

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Tuesday, March 18, 1913.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Hope of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to amend section 51 of chapter 79 of the Revised Statutes, as amended by the Public Laws of 1907 and 1911, relating to trial terms of the Supreme Judicial Court.

An Act for the better protection of automobile garage keepers and owners.

An Act to amend sections 18 and 19 of chapter 29 of the Private and Special Laws of 1869, and making amendments thereof and additions thereto, relating to the charter of the city of Ellsworth, and also making certain additional provisions affecting said sections.

An Act providing for the appointment of two delegates to the New England Railroad Conference, and the payment of their expenses.

An Act to incorporate the York and Oxford Railroad.

In the Senate this bill was amended by Senate Amendments A, B and C. The amendments were adopted in concurrence, and the bill received its first and second readings as amended, and was assigned for tomorrow morning for its third reading.

An Act relative to the retirement of veterans of the Civil War in the service of the State.

Resolve in favor of Limerick Academy, providing for the payment of money not received by it for the year 1904.

Resolve in favor of Bridgton Academy for the repair of buildings at said institution.

Resolve in favor of Freedom Academy Association in the town of Freedom.

From the Senate: Majority and mi-

nority reports of the committee on inland fisheries and game to which was referred bill, An Act to provide for a close time on bull moose.

In the House the minority report of the committee, reporting "ought to pass" on bill in new draft was accepted; in the Senate the majority report of the committee was accepted.

Mr. Mooers of Ashland moved that the House adhere to its former action in this matter.

Mr. SMITH of Presque Isle: Mr. Speaker, does the motion of the gentleman from Ashland (Mr. Mooers) include the appointment of a committee of conference?

The SPEAKER: The Chair will state that the motion of the gentleman from Ashland, Mr. Mooers, should be to insist, which motion is usually accompanied by the appointment of a committee of conference.

Mr. MOOERS: Do I understand, Mr. Speaker, that the motion which I made is not in order?

The SPEAKER: The Chair understands at this stage of the parliamentary condition of the matter a motion to insist would be in order and not a motion to adhere.

Mr. MOOERS: Then, Mr. Speaker, I withdraw my motion and make a motion that the House insist.

Mr. AUSTIN of Phillips: Mr. Speaker, if it is in order, and for the purpose of having a larger representation of the House present, I would move that the matter be laid upon the table until Thursday morning, of this week.

The question being on the motion that the matter be laid upon the table and specially assigned for Thursday morning, of this week.

The motion was agreed to.

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

Appropriations and Financial Affairs.

By Mr. Svett of Bath: Resolve in favor of the commissioners of pharmacy.

By Mr. Durgin of Milo: Resolve in favor of the official reporter of the House, with statement of facts.

By Mr. Maybury of Saco: Resolve in favor of Ina E. Chadbourne, as clerk and stenographer for the committee on insane hospitals for the present session.

Placed on File.

By Mr. Washburn of Perry: Resolution of Perry Grange of Perry in favor of distribution of State school funds according to the aggregate attendance in the common schools.

By Mr. Packard of Newburg: Resolution of Golden Harvest Grange of Carmel in favor of same.

By Mr. Dunton of Belfast: Petition of North Waldo Pomona Grange relating to same matter.

Reports of Committees.

Mr. Chick from the committee on education reported "ought not to pass" on bill, An Act to fix the minimum salary of teachers employed in the public schools.

Mr. Tobey from the committee on agriculture reported "ought not to pass" on bill, An Act to amend Section 35 of the Public Laws of 1909, relative to licensing of milk dealers.

The reports were accepted.

Mr. Smith of Auburn from the committee on judiciary reported in a new draft and "ought to pass" bill, An Act to amend the charter of the city of Auburn and provide a commission form of government.

Mr. Sanborn from the same committee reported in a new draft and "ought to pass" bill, An Act to amend An Act to provide for the nomination of candidates of political parties by primary election.

Mr. Kimball from the committee on agriculture reported in a new draft and "ought to pass" bill, An Act to amend Chapter 117 of the Public Laws of 1911, regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides.

Mr. Richardson from the same committee reported in a new draft and "ought to pass" bill, An Act relative to weights of certain commodities.

Mr. Maybury from the committee on insane hospitals reported "ought to pass" on resolve in favor of the Eastern Maine Insane hospital for money paid out.

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

First Reading of Printed Bills and**Resolves.**

An Act to amend Chapter 66 of the Private and Special Laws of 1881, being An Act to incorporate the Island Cottage Company.

An Act relating to the Fort Kent Water Company, extending its charter.

An Act to authorize the Auburn Water Commissioners to sell certain of their properties.

An Act to incorporate the Readfield Chamber of Commerce.

An Act to amend Section 14 of Chapter 128 of the Revised Statutes, relating to malicious mischiefs and trespasses on property.

An Act to amend Section 36 of Chapter 15 of the Revised Statutes, as amended, in relation to the accurate keeping of school records and accounts.

An Act to amend Section 97 of Chapter 15 of the Revised Statutes, relating to appropriation for schooling of children in unorganized townships.

An Act relating to mutual fire companies, transacting factory and mill insurance only.

An Act to amend Chapter 131 of the Public Laws of 1911, relating to taxing insurance in companies not authorized to do business in Maine.

An Act relating to the insurance of property owned by the State.

An Act to incorporate the Farmington-Oakland Interurban Railway.

An Act to amend Section 26 of Chapter 51 of the Revised Statutes, in relation to the taking of land by railroad companies.

An Act to provide for scientific investigation in agriculture in Aroostook county.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes, as amended by Chapters 20, 30 and 91 of the Public Laws of 1905, as further amended by Chapters 12, 35, 123 and 136 of the Public Laws of 1907, and as further amended by Chapter 165 of the Public Laws of 1909, and as affected by Chapter 90 of the Public Laws of 1911, relating to the taking of smelts.

Resolve proposing an amendment to the Constitution of the State of Maine providing for the election on the Tuesday next after the first Monday in November, biennially, of governors, sen-

ators, representatives and other officials now required to be elected on the second Monday of September, biennially.

Resolve in favor of screening Squaw Pond lake, so-called, in Aroostook county.

Resolve providing for the screening of Shiloh pond in Franklin county.

Resolve in favor of screening Gardner's lake, so-called, situated in Washington county.

Resolution memorializing the Maine Congressional Delegation to favor legislation for the destruction of fish of the shark species, especially the dog-fish.

Passed to Be Engrossed.

An Act to enable Old Orchard, Maine, to assess taxes for street sprinkling.

An Act to amend Section 70 of Chapter 8 of the Revised Statutes as amended by Chapter 186 of the Public Laws of 1909 relating to the collection of inheritance taxes.

An Act relating to special insurance brokers.

An Act authorizing the city of Bath to levy assessments for street improvements. (Recommended to the committee on legal affairs on motion by Mr. Connors of Bangor.)

An Act to amend Chapter 7 of the Private and Special Laws of 1836 in relation to Mt. Desert bridge.

An Act prohibiting certain forms of prostitution and for the competency of certain evidence at the trial thereof.

An Act to amend Sections 1, 2, 6 and 10 of an act entitled "An Act to incorporate the Madison Water Company."

An Act to incorporate the Stockholm Water Company."

An Act to enlarge the powers of the Scarborough Water Company.

An Act to amend Section 102 of Chapter 15 of the Revised Statutes relating to the preparation of blank forms by the State superintendent of public schools.

An Act to amend Section 1 of Chapter 93 of the Revised Statutes, as amended by Chapter 86 of the Public Laws of 1911, relating to the recording of personal property mortgages and sales.

An Act relating to the construction of sidewalks in the town of Sanford.

(Recommended to the committee on legal affairs on motion by Mr. Connors of Bangor.)

An Act additional to Chapter twenty-eight of the Revised Statutes for the Prevention of False Fire Alarms.

An Act to amend Chapter 393 of the Private and Special Laws of 1909.

An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897, entitled "An Act establishing a Municipal Court in the city of Waterville."

An Act to prevent usury by foreign corporations.

An Act limiting and defining the liabilities of keepers of hotels, inns and boarding houses.

An Act to incorporate the Livermore and Augusta Railway Company.

An Act to incorporate the Bluehill Water Company.

An Act to incorporate the Southwest Harbor Water District.

An Act to incorporate the Interurban Ferry Company.

Pending the passage of this bill to be engrossed Mr. Sanborn of South Portland offered House Amendment A, to amend Section 3 of said bill by adding the following:

"The boats of this company shall not by arrangement of its running schedule interfere with the running schedule of any other ferry company in their landings at Portland Pier, nor shall they in like manner be interfered with."

The amendment was adopted and the bill was then passed to be engrossed as amended.

Resolve in favor of the Maine Wesleyan Seminary and Woman's College, for the Promotion of Certain Practical Sciences.

Resolve in favor of the Bureau of Horticulture, for the year 1914.

Resolve in favor of the Bureau of Horticulture, for the year 1913.

Resolve in favor of a feeding pond at the Knox County Hatchery, at Camden, Maine.

Resolve in favor of paying certain bills contracted for placing a rail in the rear of the House of Representatives, and marking the members' desks.

Resolve in favor of the Canaan Lake

Fish Screen Association, of Camden, Maine.

Passed to Be Enacted.

An Act for the better protection of shell fish within the town of Kennebunkport in the county of York.

An Act to extend the charter of the Kennebec County Agricultural Society.

An Act to amend Section 3 of Chapter 162 of the Public Laws of 1905, entitled "An Act enlarging the duties and fixing the compensation of the attorney general."

An Act authorizing Hernando E. Allen to erect and maintain a wharf in tidewaters at Starboard in the town of Machiasport.

An Act to authorize the Calais Street Railway Company to sell electricity.

An Act to renew and extend the charter of the Androscoggin Valley Railroad Company.

An Act to authorize the extension of a wharf in tidewaters in the town of Lubec, county of Washington.

An Act to extend and amend the charter of the Brewer Water Company. (Tabled pending its passage to be enacted on motion by Mr. Higgins of Brewer.)

An Act to ratify the organization and amend the charter of the Hiram Water, Light and Power Company.

An Act to amend Section 51 of Chapter 15 of the Revised Statutes, as amended by Chapter 48 of the Public Laws of 1905, and as amended by Chapter 238 of the Public Laws of 1909, and as amended by Chapter 113 of the Public Laws of 1911, relating to the election of truant officers.

An Act to amend Section 34 of Chapter 15 of the Revised Statutes, as amended by Chapter 173 of the Public Laws of 1911, relating to the management of schools and the election of superintendent of schools by the superintending school committee.

An Act relating to the compulsory assignment of real estate mortgages under certain circumstances.

An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1909 entitled "An Act to incorporate the Penobscot Bay Water Company," as extended and amended by Chapter 255 of the Private and Special Laws of 1911.

An Act to amend Section 9 of Chapter 275 of the Private and Special Laws of 1863, relating to certain powers of the city of Portland.

An Act addition to Chapter 181 of the Private and Special Laws of 1911 entitled "An Act to establish in Cumberland county a county farm."

An Act additional to Chapter 79 of the Revised Statutes, relating to the transfer of actions and other matters to the law court in case of the death of the presiding justice.

An Act to increase the efficiency of the public schools of Maine by retiring teachers of long service with pensions.

Orders of the Day.

The SPEAKER: The first matter specially assigned for consideration, today, is resolve in favor of aid in constructing a bridge in the town of Milo. The pending question is the first reading of the resolve.

On motion by Mr. Quinn of Millinocket, the resolve received its first reading and was assigned for tomorrow morning for its second reading.

The SPEAKER: The next matter for consideration is bill, An Act to amend Chapter 151 of the Private and Special Laws of 1887 entitled "An Act to create the Roman Catholic bishop of Portland and his successors a corporation sole," as amended by Chapter 47 of the Private and Special Laws of 1891. The pending question is the adoption of House Amendment A, offered by the gentleman from Van Buren, Mr. Violette.

Mr. O'Connell of Milford: Mr. Speaker, I move the indefinite postponement of House Amendment A.

Mr. Violette of Van Buren: I second the motion.

The question being on the motion to indefinitely postpone House Amendment A.

The motion was agreed to.

Mr. O'Connell then moved that the rules be suspended and that the bill receive its three readings at the present time and pass to be engrossed.

Mr. SPENCER of Berwick: Mr. Speaker and gentlemen: I am well aware that the subject upon which I am about to speak is one which is not

popular with some of you, and yet there are certain aspects of it which should appeal to all of you. You are legislating, today, upon the rights of persons yet unborn. The platform of every political party has had declarations of personal rights from the time of Jefferson to the time of Wilson. The Catholics in Maine cannot improve a single foot of land for religious purposes but what the title will vest, in that instant, in the bishop of Portland as absolutely and as perpetually as it would in the King of England within his realm. He needs to keep no record of his acts; he is governed only by his own will. The King of England is a corporation sole. It is a marvelous thing that this old dragon of monarchy, which has been really the thing which has opposed home rule in Ireland—this thing which our Pilgrim Fathers supposed they left behind to the illiterates of Europe—should appear at this time and for the last 25 years in the shadow of the American eagle. The existence of the Catholic corporation sole is contrary to the spirit of our democratic form of government. While a corporation in itself may not be unlawful, it may become so by its method of management. It has been charged against this corporation that it has diverted parish funds from charitable and educational objects, and that it has misapplied them to doubtful purposes. However this may be, it is a fact that the Catholic corporation sole has the capacity of accumulating vast territorial rights; it has also the capacity of amassing an immense fund which may be used in future to dominate the political destiny of this State; nor is this any idle theory; it is rather the rule of history. The great Latin states of Italy, France and Spain are but fair examples of its ecclesiastical dictation. The declaration of independence asserted in no doubtful terms the equality of all mankind—not physically, not intellectually, not socially; but in equal privilege before the law. When the American Union had been formed and constitutions of states were springing into life with the first real awakening of American liberty the distinction between religious societies was abolished; church was separate from State. It took a de-

bate of four days in the Constitutional election of New Hampshire in 1790 to separate the affairs of the established Protestant church from the affairs of State. Have our ancestors disentangled us from that great alliance that we should become involved in another with the Catholic church or with any other church? Heaven forbid! The Constitution of Maine says: "No one shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience." Upon this proposition I maintain that if a single member of the Catholic church, instead of the 80,000 who have petitioned you, should ask you to remove this restraint, or had asked you to remove this restraint, from his person or his property, it does not now, it has not heretofore, it shall not hereafter lie in the right of this Legislature to deny that appeal, so long as your present Constitution remains in force.

The Constitution of Maine says further, "all persons demeaning themselves peaceably as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law." It is not only the right; but it is the solemn duty of this Legislature to terminate the unlawful conditions which have arisen from the acts of its predecessors. Previous to the separation of church from State parishes were a part of the governmental organization, and taxes were assessed and collected in the same manner for church purposes as for municipal charges. For these parishes the right of self-government still exists so far as it has not been modified or taken away by the acts of 1887.

Catholics in this State, for the most part, are poor. They enter the mills at an early age. Their funds are raised to care for their local schools, churches and hospitals. The education of their children is limited to private schools, and depends for its extent upon the amount of funds available. They strive, in so far as they are able, to care for their own sick

and poor. The raising of these funds, by whatever name it may be known, is a tax, and it carries with it the right of representation in its disbursement. One of the fundamental principles upon which the American Revolution was fought,—one of its chief causes,—was taxation without representation. This corporation sole may well be considered to be an immense ecclesiastical trust, and as such it is inimical to our American institutions, and to the universal principles of economic government. It rests upon the patriotic members of this House to repeal this Act. I cannot conceive of any member,—any true patriot,—who can vote consistently against the equal freedom of all persons within the jurisdiction of the great State. I cannot conceive of any benefits to be derived by these limitations upon our Catholic colleagues. The great progressive principle of this, or any other age, if such principles there be, stands forth in glowing headlines in the handprinting upon the wall, "Equal rights for all; special privileges for none."

Gentlemen, it is for you to say whether this great oligarchy shall longer exist in our midst. Abraham Lincoln erased even the color line 50 years ago. Would to heaven that the decision of this matter had been in the hands of Abraham Lincoln. The Catholic members of this House even vote against its repeal for fear of excommunication; but I say to you, gentlemen, that there is a great moral responsibility upon us. Shall the ignorant remain in ignorance? Shall the poor grow poorer? Shall the sick still suffer circumscribed by this unrighteous law? The greatest teacher of mankind has made each of you his brother's keeper; and he still speaks in prophetic tones of that great event towards which all creation moves, "Inasmuch as ye have done it unto one of the least of these ye have done it unto me"

I have only the profoundest respect for these Catholic citizens who have come before you with the request that this Act of 1887 be repealed, even at the risk of their own ecclesiastical death; and I am reminded of that now

far cry of Patrick Henry, "Give me liberty or give me death"; and I trust that every members of this House will listen to that appeal. The Catholic corporation sole, as it now exists, is contrary to our form of government; it is unconstitutional; it is un-American, and it should not exist in the shadow of a great Republic. I hope, gentlemen, that the motion of the gentleman from Milford (Mr. O'Connell) will not prevail.

Mr. O'CONNELL: Mr. Speaker, I shall not at this time attempt to take the time of the House only to say a few words, and I do not think I will attempt to reply to the remarks of the gentleman from Berwick (Mr. Spencer). I will merely state that the bill as amended is satisfactory to the conservative element of the Catholic church. It may be true that some are not absolutely satisfied; and there is a doubt in my own mind if the bill can be so constructed that they would be satisfied.

The gentleman from Berwick (Mr. Spencer) in his remarks made mention of the fact that Patrick Henry said "Give us liberty, or give us death." Now, gentlemen, what is liberty? He says that no man shall use the church of any denomination for political football. That is what Patrick Henry meant when he said "Give us liberty, or give us death." The committee on judiciary has gone through this amendment, the bill has been re-drafted, and it is satisfactory; this amendment A was in the House, and it has now been withdrawn; this bill is just what we want, and it is the New York law, providing that the Bishop, the vicar-general, the parish priest and two laymen shall be the board of trustees. Now, that is satisfactory, and I hope the members of the House will sustain my motion.

Mr. SPENCER: Mr. Speaker, I understand the present condition of this bill is satisfactory to the gentleman from Milford, Mr. O'Connell, to the bishop of this State and to the Pope of Rome, but to my constituents it is unsatisfactory. I wish that to be understood, and when we come to vote upon the question I ask that the vote be taken by the yeas and nays.

Mr. GALLAGHER of Bangor: Mr. Speaker, I don't know but what I have received a message by mental telepathy some time ago, and I think there are others who have received such a message. I certainly have not received any message from the Pope of Rome, and this is a matter which has not gone so far as that yet.

I have not taken up much of your time in speech-making or attempts at speech-making, therefore I trust you will bear with me in patience for a few moments while I speak with reference to the question before us.

I want to deny some notoriously untrue statements that were made before our committee on the floor of this House.

First: The statement that Catholics are in danger of excommunication if their children are sent to the public schools. In the city of Bangor 35 per cent. of the children attending the public schools are Roman Catholics. What little education I have, I received in those schools. I am the father of five daughters, four of them are graduates of the Bangor High school and the fifth is now a Junior in that school and I now tell you that none of us were ever excommunicated, ever threatened with excommunication, ever had any fear of excommunication, and all today are Roman Catholics. Bangor has given to the church a number of priests and without exception, they all received a part of their education in the public schools.

Children of parochial schools in Bangor pursue the same studies as those of public schools, have the same tests supplied by the same public school committee, and are admitted to the High school of Bangor on the diplomas issued by the teachers of the parish schools. In addition to the studies of the public schools they are also taught Bible history and Christian doctrine, two studies that most of us will admit are important, and patriotism is not neglected, and let me say right here that the five young ladies to whom I just referred attended the parochial schools previous to entering the High school, and I say with a good deal of pride, that upon their graduation from the Parochial school, no five girls in this broad and good

State of Maine could sing the Star Spangled Banner or "My Country, 'Tis of Thee," with more sincerity, more enthusiasm, or figuratively speaking, with better harmony than they, and the same is true of all graduates of these schools.

But what is the use discussing that statement you all know, that in any community where there are Catholic families their children attend the public schools, here in Augusta many Catholic children attend the public schools, so you see the falsity of that accusation.

As to the management of the parish affairs I cannot understand how any man would have the presumption to say that he knows nothing about the affairs of his parish and on the strength of this statement ask for a change in management, it is a confession on his part that he is woefully uninterested in the work of the church and not a regular attendant at her services. Annually in each church in the diocese a most concise statement is read from the pulpit and any man who attends will know to the smallest detail what monies have been received and from what sources, and what monies have been paid out and for what purposes. This is a fact that cannot be denied.

Gentlemen, the particular statement of this man that he represents 100,000 French speaking Catholics is, I believe, untrue. First, because there is not that number of French Catholics in the State, and of the French speaking people he represents only a fraction. I know a great number of that race who are opposed to him and his methods, and I believe there are French-Americans, members of this House, who are opposed to the proposed amendment and in favor of the bill as reported by your judiciary committee. Does he come here backed by petitions of 100,000 people? No! He comes here with a crowd of strong lunged, heavy fisted men, who applaud most vigorously not his criticism of the Corporation Sole, but his attacks on the parish priests of his own flesh and blood, in French parishes. He has said nothing against the priests of the English speaking parishes. When in his remarks he intimated that when

schools and churches were built there was graft (oh, that contemptible word) for the priests who built them, this insinuation was followed by boisterous applause, and I thought, and these men who are now assailed by their own people are the followers of Pere Marquette and the French missionaries, so many of whom gave the best that was in them for their fellow men, and in return were massacred by the cruel savage. But, gentlemen, no massacre of missionaries by the savages was half so cruel as this attempted assassination of the character of the priests into whose care the spiritual welfare of these men has been entrusted. But I say, God forgive them, and I know that many times the priest assailed have offered up to our common Creator prayers for their forgiveness.

Just a word as to the sentiment of the Catholic people of the Penobscot. In the city of Bangor there are about 8000 English speaking Catholics; we have two beautiful churches. St. John's, the church which I attend, is second to none east of Boston as to grandeur and magnificence, dedicated to God, and given to the church authorities, more than 50 years ago by men who are now for the most part dead; we have a beautiful school just completed that is worth \$1000,000; there are also parishes in Brewer, Orono, Old Town, Millinocket, Dexter, Lincoln, and several other towns and from none of these have I heard a murmur of discontent and in behalf of them and thousands of others I protest against any amendment to the new draft as submitted to us by disinterested men and men of judicial minds and training.

Gentlemen, we are willing to give up an arrangement that is most excellent and which given general satisfaction, and accept a modified law, as reported by your committee and under which I believe all fair-minded Catholics can work together for the salvation of souls and the accompanying betterment of man. Don't let the uncalled-for abuse of malcontents sway you in this all important matter, not to our church and religion alone, but important to the State and the morals of her people.

Gentlemen. I ask you as reasonable men to vote for the motion as made by the gentleman from Milford, Mr. O'Connell.

Mr. SANBORN of South Portland: Mr. Speaker, I feel hardly competent to proceed in the discussion of this question, and I do not propose to enter into any extended discussion; but I think it is perhaps proper that the position of the committee should be made plain to the members of this House. The committee took this view of the proposition, as I understand it, that it has been and should be the policy of the State to refrain so far as possible from any interference with the internal affairs of any religious body. It was the feeling that the action of the Legislature years ago in creating the corporation sole was in line with the policy of non-interference. The church came then to the State because the church had thrown upon it the duty of managing its own properties; the church came to the State and asked the authority for creating a corporation sole for the purpose of managing its property. The State thought it then proper to grant the request.

Today the situation is very much the same. It resolves itself, as the committee viewed the question, into simply this, that the church as an institution now comes to the State and practically asks for certain modifications in their charter. It was made plain to the committee that these modifications are modifications which have the approval of the highest church authority, the same authority which is supreme in dictating all questions of a spiritual nature; and the committee felt that the State would be carrying out to the highest degree its policy of non-interference if it accepted or if it granted the request which is made by the church authorities.

In addition to that I will say that it would also seem to me that to question that authority would involve in a degree an absurdity, because the individuals who exercise the authority in Rome over this temporal action, are, as I understand it, the same individuals and the same powers who exercise all the spiritual authority which is unquestioned. And while we may not

many of us understand fully the bearing of all these questions because we are non-communicants, yet it seems to me it is proper for this Legislature to recognize as supreme the same authority in temporal affairs which is universally recognized as the supreme authority in spiritual affairs. On that point little needs to be said in defense of the institution herself, one which, while many of us may not be communicants of, yet we recognize her as an ancient institution, an institution with a most creditable record and an institution which gives promise of so great prominence and so great value to the future welfare of the world that a certain English writer said of her, "she may still exist in undiminished vigor when some traveler from New Zealand shall in the midst of a vast solitude, take his stand on a broken arch of London bridge to sketch the ruins of St. Paul." I hope, Mr. Speaker, that the motion will prevail.

Mr. DONOVAN of Lewiston: Mr. Speaker, I regret very much that the gentleman from Berwick (Mr. Spencer) considers the Catholic church and its members a menace to society. I ask you sincerely to ask yourselves what would be the result if the Catholic church and its members should drop out of existence. Those of you who have a knowledge of the history of the Catholic church must know, what it has accomplished and what it is now accomplishing. It needs no word from me to tell you. The institution dates from the Christian era, and its good work has gone on; but I am sorry to be obliged to acknowledge that there is a little friction now in the diocese of Maine.

Those of you who were present at the hearing on the 25th day of February must have understood the position of the Catholic church, but perhaps many of you were not present. I wish to say, Mr. Speaker and gentlemen, that I have been practicing medicine in the city of Lewiston since 1866. At that time there were but few French people in the city of Lewiston. About the year 1875 some public work began in Lewiston which required a larger number of people than could be obtained there, and the Canadian people came down from Canada in large numbers. That was the beginning

of the establishment of a French colony in Lewiston. I have nothing to say against those people. I look upon them as good, frugal and law-abiding citizens. They gave me their confidence in a measure, as much as I deserve probably, and they gave me their money also; and I would be unfair if I tried for one moment to kindle a spirit of disrespect or hard feeling towards that people. I have many warm friends among them.

But what is the cause of this disturbance? A few—I would almost call them rebellious, although I know if I did I should be sorry—a few seem to wish to manipulate their own affairs in their several parishes. Now, would that be a step in the right direction? What is this corporation sole? It is an instrument created in the year 1887 by Bishop Healey, of revered and pious memory; with the aid and assistance of his counsel, Judge Putnam, this instrument was drawn so that the bishop should become the sole owner of all the church property in the diocese over which he presided, but with such restrictions that not one dollar of that could ever revert to his own personal ownership or to his heirs. At his death all the church property passed immediately to his successor without process of law. What was the purpose of that corporation sole? It put the bishop in a position where he was able to do business for his people, where his credit was good, and when misfortune overtook some of the parishes, as in the case of Brunswick and Waterville recently, he could immediately furnish those unfortunate people with money to rebuild their church, which in due time could be reimbursed.

I defy anyone to point out one legitimate objection to the existence of the corporation sole. What do these people give as a reason for wanting to have separate parishes? That was granted already with proper restrictions. They want a committee in which the balance of power belongs to themselves, elected by themselves. Think for a moment of the position of the bishop and the pastor of the church with three opponents against them. Think of a man who has sacrificed himself in the service of God and religion to be accused of grafting in his own community. The accusation

was only a sentiment embodied in their own hearts according to my idea.

I do not care to take up much of your time, but I do feel as a Roman Catholic interested in this question, I feel that my church has taught me nothing but good towards all mankind. I lived and grew up, I might say, in a Protestant neighborhood; I went to Protestant schools, and I never had better friends than among these same Protestants. I have been respected by them, and in return I expect to respect them. The parochial schools have been referred to. What is the parochial school for? There is nothing so dear on earth to a Catholic as his religion; you may take away from him everything else, but you cannot take that away from him. The parochial school is intended to give better Catholic education than their children can obtain in the public schools. At home the parents are not able to instruct them, in many cases, because of a lack of education or because of a lack of time. That is the object of the parochial school and for that purpose Catholics have taxed themselves for the purpose of establishing those schools in order that their children may be taught in the fundamental principles of their religion.

I think the House understands upon which side I stand on this question. It is a matter which I am willing to leave to your own good judgment. I do not ask any one of you to vote in this matter to please me, but vote according to your own convictions. That is all I wish to ask.

Mr. MARSTON of Skowhegan: I wish to state very briefly my position in this matter. Today, the largest and most powerful church, and the church with the strongest influence on its members, and the most beneficial influence on the welfare of the whole town, is the Roman Catholic church. Among its members I count with great pleasure some of my very best friends. I was fetched up with French people. Nearly all the citizens of Skowhegan who are not of American extraction are French. I went to school with them, played with them, and nearly all my life in Maine have worked with them in the woods.

In the great Moose River country, which is one of the largest lumbering

districts in Maine, where I have been employed most of my life in Maine, some 10 or 15 years ago a French priest from the McGill University or seminary at Montreal came down without funds. He was simply sent by the Bishop into a country where there was no French priest, but where there were a great many French Catholics. It was my privilege, and my father's privilege, to assist in establishing the first Catholic church in this north country. Since that day, Father Forest, who is one the very best friends I have in the world, has established six prosperous missions and has 5000 communicants in his church. All winter he travels from one logging camp to another, spreading his beneficent influence; and I want to assure you that there is no influence among the typical lumber-jack that can approach the influence of a good priest. I have been on trips with him on snow-shoes for 25 or 30 miles to render assistance and relief to sick and dying members of his church. I know what good he has done; and no one needs tell me that the Catholic church is the strongest influence for good among its own people and among other people; and for that reason I agree with Dr. Donovan, from Lewiston, in regretting that there appears to be a controversy as to the method of managing property of the church between two factions of the church.

My people at home, as I say, are all French Catholics, and I realize that the larger majority of them object to the old system of the corporation sole, and want some change which will give a greater measure of local government. I feel that we here, who are not Catholic, the vote must be determined by two considerations,—first what our judgment says is justice; and, second, what in our opinion would be the most satisfactory settlement of this case between two parties in controversy. We must yield to them that they are best fitted to judge of this situation. Personally, when the new draft was returned by the committee on judiciary I was delighted that some change had been made; and when the gentleman from Van Buren introduced his amendment it seemed only fair to

me, as a layman, that these few layman members of the trustees should be elected by the church. I have seen that system in operation in Canada, where it happens I have two very good friends,—French priests,—and where it worked very smoothly. I agree with every one that all the business of the church be under the direct supervision of the head of the church,—the Bishop; but it seems to me only fair that these minority members of the trustees should be elected by the parish. But I am advised that the parties in this controversy have come to an agreement, and that the majority report of the committee on the judiciary is satisfactory to both sides, and it seems to me very wise that we, who are not Catholics, in this House should abide by that agreement; and, however we may feel on the matter, and however our constituents may feel upon the matter, allow this new arrangement two years trial. If at the end of that time this board of trustees, which is provided for in the report, is unsatisfactory, or unjust, it can be changed, and the amendment as suggested by the gentleman from Van Buren (Mr. Violette) can be introduced at the next Legislature.

Mr. Speaker, and gentlemen, I hope that the report will be accepted.

Mr. SMITH of Presque Isle: I rise for the purpose of correcting any misapprehension that may come from the remarks of the gentleman from Skowhegan when he refers to the majority report. The new draft reported by the committee on the judiciary was a unanimous report; and I want to state that the judiciary committee has given this matter a great deal of thought—a great deal of attention and consideration this, winter—and, while the matter was properly before the Legislature, yet we felt that after all it involved the question of church government—a matter which should be determined eventually by the church itself. Now the new draft was agreed upon, and unanimously reported by the committee; and the gentleman from Van Buren introduced an amendment which changed the new draft in some respects. I learned, this morning, that he intended to withdraw it, as he has

withdrawn it, and I hope that with the withdrawal of the amendment that there will be no controversies—no troubles—arise over the passage of the bill in a new draft. It is one of those matters, gentlemen, that it seems to me that as long as the parties have substantially agreed upon what shall be done that we should allow it to go through as reported under the new draft.

I regret very much that some gentlemen here, this morning, have apparently made some remarks which in some way seem to reflect upon that great church known as the Catholic church. I am sorry that it has come in here. Now I am not a communicant of the Catholic church. I was born of Protestant parents, brought up on the Protestant faith, and always expect to remain a Protestant; but I have learned to have great respect for this great church which we have heard discussed here, this morning. For the last 30 years I have lived in a community where there are hundreds and thousands of the communicants of that church. Now I want to say, gentlemen, that I have found them to be just as public spirited as myself, just as much interested in the welfare of the country as myself, just as much interested in town matters as I myself have been. I have seen, so far as general government is concerned, absolutely no distinctions between the people of that denomination and the people of the Protestant denomination, so-called. More than that, I have had some personal experience. My wife is a Protestant, brought up on the Protestant faith. Unfortunately she was stricken with a serious disease, and I found it necessary one time to send her to that great sanitarium in the Southwest—Hot Springs, Arkansas; and while she was there she was suddenly taken sick with malarial fever, and it became necessary for her to have treatment in the hospital, and she was taken to a hospital under the jurisdiction of the Sisters of Mercy. They did not ask whether she was a Catholic or a Protestant. They asked no questions whatever; but they received her; they ministered to her; they took care of her; they nursed her back to her former con-

dition; and from that day to this, gentlemen, I want to say that I have a profound respect for those Sisters of Mercy who wear upon their arms the white cross of the church. (Applause)

Mr. PLUMMER of Lisbon: Mr. Speaker, it seems to me that part of the discussion here is aside from the question before the House. I wish to say in advance that I have the greatest respect for any man's religion, whatever it may be, whether he be Catholic, Protestant, or even a heathen, so-called. The question before us this morning presents, as it seems to me, something that is altogether outside of a religious question as such. It concerns the action of the State of Maine.

If I understand the situation correctly, and I don't know that I do, but I think that I do—if I understand the situation correctly, any church of any denomination can incorporate under the laws of the State of Maine at the present time. If that is true, so far as this State is concerned, it is unnecessary for this new draft to be passed to enable the Catholic church or any other church to incorporate.

If the rules of the church do not allow any particular parish to incorporate that is no concern of the State of Maine; that concerns only the people who are communicants of that parish which is a part of that church taken as a whole. I have looked over this bill and it seems to me that if the parish of Portland is willing at the present time that any Catholic church in the State should incorporate, and that church wishes to do so, the two might come to an agreement as to under what rules they should incorporate and under what rules the incorporated parish should use its trustees. I think I am correct in stating also that the State does not prescribe in its general law as to who shall choose the trustees; it leaves that to the discretion of the body which is to become incorporated. Now there should be, it seems to me, some reason shown why the Catholic church should be selected, why a departure should be made from a policy which is broad enough to cover the whole, why we should select that church in particular rather than picking out any other line of business which is permitted

now to incorporate under the general laws.

So for that reason, if I have made myself clear, I shall vote against this proposed measure. It did seem to me, as was stated by my friend from Skowhegan, that if the State was to have anything to say as to how the trustees of the church should be chosen that we should say that the members of the parish should have the choosing of the two trustees; but inasmuch as the parties seem to have agreed that that amendment should not be put to a vote—it is practically withdrawn—it seems to me that the best thing now is to kill this bill, and to leave the church in the situation that it is at the present time, under which the church can settle within itself the proposition as to under what conditions it will incorporate. Inasmuch as it appears that the bishop of Portland is willing that churches should incorporate under the circumstances named in this bill, or under the conditions named in this bill, and inasmuch as it is also necessary that the certificate shall be executed and acknowledged by the Roman Catholic bishop for the time being, they can do that now. It is unnecessary, gentlemen, to make a law to permit people to do what they can do unless they are forbidden by law; so that it seems to me that this bill here is useless. Inasmuch as the parties are already agreed on this proposition they can do it now without any special enabling act. For that reason I shall vote against the motion of the gentleman from Milford (Mr. O'Connell), and shall vote, if opportunity presents, to indefinitely postpone the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Milford, Mr. O'Connell, that the rules be suspended and that this bill now take its three several readings and be passed to be engrossed. On that question the gentleman from Berwick, Mr. Spencer, has demanded the yeas and nays. Those favoring the demand for the yeas and nays will rise and stand until counted.

A sufficient number not having arisen,

The yeas and nays were not ordered. Mr. Spencer then called for a division of the House.

The SPEAKER: All those in favor of the motion of the gentleman from Milford, Mr. O'Connell, that the rules be suspended and that the bill take its three several readings and be passed to be engrossed at the present time, will rise and stand until counted.

A division being had, 81 voted in the affirmative and 6 in the negative.

So the motion was carried.

Under suspension of the rules the bill then received its three several readings and was passed to be engrossed.

The SPEAKER: The next matter for consideration is bill, an Act relating to the Fort Kent Electric Company. The pending question is the first reading of the bill.

On motion by Mr. Cyr of Fort Kent, the bill was laid upon the table and specially assigned for consideration tomorrow morning.

The SPEAKER: The next matter for consideration is the three reports from the committee on claims to which was referred resolve in favor of DeForrest Keyes, majority report, reporting in a new draft and "ought to pass," minority report A, reporting "ought not to pass" and minority report B, reporting in new draft and "ought to pass." The pending question is the acceptance of one report.

Mr. HUTCHINS of Penobscot: Mr. Speaker, the claim before us is one of some age, and one of the many legacies transmitted to us by the last Legislature, and for the past decade has been troubling the waters of legislation in this State. In the original Legislature to which it was presented it was referred to a committee on claims as able as honest and as fair minded as the committee which I, in part, represent, and before whom its merits was fully argued by able counsel on both sides—when the parties to the transaction were present and all the facts bearing on the case were fresh and could be fully presented and the witnesses could be thoroughly examined and cross-examined and the truth fully discovered and this committee, as jealous of the honor of the State, and anxious for it to fulfill all of its legal

and moral obligations, as this or any other committee would be likely to be—after due deliberation reported "ought not to pass" on the original resolve or claim as then presented and it would seem as though the answer then made to this claim by the State through its representatives was as just a statement of its attitude as can be made now or a hundred years from now. At this hearing three distinguished lawyers appeared for the claim and move for the State—the attorney general being absent in a criminal case. No witnesses were present and to a large extent it was a one-sided affair and the distinguished counsel for the claimant with all the intense force of years of study and practice sought to impress upon the minds of this committee, in effect, if not in fact, that this State had committed a great swindle on a poor helpless victim—a tender young man who had been deceived into grasp of our State officials and bereft of his fortune.

Now it appears from what facts I can glean from records of former hearings and letters received from and information given by parties having cognizance of the transaction at the time, that in 1901 the then treasurer of the State advertised some wild land sales for taxes according to the then statute requirements, and in compliance with his ministerial duties as treasurer—and it seems that a young man from New York appeared at the sale and invested \$17,000 in toy titles. I have been informed that this young man had inherited a fortune, was the son of a banker, who had dealt in similar titles and must have been familiar with the commercial and speculative value of that sort of goods and from whom the son may have inherited a proneness for that kind of property. The then treasurer, Mr. Smith, than whom from my personal knowledge I judge no more honorable man ever occupied that office, observing that the intending purchaser was a young man, sought to impress upon his mind before making the sales that the State did not warrant the properties to be sold nor stand behind them, and that the deeds might not stand in court. He evidently did intend to impress on this young man that he

was buying uncertain property and that he would purchase at his peril and on his own responsibility.

Nevertheless in the face of this information and without consulting an attorney as to the validity of these toy titles he invested \$17,000 in these wild land toy titles conveyed to him in 317 deeds.

In about one year this young man reappeared infused with the idea that his deeds were worthless, and that the descriptions contained in them were inadequate to bound any lands, if there were any. The then treasurer of State, anxious to aid the young man out of any difficulty arising out of these sales, submitted two questions to the then attorney general, Mr. Seiders of Portland.

As to second question he says it is more difficult to make a full and definite answer, since to do so would require an examination of the books of the assessors to learn definitely the description of every tract of land sold, in 1901.

Now you will observe that Mr. Seiders, who has since become a very enthusiastic attorney for the claimant, that it would take a great amount of time to examine these deeds in detail notwithstanding he was paid a princely salary for doing services for the State.

His answer to first question was sufficiently definite to apply to this case that the treasurer has no power to amend descriptions in deeds as per decision of supreme court. He then cites several decisions of the court to show that descriptions of lands in deeds inadequate to locate the lands intended to be conveyed in the deeds would invalidate the deeds.

That is a matter of common knowledge and not confined to the bar.

In conclusion Mr. Seiders says in substance: I presume a majority of these deeds would come under these decisions cited. Now Mr. Seiders' reply to these questions proposed to him by the treasurer do not show that a single one of these 317 deeds involved in this transaction was covered by a single decision of the court which he cites and yet he came before your committee on claims and asserts that the courts have declared these deeds

worthless. It is easy to make an impression sometimes by a sweeping assertion that will not stand analysis.

Not a single one of these 317 deeds, so far as has been shown, has ever been tested by the courts, or is parallel to a single case decided by the courts.

It does not appear that this young man has ever attempted to locate or occupy the lands supposed to be conveyed.

Mr. Seiders when attorney general, presumed that a majority of them might be worthless, and I will assume that a minority of them may be good and represent from \$300,000 to \$500,000 worth of property. Upon that point there would probably be wide divergence of opinion among men of practical sense and legal ability. But it matters not whether those deeds are valid in part or in full, they conveyed all the interest the State had in those lands for taxes and the purchaser bought them with a full knowledge of the kind of titles he was buying and that the State would not guarantee or stand behind them.

Now could it be possible that this young speculator thought that he was getting a clean undisputed title to a million dollars' worth of property? He may have had some experience in Wall Street financiering, and thought he could apply it to Maine, but people don't get rich in a day down here.

All that the State ever essayed to get out of these land sales was the taxes due on them and in doing it, its rightful agent in compliance with the laws of the State then existing, and open to the knowledge of every person desiring to do business with it. There has been no attempt at fraud or gambling or speculation on the part of the State. It was a clean transaction, with honest intent and any attempt to throttle the honor of the State to wrench from its pocketbook a few dollars to satisfy personal greed for filthy lucre, and stir up human sympathy by false representations is a foul blot on decent citizenship.

The counsel for this man has never asked for a permit to take this case into the courts for they know too well that it has no standing in law or equity, and its last and only hope is an

appeal to sympathy. And I would ask the members of this honorable body if this great State is a benevolent organization and we its representatives are sent here as dispensers of charity? Seven thousand dollars of this money has been turned over to the counties where it belonged.

Is it to be the policy of the State, voiced through its representatives, to conduct the business of the State along sentimental, Socialistic, or along civic business lines? Are we to be the trustees of the funds of the 150,000 taxpayers placed in our hands for great public purposes or an easy prey to an approaching army of persistent beggars and irritated squealers? What is the status of the taxpayers of this State whose money we are handling? The average taxpayer in this State is worth about \$700, 50,000 of them are not worth more than \$500 and every cent of taxes drawn from them is a personal sacrifice and a draft on their vital resources, and thousands of them are not as well provided for as the poor they are taxed to support. If we have sympathy and charity, except on broad, public lines, to exercise, would it not be well to divide a portion of it among those needy, hardworking and deserving taxpayers, who produce the wealth of the State and pay an undue proportion of its bills.

We cannot afford to be liberal under our present system of taxation so long as men with large salaries and no visible property are exempt from taxation.

And, Mr. Speaker, I move that the minority report A, be accepted.

Mr. MATHIESON of Rangeley: Mr. Speaker, it seems to me that the State is now in possession of \$17,000 which does not belong to it. This proposition may be called speculation or a gambling proposition. Now, are we intending to be honest in this matter? I wish to present several reasons why this resolve should be passed at this time. These reasons are as follows:

1. The assessors failed to make any legal description of the lands claimed to be forfeited, hence:

2. There was no forfeiture of the lands until and the State therefore had nothing whatsoever to sell.

3. A notice issued from the State treasurer's office, stating that certain lands had been forfeited on account of the failure of the owners to pay the taxes thereon, was misleading, to say the least, for there was no forfeiture whatsoever.

4. Therefore the State had no tax titles to sell, although it led prospective purchasers to believe that it had.

5. If the description of the lands made by the assessors' office had been sufficient, and if there had been a forfeiture, yet there was no conveyance of any tax titles to Mr. Keyes, because the deeds given were of antiquated form and did not meet the requirements of the State laws, and therefore no valid conveyance could be made, providing every other step had been properly taken.

6. Mr. Keyes, trusting in the notice that certain lands had been forfeited to the State for non-payment of taxes, paid his money to the State and got nothing whatsoever for it.

7. Such a transaction between individuals would have been promptly rectified by our courts and repayment to Mr. Keyes would have been made.

8. Mr. Keyes has no remedy against the State. He cannot sue the State in our courts and the matter rests with the Legislature to do justice in the premises.

9. As Mr. Burleigh says, who was a member of the last Legislature, "It is a question of honesty pure and simple. Shall the State of Maine, because it cannot be sued in our courts, refuse to do justice in the premises?"

10. The Legislature is the general court of the State to which and in which such matters as cannot be brought before our courts are supposed to be adjudicated.

11. Shall the great State of Maine deliberately take from an individual his property and refuse to give him anything for it?

12. If it shall still be unjustly claimed that the claim of DeForrest Keyes has passed from his hands and that parties are making an effort to have the claim allowed in their own behalf, it may be absolutely denied as unfounded and false, and it has so been stated before the committee on claims in the most emphatic manner.

I hope that every member of this House will take this matter into careful consideration and ask himself if he does not think this is a just proposition, where a man steps up and gives into our State treasury the sum of \$17,000 and gets nothing in return. On the other hand it may be said that our State treasurer warned him and told him that it was a gambling proposition, and that he seemed perfectly willing to enter into the matter. It is true, perhaps, that this condition of affairs does not exist now and that our courts and our Legislatures have corrected it; but in this case the injury has been done and it ought to be rectified and something given back in return for this money which was paid by Mr. Keyes.

Mr. AUSTIN of Phillips: Mr. Speaker, I would like to ask if the Chair would read through the three reports, as they are not long, and give the House a better idea of just what we are voting upon, this morning.

(The speaker then read the majority report and minority report A.)

Mr. AUSTIN of Phillips: I will say, as a signer of the majority report, that there is no question about there being some merit to this claim. Just how much merit there is in it, at this remote period from the time the transaction was made, honest men will differ about. The majority of the committee, after hearing the claim, reported according to the report as just read by the clerk. One of the minority reports signed by Messrs. Johnson and Kimball, agrees that the claim is just, and should be paid; but, on the other hand, instead of allowing interest on the claim for eight years, they say that Mr. Keyes, for his attempt at speculation in Maine tax titles, might justly be penalized the amount of the interest; that is, that he did give to the State of Maine \$17,000 for which he received no value whatever; but that he did it, knowing that it was a matter of pure speculation, and that therefore the State should have the benefit of the doubt, and the use of the money. They also hold that the State did have in its possession \$17,000 of De Forrest Keyes

money which, by no manner of argument, could belong to them. Now let me say here that it appeared to the committee on claims that the statement that was sent out under the authority of the Treasurer of State that certain lands had been forfeited to the State was untrue; that, as a matter of fact, no lands had been forfeited to the State. There is a discrepancy in the testimony of the at that time Treasurer and other parties, as to whether this young man was warned by him as to the danger of putting this money into titles which might be worthless. I will say, in justice to the other side, that they have taken exceptions to the truth of the testimony of the former State Treasurer who says he did warn the young man that the State did not stand back of those titles, and that he bought them at his peril. That is a question in which the two parties in the controversy do not agree. Keyes says he was not warned by the Treasurer that the State would not stand behind his title. There is no controversy whatever, and I think the committee is practically unanimous in the fact that it was impossible at that time from the way the State Assessors made out the description of the lands assessed for taxes, that there is no question that the State was utterly unable to give any title and make a conveyance to any party under the old-fashioned form of deed which then prevailed.

Now there is some contributory evidence which has not yet been brought out which shows, to say the least, a peculiar condition in the treasurer's office. Keyes says, by his attorneys, that he paid \$316—that in this original check that was sent was included \$316 for 316 deeds covering the property that he supposed he had bought. Now it seemed to be also the unanimous agreement of the committee that many of those deeds were repetitions—that is, they were deeds going back some 20 years on the same property, and the deeds were given—perhaps 20 deeds covering one supposed piece of real estate. This money does not appear in the treasurer's books as having gone to the State at all. This \$316 went into somebody's pocket for making out the deeds. That is evident from the tes-

timony submitted to the committee. Now I am not arguing as to the justice or injustice of this claim. I am trying to set it before you as well as I can just upon what grounds the majority of this committee on claims based the report that they have. In 1909 this claim was taken up in the committee on judiciary, and that committee was then, as now, made up of some of the brightest legal talent in the two Houses. The committee on judiciary heard this claim exhaustively, and by a large majority report—I am not sure whether it was an unanimous report or not—a favorable report was put before the Houses. That favorable report was accepted in both Houses, and the resolve giving back to Mr. Keyes the money which he had paid over to the State, with interest on the same up to that time, was passed through both branches of the Legislature by a good vote. It went to the Governor and was by him vetoed. Now that is the history of the resolve during that year. Now the claim is made, and perhaps more or less justly, by members of the House in both branches, that this claim is stale. It is stale. It is an old claim—one made on a transaction which happened 10 years ago last fall. But I submit to you, gentlemen, as fair-minded men, whether a just claim, or a just debt, ever becomes stale. If that claim had value in 1909, nothing has transpired between 1909 and the present date to affect the validity of this claim. I think any thinking man will admit that if the claim had justice then, it has it now; and so the majority of your committee, taking into consideration all these facts, have brought in the reports that they have. As I say, two members of the committee have brought in a minority report B which gives to the claimant the amount of the claim less the interest. The majority of the committee have brought in the majority report allowing the claim and the interest from the time he made his demand upon the treasurer of the State for reimbursement until the present time, or eight years' interest.

I am not arguing that the State is a benevolent institution. That is not my idea. I do not want any man within the hearing of my voice to vote for this out of sympathy. I do not think the

young man is entitled to any sympathy whatever. It was a cold, hard proposition on his part. It is simply an idea as to whether in your minds the State does, or does not, hold \$17,000 of this young man's money which does not belong to it. If in your opinion it does, your vote can only be in favor of acceptance of the majority report. Do not let sympathy enter into the matter at all, because this is not a case of benevolence. There is one argument we hear brought up against allowing a claim of this kind—that it opens the flood-gate of the treasury for the entrance of a myriad of other claims based upon this same kind of a transaction, prior to 1902 or 1903. Our answer to that is, that there are some \$33,000 of old tax deeds which have been sold. Whether or not it will open up the treasury of the State to claimants, who are holding these old tax deeds or not, is for you to say; but I think you will all agree with me that that has nothing whatever to do with the point at issue—that is, the justice of this one claim.

Now I have tried, as I have said, gentlemen, to set this matter before you, as a reason for the report which came from the majority of the committee; and all your committee ask you is to look at this matter in a careful, candid way, as good and honest business men, and if, in your judgment, the State did take \$17,000 of this young man's money and gave him no value therefor, then to consider whether or not the State now should pay him back what it holds of his money.

Mr. DURGIN of Milo: Mr. Speaker, I agree not to take over three minutes of the time of this House. I think the average members of this House, and I think nearly every citizen in the State of Maine is more or less familiar with this proposition because for a number of years this young man has been coming here to the Legislature and asking the State to reimburse him for money which he claims was paid through a mistake and which the State now holds without having given anything to the young man for it.

As to the question in dispute, about whether the young man was properly warned or not, I know nothing; but it

seems to me that a question which perhaps might govern us at this time is whether or not it is good for the State of Maine to have this young man coming here, year after year, and having the question of the honor of the State impugned in any way. One thing seems to me to be certain and that is that the State of Maine at the present time holds \$17,000 of this young man's money, and that the young man got absolutely nothing for it; and therefore it seems to me rather than have the honor of the State impugned in any way, rather than to have it advertised that the State of Maine is holding in its treasury \$17,000 of this young man's money without having given him anything for it, it is better for the State to reimburse him and have the matter forever and eternally closed, and not have the Legislature being asked to act upon this proposition from session to session. For that reason, I believe it is better that we should reimburse the young man.

MR. STURGIS of Auburn: Mr. Speaker, there is one question which presents itself to my mind, and one which perhaps some member of the committee can answer. Among those 316, more or less, tax deeds is there anything here whaever, that is, if the State pays this bill, if there is anything of value to be derived from those deeds, who should have the benefit of it? Or if on the other hand, all of those deeds and perhaps hundreds more, as someone has mentioned, if they have no value and if the titles are void, it seems to me that we had better make a job lot of them and have it all done with as far as that is concerned. But if anyone of these deeds is of any value to anybody, either to Mr. Keyes or to the State, should there be any allowance made for that?

The SPEAKER: The Chair will state that in minority report B, which was not read, in the new draft in which the Chair notices a provision as follows: "Authorizing the payment to DeForrest Keyes of \$18,166.03, providing that said Keyes shall execute to the state land agent for and in behalf of the inhabitants of this State a deed of release of all his right, title and interest acquired by said conveyances, and also of all claims and demands

against said State arising from said transactions." This is the new draft accompanying report B.

Mr. GORDON of Biddeford: Mr. Speaker, I would like to say that as I understand it is practically acknowledged by all concerned that the deeds as presented to Mr. Keyes were practically worthless, and that they were antiquated and out of date at that time.

The SPEAKER: Is the House ready for the question? The pending question is upon the motion of the gentleman from Penobscot, Mr. Hutchins, that the minority report A of the committee be accepted, the minority report being "ought not to pass" on this resolve. Consequently a vote yes will be a vote in favor of the motion that the resolve "ought not to pass," or a vote yes means a vote to pay nothing; a vote no means a vote to pay something, possibly.

Mr. AUSTIN: I will say, Mr. Speaker, if the motion of the gentleman from Penobscot (Mr. Hutchins) does not prevail, there will be a motion made in regard to the acceptance of one of the other two reports which will put that matter plainly before the House.

The question being on the motion to accept minority report A,

A viva voce vote being taken,

The motion was lost.

Mr. Johnson of Brownfield moved that minority report B be accepted.

A viva voce vote being taken,

The motion was agreed to, and minority report B was accepted.

Under the joint rules the new draft accompanying minority report B was tabled for printing.

The SPEAKER: The next matter for consideration is the report of the committee on taxation to which was referred bill entitled "An Act to raise revenue for the support of the state government by the levy and collection of a tax on incomes," reporting "ought not to pass."

Mr. Sargent of Portland moved that the bill be substituted for the report.

Mr. Austin of Phillips moved that the House adjourn.

The motion was agreed to.

Adjourned until tomorrow morning at half past nine o'clock.