. 370, An Act relating to Rangeley Lakes and Megantic Railroad Company.

House Bill No. 371, An Act to protect striped sea bass.

House Bill No. 372, An Act relating to mill waste.

House Bill No. 373, An Act relating to compensation of selectmen. (Tabled pending third reading on motion of Mr. Chase of York.)

House Bill No. 382, An Act relating to Pennamaquam Power Company.

House Bill No. 386, An Act relating to investment of bank deposits.

House Bill No. 387, An Act to incorporate the town of Eagle Lake.

House Bill No. 389, An Act for better protection of forests.

House Bill No. 390, An Act relating to Eastport Water Company.

House Bill No. 392, An Act relating to Hancock county trustees.

House Bill No. 393, An Act to incorporate Knox County Railroad.

House Bill No. 398, An Act relating to Winter Harbor Light Company.

House Bill No. 399, An Act relating to Dean Hill Cemetery Association.

House Bill No. 401, An Act relating to Machias Railway Company.

House Bill No. 408, An Act relating to removal of bodies.

House Bill No. 409, An Act to amend Chapter 625, Private and Special Laws, 1893. (Tabled pending third reading on motion of Mr. Goodwin of Biddeford.)

House Bill No. 410, An Act relating to Vassalboro, China and Winslow Light and Power Company.

House Bill No. 411, An Act relating to Farmington Village Corporation.

House Bill No. 412, An Act relating to Rumford Falls municipal court.

House Bill No. 413, An Act relating to protection of smelts. (Tabled pending third reading on motion of Mr. Kelley of Boothbay.)

House Bill No. 421, An Act relating to dam across Big Machias stream.

House Bill No. 422, An Act relating to the Scarboro and Cape Elizabeth Railway Co.

House Bill No. 424, An Act relating to Cherryfield Water Company.

House Bill No. 425, An Act relating to Brunswick Power Company.

House Bill No. 427, An Act relating to solemnization of marriages. (Tabled pending third reading on motion of Mr. Bogue, of Machias, and specially assigned for tomorrow morning.)

House Bill No. 428, An Act relating to charter city of Auburn.

House Bill No. 429, An Act relating to licensing of dogs.

House Bill No. 430, An Act to incorporate Franklin Water Company.

House Bill No. 431, An Act relating to Employment Agencies. (Tabled pending third reading on motion of Mr. Bearse of Eddington.)

House Bill, No. 432, An Act to incorporate Norridgewock Water Company.

Mr. Ames of Norridgewock offered House amendment in Section 8, Line 4, strike out the word "ten," and substitute thereof the word "five."

The amendment was adopted, the bill

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

House Bill, No. 433, An Act to incorporate Sangerville Village Corporation.

Orders of the Day.

On motion of Mr. Trim of Islesboro the rules were suspended and he introduced a Bill, An Act for the better protection of herring in Penobscot bay.

On motion of Mr. Bogue of East Machias the bill was tabled for printing pending its reference to the committee on shore fisheries.

On motion of Mr. Emery of Sanford the rules were suspended and he introduced a petition from Sanford requesting the closing of Square pond to sewage, and on further motion by the same gentleman the petition was referred to the committee on legal affairs.

On motion of Mr. Perkins of Mechanic Falls the rules were suspended and he introduced a bill, An Act to amend Section 1 of Chapter 450 of the Private and Special Laws of 1907, entitled "An Act to prohibit the throwing of sawdust and other mill waste into Bog brook and its tributaries in the counties of Penobscot and Androscoggin," and on further motion by the same gentleman it was referred to the committee on inland fisheries and game.

On motion of Mr. Dunn of Brewer, House Bill, No. 347 was recommitted to the committee on legal affairs for the purpose of correcting an error in the title.

On motion of Mr. Pattangall of Waterville House Resolve No. 337, Resolve in aid of the Temporary Home for Women and Children at Portland, was taken from the table.

Mr. Pattangall moved that the resolve receive its second reading and be passed to be engrossed.

Mr. Peters of Ellsworth moved that the motion lie upon the table.

Mr. PATTANGALL: Mr. Speaker, there are several resolves on the table this morning in favor of charitable and benevolent institutions, and the appropriations in each case have been cut down very much lower than in former years, in almost every case,

and they total a good deal smaller than they ever totalled before. It seems to me that we can well dispose of a number of them and not allow the friends of some resolves that do not possess much intrinsic merit to attempt to place these resolves in favor of these charitable institutions on a level with their resolves, thus creating a false impression in the House that if one resolve, no matter what it is, is defeated, that everybody else's bill is going to be defeated, and bringing about a condition that would prevent a fair hearing on the merits of the matter; and unless there is objection to House Resolve No. 337, some objection to the resolve itself other than the fact that the House has not passed some other resolves, I hope the motion will not prevail and that we can take action on that resolve now. On the other hand, if there is objection to that resolve I don't know of any better time to discuss it than the present.

The question being on the motion to lay the motion of the gentleman of Waterville upon the table, a division was had and the motion was lost by a vote of 23 to 61.

The resolve then received its second reading and was passed to be engrossed.

On motion of Mr. Williamson of Augusta, House Resolve No. 338, a Resolve in favor of the Central Maine hospital at Lewiston, was taken from the table.

Mr. Williamson moved that it take its second reading and be passed to be engrossed.

Mr. PETERS: Mr. Speaker, I just want to say a word. I hope it is not necessary for me to deny the imputation made by the gentleman from Waterville that any attitude I may take here today is due in any degree to the fact that a small resolve in favor of the town of Castine was refused a passage. I assure you that that is in no sense the cause of my attitude towards these resolves. I have attempted in this case, as I have in everything that comes up here, to take a position towards these matters which I think is proper to take as a member of this Legislature. I shall not in any way recede from the attitude which I have taken be-

cause I believe it to be right and proper. Now I see we are coming to some resolves of a slightly different nature from gratuities for bridges and to towns for building roads, and so forth. Any man hesitates when he comes to a resolve in favor of a temporary home for women and children at Portland and to a resolve in favor of a hospital at Lewiston—he hesitates to oppose them, and I don't know that it is my duty to oppose those things. It seems to me, however, in the light of the fact that we have got a large number of things to consider and that many of us have not had an opportunity to investigate these matters, that it would be fair to lay these on the table until tomorrow so we can see what would be deemed best for the State in connection with this kind of legislation; and I move that we reconsider our action by which this last resolve was passed to be engrossed, and I do so for the purpose of moving that it lie on the table with these other resolves of the same kind until tomorrow morning, for the purpose in absolute good faith of looking over the matter so we can see what should best be done in regard to them.

The SPEAKER: The motion is not germane. The question before the House is on the motion that this resolve receive its second reading.

Mr. PETERS: Mr. Speaker, I move that the motion that this bill receive its second reading lie upon the table.

A division being had the motion was lost by a vote of 41 to 55.

The resolve then received its second reading and was passed to be engrossed.

On motion of Mr. Bogue of East Machias, House Resolve No. 339, Resolve in favor of the Holy Innocents Home for Children in the city of Portland, was taken from the table.

The resolve then received its second reading and was passed to be engrossed.

On motion of Mr. Wilson of Auburn, House Resolve No. 340, Resolve in favor of St. Elizabeth's Roman Catholic Asylum of Portland, was taken from the table.

On motion of Mr. Bogue of East Ma-

chias the House took a recess until 7.30 o'clock this evening.

EVENING SESSION.

The SPEAKER: Just prior to adjournment this morning the House voted to pass over the reading of resolves and took up bills in the third reading. Bills on their passage to be enacted will be next in order.

Passed to Be Enacted.

An Act to amend an Act entitled "An Act to authorize the extensions of the Bangor & Aroostook Railroad through Aroostook, Piscataquis and Penobscot counties," being Chapter 222 of the Private and Special Laws of 1903, as amended by Chapter 70 of the Private and Special Laws of 1907.

An Act authorizing the merger of the Somerset Railway Company, the Washington County Railway and the Sebasticook and Moosehead Railway with the Maine Central Railway Company.

The SPEAKER: Is it the pleasure of the House that we now take up the resolves or proceed with orders of the day? As many as are in favor of resuming the calendar of the resolves will say aye.

It was so voted!

Mr. Eogue of East Machias, moved to take from the table House Resolve No. 292, in aid of bridge across Holmes stream.

Mr. PATTANGALL of Waterville: Mr. Speaker, I move that House Resolve No. 292, in favor of a bridge across Holmes stream, lie on the table and I desire to say just a word in explaining that motion. On the calendar are a great many bridge and road appropriations. I presume many of them are not only proper appropriations, but are reduced sufficiently in amount. On the other hand, from what examination I have made of them, it has seemed to me that some of them could be further reduced and some perhaps could be dispensed with, and that we can act more intelligently upon them when we have found out how much money we have expended for more pressing purposes than the appropriation of money for roads and bridges in aid of various towns.

We have already laid upon the table

several of those bridge and road appropriations, and none of them have been indefinitely postponed excepting the resolve in favor of the toll bridge at Eastport. Nobody has moved to indefinitely postpone any of them, excepting the motion which was made on the part of the gentleman from Ellsworth with regard to two of the resolves this morning. On the other hand, none of them have been finally passed. It seems to me that those appropriations make a class by themselves and ought to be assembled by themselves before they can be treated fairly and justly by the House. I make this statement simply that those interested in this resolve may know that there is no disposition on my part at least—and I only represent myself in speaking about it—to single out one resolve as differing from another until the House could have before it the information which would enable them to do that. I therefore move, Mr. Speaker, that House Resolve No. 292 lie on the table.

Mr. PETERS of Ellsworth: Mr.

Speaker, just a moment, as I assume that the House, having heard the remarks of the gentleman from Waterville, although argument is out of order on this motion, will have no objection to hearing me make a brief statement. I agree as to the expediency of considering these matters by classes and groups, which is the principle that I argued for this morning. I think that in considering this large mass of resolves, all carrying money, that it is our duty to divide them into three classes. I will put in the first class all resolves carrying money for benevolent purposes, hospitals, orphan asylums or any kind of charitable institutions. As to those I assume that the committee having passed upon the amounts which have been asked for their benefit, I assume that the committees have pared them down all that is reasonable, and rather than take any part in depriving that kind of an institution of this money I should be in favor of the State going into debt, or borrowing it, or stealing it. I think it is not our duty to prevent the appropria-

tion of reasonable amounts for that class of institutions.

Now, I think in regard to that class represented by claims against the State, passed upon by the committee on claims, I think it is our duty to assume that those claims having been thus passed upon by a conscientious committee represent amounts which the States owes to those parties, and that, nothing else appearing, we should assume that is the fact that unless some member of the House has special information about some item, unless he knows of things that have not come to the attention of the committee or of some reason which, if the committee had known, it would probably have changed its mind, that those should be allowed as claims against the State. In case any member has any objection to any of these claims I think—and this is only my individual opinion—that they should be laid upon the table so that they could be investigated and that any person or persons behind any such claim should have an opportunity to further investigate as to its merits.

The third class of course is this class which I call gratuities which includes money given away to fairs and for statutes and for roads and bridges to towns and other localities. Those things are not in a sense necessities. They do not represent any suffering on the part of anybody, and as to that class of things I think, owing to our present condition of finances, it is our duty to postpone passing those resolves at the present time, that is to say, not to pass the resolves but to postpone the wishes of the claimants until another Legislature. I would say to all such, "we would like to help you out and give you this money but you can just as well afford at the present time to wait as the State can to pass them," and in making any motion that I shall make, I shall make it under that theory, Mr. Speaker; and may I ask the gentleman from Waterville who has moved to lay on the table the resolve granting a certain amount of money for a bridge, whether it is his plan to move to lay on the table all similar resolves?

Mr. PATTANGALL: All bridge appropriations?

Mr. PETERS: All similar resolves having bridge and road appropriations.

Mr. PATTANGALL: Yes, Mr. Speaker, I so stated and I intended to make myself clear upon that.

Mr. PETERS: I did not so understand it. Mr. Speaker, I second the motion.

The SPEAKER: It is moved and seconded that House Document 292, Resolve for a bridge across Holmes Stream, lie upon the table. All those in favor of the motion will say aye.

The motion was agreed to.

Mr. STRICKLAND of Bangor: Mr. Speaker, the remarks of the gentleman from Ellsworth appeal to me and I, having the honor of being the House chairman of the committee on appropriations and financial affairs which appropriated the money to the charitable institutions, hospitals, and appropriations of the first class, I would move, Mr. Speaker, that those resolves that have been approved by the committee on appropriations and financial affairs, including the resolves of the first class as referred to by the gentleman from Ellsworth, be taken up at this time; and I would like to make this statement.

The resolves reported by our committee in favor of charitable institutions amount to \$144,000, or practically a reduction of \$125,000 from the amount appropriated two years ago. Our committee has been through that matter and through all the matters and considered them very carefully during the hearings and in executive sessions after the hearings, and we have taken them up several times afterwards and been through the matter as carefully as any body of ten men I believe could go through them, and our reports are based upon what we think at least our State institutions should have, like the blind and the deaf institutions, of which the State must take care. There is nobody else to pay the bills. In regard to the hospitals, we examined the matter very carefully and we went into the matter of how much money had been appropriated or collected by the different localities and by the Ladies' Aids and all the affiliated associations of those hospitals. We went

over them three or four or five times, and only last Wednesday, a week ago today, did we finally revise the whole list, going through the list, pruning here and there where we thought we could do it without injustice to the institution and still keep them on their feet and allow them to continue to do the good which they are doing. Everybody that was present at the hearing and heard the statements of the trustees of the institutions and the ladies connected with the institutions, women who worked days and collected money and went through hard work to keep those institutions going and to do the good they were doing, and still after all of that we cut the amount asked for in the neighborhood of \$125,000. And I move, Mr. Speaker, that the resolves reported by the committee on appropriations and financial affairs be now taken up in their order.

Mr. PATTANGALL: Mr. Speaker, I just want to say a word, not to delay the business of the House at all. There was no proposition made this morning, so far as I recollect, excepting from the gentleman from Ellsworth, to interfere in any way with any hospital resolve. I believed then, and I believe now, that the finance committee in working over those charitable resolves did its best to keep them down to the lowest possible limit, and I had the pleasure this morning of moving to take from the table House Resolve No. 337, the first resolve of the kind, and moving its passage. Now at that time the House was confronted with the argument that that resolve and the one following it and the one following that, all three of which were moved to be indefinitely postponed, stood on an exact level with the road and bridge appropriations, and the pauper claims. I knew that my friend, the gentleman from Ellsworth, when he gave a little sober thought to that proposition would disagree with his own expressed ideas, and I am glad that he has frankly stated his position now to the House. On those appropriations it hardly seems to me to necessarily follow, however, that because we must appropriate a certain amount for charity that we must then go ahead and appropriate everything that is claimed against the State, provided the committee on claims

have passed it, unless someone can show by some new matter that has come up. I could not agree with that, and neither could I agree that it was proper to indefinitely postpone or to postpone for two years every bridge and road appropriation. You can divide your appropriations into classes if you wish, but there will be good items and bad items in each class; and it seems to me that while I have no idea that every single charitable appropriation proposed by the finance committee ought to be passed, that that is about as far on the line of general conclusions as it would be safe to go, and that the other appropriations should be taken by singly and on their merits. Now the road and bridge appropriations, as I have already suggested, according to my personal notion should be tabled for further consideration. We have got other appropriations on the calendar not embraced in those two classes, and those I think we should take up and pass as we go along. I do not mean to talk when there is no need of talking, but I want to get the thing clear to the House. There was no disposition on our part to attack any of those charitable appropriations and I thought I so expressed myself this morning, as did other gentlemen on this side of the House when the motions were made.

The SPEAKER: The gentleman from Bangor, Mr. Strickland, moves that we now proceed with the resolves reported from the committee on appropriations and financial affairs for charitable and benevolent purposes.

Mr. BENTON: On that motion I just desire to say a word, as I believe I am in order to speak upon the motion. I think there is no doubt that we are all of the same mind in regard to these charitable institutions. We are all much gratified at the showing made by the committee on appropriations in reducing them to reasonable bounds as far as was possible and has been possible without doubt in every case. My idea in regard to this class of appropriations I think is the same as it was previously in the day, that as we come along to those resolutions, motions being made as to some of them in a more or less haphazard manner, the resolves being mixed up

by some being for charitable purposes, and others for claims, and others for bridges and fairs, and so on, it is pretty difficult to distinguish but I think the House will remember that when I came to a resolve in connection with an orphan's home, I think it was in Portland, I said that any man might well hesitate when he came to a resolve of that kind, and I did hesitate, and I do and I stop there and I say that we cannot and I cannot afford to take any part in withholding money from that class of institutions. My idea is the same now. In regard to the matter of claims I have only this suggestion to make, that it will facilitate procedure in regard to them if we assume that the report of the committee on claims at least is prima facie evidence as to their being claims against the State which should be paid; and I think it is only fair to the parties behind the claims that, if doubt is raised, that instead of being hurriedly dismissed they be laid upon the table for further investigation.

The SPEAKER: House Document 340 is the next Resolve. House Resolves Nos. 337, 338 and 339 received their second readings this morning. The clerk will proceed with the reading of the resolves.

Passed to Be Engrossed.

House Resolve, No. 340, favor of St. Elizabeth's Roman Catholic Asylum.

House Resolve, No. 341, favor of Maine Eye and Ear Infirmary.

House Resolve, No. 342, favor of Maine General Hospital.

House Resolve, No. 343, favor of Maine Institution for Blind.

House Resolve, No. 344, favor Roy Morrison.

House Resolve, No. 345, constituting State Treasurer trustee of Isaac Sanford legacy.

Senate Resolve, No. 124, favor of Frank W. Burnham.

Senate Resolve, No. 125, favor of Fred A. Chandler.

Senate Resolve, No. 126, favor of Charles A. Rolfe.

Senate Resolve, No. 127, to accept James Gregory gift.

Senate Resolve, No. 138, favor Frank

W. Bucknam.

House Resolve, No. 351, favor Maine School for the Deaf.

House Resolve, No. 353, favor Central Maine Association.

House Resolve, No. 354, favor Bath City Hospital.

House Resolve, No. 355, favor the York Hospital.

House Resolve, No. 356, favor Maine Children's Heart Work Society.

House Resolve, No. 358, favor Old Town Hospital.

House Resolve, No. 264, favor the Healy Asylum.

House Resolve, No. 365, favor Bath Military Asylum.

House Resolve, No. 366, favor W. C. T. U. Temporary Home for Children.

House Resolve, No. 367, favor Trull Hospital.

House Resolve, No. 368, favor Maine Mission for Deaf.

House Resolve, No. 374, favor Good Samaritan Home.

House Resolve, No. 378, favor Bangor Children's Home.

House Resolve, No. 379, favor Webber hospital.

House Resolve, No. 380, favor Bar Harbor hospital.

House Resolve, No. 381, favor Androscoggin Anti-Tuberculosis Association.

House Resolve, No. 384, favor Maine State Sanatorium Association.

House Resolve, No. 385, favor Augusta General hospital.

House Resolve, No. 388, favor Knox County General hospital.

House Resolve, No. 394, favor Eastern Maine General hospital.

House Resolve, No. 396, favor Children's Protective Society.

House Resolve, No. 397, favor Children's Aid Society of Maine.

On motion of Mr. Strickland of Bangor, House Resolve, No. 162, was indefinitely postponed, it being identical with Senate Resolve No. 138.

On motion of Mr. Bearce of Eddington, Resolve to accept the James J. H. Gregory gift, was taken from the table, and on further motion by the same gentleman it was passed to be engrossed.

On motion of Mr. Pattangall of Water-

vile, Resolve in favor of John A. McDonald, was taken from the table.

Mr. Pattangall moved that the Resolve be indefinitely postponed.

Mr. Clearwater of Hallowell moved that the resolve be committed to the committee on public buildings for further investigation.

The motion was agreed to.

On motion of Mr. Murphy of Portland, bill, An Act in relation to the tuition of high schools, was taken from the table, and on further motion by Mr. Murphy it was referred to the committee on Education.

On motion of Mr. Chase of York, bill, An Act to amend Section 39 of Chapter 94 of the Public Laws of 1909 relating to compensation of selectmen, was taken from the table, and on further motion by Mr. Chase, the bill received its third reading and was passed to be engrossed.

On motion of Mr. Allen of Jonesboro, bill, An Act relating to the compensation of the trustees of the University of Maine and the trustees of the State normal schools, was taken from the table.

Mr. Allen moved that the House insist on its action and ask for a committee of conference.

The motion was agreed to.

The Speaker appointed on the committee Messrs. Allen, Thompson and Robinson.

On motion of Mr. Bisbee of Rumford, bill, An Act to incorporate the Rumford Water District, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion by Mr. Bisbee bill, An Act relating to the Rumford Falls Village Corporation, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion by Mr. Wheeler of Paris, Resolve in favor of the town of Paris, was taken from the table.

Mr. Wheeler moved that the resolve take its second reading and be passed to be engrossed.

Mr. PATTANGALL: Mr. Speaker, under the rules of this House there are two things that can be done with this resolve as I understand it in its present form. One would be to indefinitely postpone it,

the other would be to recommit it in order that a statement of facts might be attached to it. It does not contain any statement of facts. It is one of the resolves that belong to the class which we discussed, that the town of Paris asks to be reimbursed by the state for pauper supplies furnished Annie McCloud. There are certain laws that make the State of Maine liable for pauper supplies under certain circumstances. If this case falls within those laws, then it naturally follows that the town of Paris has ample recourse against the State by proceeding before the Governor and Council. If the case does not fall within those laws, then the town of Paris is asking every other town in the State of Maine to assist it in paying a bill which except for its own negligence should have been paid by the State. Now I submit that such a claim stands on no different basis than though the town of Paris had supported a pauper that belonged in the city of Lewiston, and having failed to give its proper notices, having failed to comply with the law, had come around a year or two afterwards and asked the city government of Lewiston out of the kindness of its heart to pass an appropriation to pay it that pauper bill because it had paid it out for a Lewiston pauper. We all of us know that that would not have been done. We all of us know that the laws which past Legislatures enacted for the payment of pauper supplies by the State were founded in some wisdom. The statute of limitations sometimes works harshly but almost everybody would agree that statutes of limitations are necessary. For this Legislature to decide whether the town of Paris had a legal claim against the State of Maine or not would be a work of surplusage. If it has such a claim, that fact must be shown to the proper body, and undoubtedly that body will in the course of time pay the bill. If it has not any such legal claim I know of no reason why any of us should vote to pay the bill unless it is because we have some like bills that we would like to have paid for our towns.

Now I submit that it is not pleasant to combat the payment of an appropriation. Especially is it unpleasant for me to object to the payment

of this appropriation when it is asked for by the gentleman from Paris who is my personal friend; but if this House is going to take the attitude that on any claim presented here, provided it is simply shown that the town has paid out money and would like to be reimbursed, we are going to reimburse the town, we had better stop right where we are and enact a general law, suspend the rules and enact it now, that the treasury of the State is open to pay any and all claims and demands which can be proved to have ever existed against it without regard to any statute of limitations, and give every town a fair show. I have no doubt there are scattered over the State in the different towns thousands of dollars for pauper bills that might have been paid if the towns had come around at the proper time and asked for pay for them. They did not do it and most of those towns never will be paid. I do not think that should be done, least of all do I think that we ought to contribute to paying the bills for some other town that was too negligent to comply with the law, assuming that Paris was so negligent. The most of these claims are small but all together they total a considerable amount, and it does not seem to me that when we think this situation over calmly and coolly, we ought now without recommitting, without any process of going around to get at it, to get at all these various bills that have been presented to the State for pauper supplies of any kind, leaving those that stand on a legal footing to pursue their legal remedy, and collect their money through the Governor and Council, and let the others fall; unless we adopt the other alternative and pass a general enabling act so that all the towns can come in here and share in the grab game. And with these remarks I move that this resolve be indefinitely postponed.

Mr. WHEELER of Paris: Mr. Speaker, this may be considered an inopportune time to bring up this resolve, but as for me, if the State of Maine at any time during the present session wishes to assume the attitude

that a bill like this is not to be paid, I had as soon known it this evening as tomorrow or at any other time. This is but a type of numerous bills now pending on the calendar. I regret that the statement of facts which does accompany this resolve is not printed. Such statements accompany other resolves that are not printed.

The facts in regard to this resolve as I understand them are these: Annie McCloud is the wife of a State pauper. Her husband, Donald McCloud, has no residence in the State of Maine. I assume that that fact was established before the committee on claims. If he is a State pauper, his wife comes in the same category and this bill does not belong to the town of Paris to pay. Remarks were made this morning touching the statute of limitations in regard to these claims. None of these items are previous to Dec. 30, 1905. It so happened that the statute appears in the acts and resolves of 1905. I haven't any gratuity to ask of you. I have a claim which exists entirely after the passage of that law. This is not an ancient and threadbare claim. It has come into existence since the passage of the statute of 1905, and I know of no reason why it is not a moral and legal obligation so far as the State is concerned. In 1907 this statute of limitation was passed. This statute of 1907, for some reason or other, obtained very little publicity. Consequently I presume there are bills on the calendar which were not presented on account of the oversight of this little short statute; but I know of no moral reason and no legal reason why the statute of limitations should apply to the procedure of this House. Hitherto it has been supposed that the general court of the State of Maine was always open to the citizens for the adjustment of their rights and wrongs. A statute of limitation was placed upon the procedure of the Governor and Council in matters of State paupers, but I am aware of no limitation that has ever been placed upon the consideration of these matters by the great and general court of the people. I understand that it is proper that a limit should be drawn, so far as the Governor and Council are concerned, but I see no reason why that limit should be placed on the

action of this House. This is a moral claim. It is an equitable claim; and when you talk equity in the statutes we know nothing about the statute of limitations. Simply because this matter has not been before the Governor and Council, or has been, as the case may be, is no sign of indication that a moral debt and obligation of the State of Maine is cancelled. The man who takes advantage of the statute of limitations in his private business is a thief and a knave in the common understanding. I know of no reason why the State of Maine should take advantage of the statute of limitations upon a claim that is just and equitable.

I go further in connection with this resolve, and I wish to say that in court, by a three-cornered lawsuit involving the towns of Paris, Woodstock and the city of Lewiston, when those suits were pending in Oxford county, Donald McCloud was shown to be a native of the Provinces. One of the suits was tried out and I know that many of the facts which were brought to light were a surprise to counsel upon one side, and on the other too, I think. The matter rested at the conclusion of the first suit. Further investigation went on before the Lewiston suit was brought out and there and then I understand it was discovered beyond question—and submitted and prove to the committee on claims—that there was no question at all as a matter of fact that Donald McCloud did not have a residence in Paris or Woodstock or Lewiston or anywhere in the State of Maine. How does that affect the statute of limitations? During the time the suits were pending on the docket of the supreme court the time had gone by for filing these claims with the Governor and Council. Is the State of Maine to say now that through the negligence of anybody this claim shall be lost? I say no. This is a legal, equitable and just claim against the State of Maine which ought to be paid. I understand that the Woodstock claim in part has been before the Governor and Council. I understand that the Governor and Council, having before them only a part of the claim, suggested that the matter be presented to this session of the Leg-

islature, and the Woodstock claim I understand is here on that suggestion. The Paris claim is here because of the facts which I have just stated. I do not believe as a citizen of this State that I can ever endorse the action by which the State of Maine shall say that simply because a little brief statute has intervened, such a claim shall not be paid. We owe the bill and let us pay it. (Applause).

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

The motion was lost.

Mr. Wheeler moved that the resolve take its second reading.

Mr. PATTANGALL: Mr. Speaker, I rise to a point of order. The rules say that no resolve carrying an appropriation of money shall be considered unless it is accompanied by a printed statement of facts. There is not any statement of facts with this resolve and I move it lie on the table pending the printing of a statement of facts.

Mr. KELLEY of Boothbay: Mr. Speaker, a statement of facts accompanied this resolve and was reported back to the House with the resolve and it should have been printed.

Mr. STRICKLAND: Mr. Speaker, it seems to me that it would be wise to have a printed statement of facts in order that every member of the House may understand the matter and be able to act intelligently. I hope the motion will prevail.

Mr. WHEELER: Mr. Speaker, I ask to have the statement of facts read at the present time.

The clerk read the statement of facts.

Mr. PETERS: Mr. Speaker, I think it should be called to the attention of the House that numerous of these resolves in regard to claims fail to be accompanied by the necessary statement of facts. I think that any action we take on this resolve should be taken with all others; and as under our rules it ought to lie on the table for the printing of the statement of facts, I ask whether the gentleman from Paris would object to it being laid on the table for that purpose.

Mr. WHEELER: Mr. Speaker, after

the House has paused in its business and especially after the statement of facts is now before the House and has been read by the clerk, I think the matter ought not to lie on the table.

Mr. PATTANGALL: Mr. Speaker, I suppose that the question of pauper settlement and pauper residence and pauper claims is something of a question of law. There is no man in this House, lawyer or layman, who heard that statement of facts read by the clerk who could have followed the statement closely enough to know whether Annie McCloud was a legal pauper resident of Paris, Woodstock or Lewiston or New Brunswick. It does seem to me that if we are going to vote this money, partly out of the spirit of generosity and partly out of a spirit of courtesy to the committee on claims, that at least the courtesy should be reciprocal and the committee on claims and the gentlemen whose towns are going to get the money ought to be willing to furnish us with something that we can read and look over to see what kind of a case they have. I do not think it is asking very much to have statements of facts printed with the resolves, and where they are not printed, to have the resolves held until they can be printed.

Mr. KELLEY of Boothbay: Mr. Speaker, as secretary of the committee I resent the remark in regard to the committee on claims respecting the statement of facts. The gentleman knows that statements of fact accompany every one of these reports from the committee. It is simply the neglect of some officer in the rush of business in giving this matter to the printer. We insist that every man presenting a resolve should submit a statement of facts.

Mr. WHEELER: Mr. Speaker, I ask for information of the Chair in regard to Rule 50. The phrase there occurs in this way, any resolve appropriating money, and so forth, "shall be accompanied by a written statement of facts in each case." I understand that such a statement, a writ-

ten statement of facts, accompanied this resolve.

The SPEAKER: The Chair understands the rule to be that a statement of facts must accompany all resolves, the intention being that the whole shall be printed for the information of the House. I think the statement should be printed under our rules for the information of the House. That is my construction or that rule.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I think we should be governed by the rules of the House. I hope the motion will prevail and that the resolve will be laid on the table in order that the statement of facts may be printed.

The question being on the motion to lay the resolve on the table pending the printing of a statement of facts.

A division was had and the motion was agreed to by a vote of 61 to 54.

Mr. Colby of Bingham, moved that House Resolve No. 350, in favor of Frank H. Sterling, be taken from the table.

The motion was agreed to.

Mr. Colby moved that the resolve be laid back upon the table and that the statement of facts be corrected by placing in the statement the names of the men to whom Mr. Sterling paid the items mentioned.

The SPEAKER: Does that appear in the statement of facts?

Mr. COLBY: Yes, and that is to be printed, and the statement of facts is to be corrected by the insertion of the names.

The motion was agreed to.

Mr. Allen of Jonesboro, moved that the vote be reconsidered whereby the House voted to indefinitely postpone House Document No. 276, Resolve in favor of providing plans for school buildings.

Mr. Bogue of East Machias, called for a division.

Mr. ALLEN: Is a word of explanation in order at this moment?

The SPEAKER: The Chair will receive explanation.

Mr. ALLEN: I want to say that this resolve was brought before the committee on Education and this committee went into the matter with great care. There are some things in connection with this resolve which are not perfectly understood by the members of the House, and if you will bear with me for a moment I will endeavor to make it plain. This resolve does not carry any appropriation of money from the State treasury. It is the purpose of the resolve to set aside a small sum of money from the general school fund in order that the state superintendent of schools may use it for the purchase of plans for the building of school buildings. A similar resolve passed the Legislature two years ago and plans were furnished, a limited number, with the result that any town purposing to erect a school building could have not only the general plans but all the working plans for such school buildings without expense to the town. The number provided was small, but it was found to be very useful and especially to towns that were purposing to erect school buildings. This resolve will apply to some of them. These plans could not be used once or twice but they could be used indefinitely; they may be used an indefinite number of times, and the saving to the towns and cities of the State through this method is a considerable one.

Now it seems to me, Mr. Speaker, and gentlemen of the House, that there is a good deal to be said in favor of such a method and very little to be said against it. The objections that have been made are I think rather of a private nature and unworthy of our consideration. I sincerely hope that the matter will be reconsidered and that the resolve will be passed.

Mr. PATTANGALL: Mr. Speaker, I hope the motion to reconsider the vote will prevail, but the committee on taxation should I think, in justice to themselves and to the House if that motion does prevail, take the resolve and amend it. It has been stated twice by members of that committee, and I have no doubt in good faith, that the

small sum appropriated by the resolve of \$400 comes out of the common school fund. Now I have no doubt but that the committee meant to do that, but they did not. There is not a single word in the resolve about the common school fund. I hope nobody on the committee will get offended at my suggestion that the committee have omitted something, because even the legal affairs committee omit things from time to time. I think we have omitted to get any of our bills passed as yet. This resolve carrying the sum of \$400 for that purpose is a good resolve in my mind. The amount of money appropriated I think is for a good purpose. I have no question but that the committee intended and the superintendent of schools that this should come out of the common school fund, but in order for it to do so, it must specifically so state in the resolve because the superintendent of schools hasn't any right to take any money from the common school fund except for the purposes designated by law. So that I hope that the gentleman from Jonesboro, if his motion prevails, and I sincerely hope it will, will table this resolve until the proper amendment can be made taking the fund from the source which the committee desired to take it.

Mr. ALLEN: I am perfectly willing that that action should be taken, Mr. Speaker.

The SPEAKER: The gentleman from Machias, Mr. Bogue, has called for a division.

A division being had, 76 voted in favor of the motion and two voted against.

So the motion to reconsider prevailed.

On motion of Mr. Allen of Jonesboro, the resolve was then recommitted to the committee on education.

Mr. GROSS of Orland: Mr. Speaker, if it is in order at this time I would move that the vote be reconsidered whereby resolve in favor of the town of Castine was indefinitely postponed this morning.

Mr. PATTANGALL of Waterville: Mr. Speaker. I suppose the motion to reconsider can only be properly made by a member who voted against that resolve. I would like to ask the gentleman from Oriand through the Chair if he voted to indefinitely postpone that resolve.

Mr. GROSS: I did not.

Mr. PETERS of Ellsworth: Mr. Speaker, in that connection it seems to me fair, or it seems to me to be generous anyhow, that some member who did vote the proper way might be permitted to vote to reconsider for the benefit of the gentleman from

Oriand, so that his measure may be put upon the table and considered more upon its merits than it has been so far. I make that simply as a suggestion to the generous-minded fellow members of the House.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I make a motion that ehe vote be reconsidered.

The motion was agreed to.

Mr. Gross of Oriand, then moved that the resolve be laid upon the table pending the printing of a statement of facts.

The motion was agreed to.

On motion of Mr. Burkett of Union. Adjourned.