

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

HOUSE

Tuesday, March 30th, 1915.

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

Prayer by the Rev. Mr. Livingston of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend Section 21 of Chapter 166 of the Private and Special Laws of 1911, relating to the salaries of judge and recorder of the Piscataquis County Court.

This bill comes from the Senate received in that branch under a suspension of the rules, read twice and passed to be engrossed.

On motion by Mr. Gerrish of Greenville, the rules were suspended and the bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: An Act to appropriate moneys for the expenditures of government and to provide for the payment of certain deficiencies remaining unpaid January first, 1915.

In the Senate this bill was received under a suspension of the rules, given its two several readings and passed to be engrossed.

On motion by Mr. Roberts of Portland, the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: An Act to amend Section 14 of Chapter 130 of the Public Laws of 1913, relating to the method of settling damages caused by opening, altering, widening or changing the grade of State or State-aid highways, Senate Doc. No. 430.

On motion by Mr. Thombs of Lincoln, the rules were suspended and the bill received its three several readings and was passed to be engrossed.

Subsequently on motion by Mr. Thombs the vote was reconsidered whereby this bill received its third reading, and on further motion by the same gentleman, Senate Amendment

A was adopted, and the bill was then passed to be engrossed as amended in concurrence.

From the Senate: An Act to amend Section nine of Chapter 181 of the Laws of 1911, relating to the practice of embalming and transportation of bodies of persons who have died of infectious diseases, Senate Doc. No. 432.

On motion by Mr. Morse of Rumford, the rules were suspended and this bill received its three several readings at the present time and was passed to be engrossed in concurrence.

From the Senate: An Act to incorporate the Wells Beach Lighting District, Senate Doc. No. 434.

On motion by Mr. Hanson of Sanford, the rules were suspended and this bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: An Act to amend Section nine of Chapter 53 of the Laws of 1913, relating to the issuance by the Board of Dental Examiners of certificates to practitioners from other states, Senate Doc. No. 433.

On motion by Mr. Hanson of Sanford, the rules were suspended and this bill received its three several readings at the present time and was passed to be engrossed in concurrence.

The following resolves were presented and referred to the committee on appropriations and financial affairs.

By Mr. Currier of Camden: Resolve in favor of Orin B. Frost for services as clerk to the committee on bills in the third reading, with statement of facts.

By the same gentleman: Resolve in favor of Grace M. Frost for services as stenographer and typist to the committee on bill in third reading, with statement of facts.

By Mr. Morse of Rumford: Resolve in favor of P. H. Fitzgerald, with statement of facts.

On motion by Mr. Greenleaf of Portland, the rules were suspended and that gentleman presented out of order Resolve in favor of State House employees, and on further motion by Mr. Green-

leaf the resolve was referred to the committee on appropriations and financial affairs.

Reports of Committees

Mr. Lord from the committee on appropriations and financial affairs, reported "ought to pass" on Resolve in favor of Arthur C. Smith, secretary of the committee on State School for Boys and Industrial School for Girls.

The report was accepted.

On motion by Mr. Pierce of Houlton, the rules were suspended and the resolve received its two several readings at the present time and was passed to be engrossed.

Mr. Pierce from the committee on revision of the statutes, reported "ought to pass" on bill, An Act to amend Chapter seven of the Revised Statutes, authorizing the Land Agent to lease camp sites on lands belonging to the State and to repeal obsolete portions of said chapter.

The report was accepted.

On motion by Mr. Pierce of Houlton, the rules were suspended and the bill received its three several readings at the present time and was passed to be engrossed.

Committee of Conference on the disagreeing action of the two branches of the Legislature on bill, An Act to fix the salary of the Governor, reported that the same "ought to pass", new draft under same title, signed by Senators Boynton, Herrick and Durgin on the part of the Senate, and Messrs. Conners, Thombs and Pierce on the part of the House.

The report was accepted.

On motion by Mr. Sanborn of South Portland the rules were suspended and the bill received its three several readings at the present time, and pending the passage of the bill to be engrossed.

Mr. PERHAM of Woodstock: Mr. Speaker, it seems to me this is a matter which we should understand a little more thoroughly. Am I to understand, from the reading of the bill, that the Governor is obliged to have his residence in Augusta?

The SPEAKER: The Chair understands this refers to the official residence of the Governor. Perhaps some member of the committee will explain

the matter further. The Chair does not understand from the reading of the bill that it refers to the actual residence of the Governor.

Mr. PERHAM: Mr. Speaker, I am not a lawyer and I don't know as I understand what the words "official residence" mean. It seems to me if we are going to oblige the Governor to live in Augusta that we are starting in on a road that will be very long, and one in which it would be a hard matter to turn, because we can see that in future \$5000 would not begin to be the amount required by the Governor under such circumstances: and my idea is to know just where we are aiming at when we pass this bill.

Mr. PIERCE of Houlton: Mr. Speaker, I do not believe personally that the words "official residence" are of any particular legal import. Some of the other gentlemen on the committee seemed to think that these words should be in the bill, so that the Governor might maintain a sufficient residence in Augusta so that mail addressed to him here will meet with prompt attention and that people desiring to do business with the Governor may be able to transact their business at Augusta. It does not contemplate, and in fact the words "official residence" do not mean that he shall reside at Augusta, or that residence elsewhere shall deprive him from holding the office of Governor, and that any man elected as Governor must live here with his family, but in order that the business of the State shall be conducted from Augusta, instead of from Portland, Waterville or Bangor or any other city where the Governor may happen to actually live; and it simply is intended to provide that the business of the Governor shall be conducted from and through his office in the State House. I do not know that this phraseology is altogether apt to accomplish that purpose, but that is what it is intended to do; it also provides that the work of the Governor here shall be done either personally or by his private secretary, and that

his office shall be open four days out of every week.

Mr. ST. CLAIR of Calais: Mr. Speaker, I think the gentleman from Houlton, Mr. Pierce, has stated the intent of the bill correctly. Augusta is the capital of the State of Maine. As I understand it, the bill simply means that the official acts of the Governor should come from Augusta rather than from any other city, and that I think is all that the bill means.

Mr. THOMBS of Lincoln: Mr. Speaker, it appeared to the conference committee that in times past there have been some little criticisms from those who were not able to transact their business with the Governor at Augusta; that is to say, they were bothered sometimes to locate him, and it was with that idea in mind and to obviate that difficulty that the committee framed the bill in this language.

Mr. PERHAM: Mr. Speaker, I have no objection to the Governor having salary enough so that he can afford to attend to the business of the State of Maine. I think the idea of having the office open four days out of every week is a good one. I simply wanted a matter of such importance as this to receive more than passing notice, and that we should give it the proper consideration; consequently, in view of the importance of the measure I move that on its passage to be engrossed, we have a division of the House.

The pending question being the passage of the bill to be engrossed,

A division was had and 85 voted in favor and none against.

So the bill was passed to be engrossed.

First Reading of Printed Bills and Resolves.

House 943: An Act to amend Chapter seven of the Private and Special Laws of 1903, relating to the Bar Harbor Municipal Court.

On motion by Mr. Sanborn of South Portland, the rules were suspended and the bill received its third reading and was passed to be engrossed.

House 956: An Act to amend Section 17 of Chapter 71 of the Private and

Special Laws of 1891, incorporating the City of Old Town.

On motion by Mr. Wescott of Bluehill, the rules were suspended and the bill received its third reading and was passed to be engrossed.

House 954: An Act to enlarge the duties of medical examiners.

On motion by Mr. Sanborn of South Portland, the rules were suspended and the bill received its third reading and was passed to be engrossed.

House 955: An Act to amend Chapter 42 of the Public Laws of 1911, relating to the appointment of guardians by consent.

On motion by Mr. Thombs of Lincoln, the rules were suspended and the bill received its third reading and was passed to be engrossed.

House 957: An Act to provide for the destruction of dogfish and other members of the shark species.

The bill received its first and second readings.

Mr. Plummer of Lisbon then offered House Amendment A, to amend by striking out Section four of the bill.

The amendment was adopted.

On motion by Mr. Wescott of Bluehill, the rules were suspended and the bill received its third reading and was passed to be engrossed, as amended.

House 958: An Act to amend Chapter 121 of the Private and Special Laws of 1913, entitled "An Act to incorporate the Madison Water District."

The bill received its first and second reading, and pending its third reading was tabled on motion by Mr. Plummer of Lisbon.

Passed to Be Engrossed

Senate 269: Resolve to amend Article 22 of the Constitution further relating to the limit of municipal indebtedness of cities. (Tabled pending its passage to be engrossed by Mr. Plummer of Lisbon.)

Senate 364: An Act to incorporate the Oquossoc Light & Power Company.

Senate 412: An Act for the protection of life and property against loss or damage from steam boilers or steam machinery operated by incompetent

persons in cities of over 35,000 inhabitants.

Senate 416: An Act to amend chapter eighteen of the Revised Statutes, relating to State Board of Health.

Senate 421: An Act to consolidate and revise the laws relating to State Printing and Binding.

Senate 423: An Act to repeal Section Twenty-six of Chapter One Hundred and Forty-four of the Revised Statutes relating to the discharge of inmates of the Insane Hospitals by Municipal Officers.

Senate 424: An Act to repeal certain obsolete Sections of Chapter Sixteen of the Revised Statutes relating to the assessment of taxes by parishes.

Senate 425: An Act to repeal Section Forty-two of Chapter Sixty-one of the Revised Statutes, relating to the authority of the mother to bind illegitimate children.

Senate 426: An Act relating to the appointment of appraisers by the Probate Courts.

Senate 427: An Act relating to the verification of certificates of organization of corporations.

House 930: An Act to amend Section Thirty-six of Chapter One Hundred and One of the Revised Statutes, as amended by Chapter Forty-one of the Public Laws of Nineteen Hundred and Seven, in relation to Bail Commissioners.

House 931: An Act amendatory of Section 27 of Chapter 129 of the Public Laws of 1913 relating to corporations for the operation of telegraphs or telephones and other public utilities.

House 932: An Act in relation to certain rights and liabilities of Husband and Wife.

House 933: An Act to amend section one of chapter twenty-four of the Public Laws of nineteen hundred and seven, as amended by chapter ten of the Public Laws of nineteen hundred nine, in relation to reports of hearings in vacation in law or equity.

House 934: An Act relating to procedure in the supreme judicial and superior courts.

House 935: An Act to amend Section 27 of Chapter 83 of the Revised Statutes, relating to the record of at-

tachment of bulky personal property.

House 936: An Act to incorporate the Maine Indemnity Company.

House 937: An Act to determine the approximate amount of money necessary to defray the expenses of the public service.

House 938: An Act additional to the charter of the city of Biddeford and in effect amendatory of the said charter. (Tabled pending the third reading of the bill and assigned for tomorrow on motion by Mr. St. Clair of Calais.)

House 939: An Act to amend Section 72 of Chapter 4 of the Revised Statutes of Maine as amended by Chapter 160 of the Acts and Resolves of 1909, by inserting after the word "day" in the fifth line of said Article 72 the words "Firemen's Memorial Sunday," so that said section as amended shall read as follows.

(Tabled pending its passage to be engrossed until this evening, on motion by Mr. Roberts of Portland. Subsequently on motion by Mr. Roberts the bill was taken from the table and on further motion by the same gentleman the bill was passed to be engrossed.)

House 940: An Act to provide for State and county aid in the construction of highway bridges.

House 941: An Act to amend Section 18 of Chapter 65 of the Revised Statutes, relating to judges of probate.

House 942: An Act to confer additional rights and powers upon the East Branch Improvement Company, a corporation incorporated by a special act of the Legislature, approved March 18, 1903. (Tabled pending its passage to be engrossed on motion by Mr. Libby of Merrill.)

From the Senate: Ordered, the House concurring, that the committee on appropriations and financial affairs be directed to make up the pay roll of the officers, employes and chaplains of the Senate and House, in accordance with the Laws of 1915, relating thereto; and that said committee be directed to make up the pay roll of the members of the Senate

and House in accordance with the law relating thereto.

The order received a passage in concurrence.

House 944: An Act to amend Chapter 135 of the Private and Special Laws of 1875, entitled "An Act to establish a municipal court in the city of Auburn," as amended by Chapter 186 of the Private and Special Laws of the same year, Chapter 51 of the Private and Special Laws of 1881, and Chapter 152 of the Private and Special Laws of 1891, Chapter 62 of the Private and Special Laws of 1895, and Chapter 229 of the Private and Special Laws of 1903.

House 946: Resolve in favor of Kennebec county issuing bonds.

House 947: An Act authorizing the secretary of State to prepare and publish lists of corporations delinquent in payment of their franchise taxes.

House 948: An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in a portion of Cup-suptic stream, in Oxford county.

House 949: An Act entitled An Act to create a State fund to be known as the State contingent fund.

House 950: Resolve in favor of Gardner K. Heath for services performed as assistant to Fortunat Belleau while he was acting clerk pro tempore.

House 951: Resolve in favor of Gardner K. Heath for services in preparing a schedule of all Acts and Resolves carrying an appropriation or expenditure of money.

House 952: An Act to amend Sections 2 and 8 of Chapter 195 of the Public Laws of 1911, relating to the extirpation of contagious diseases among cattle, horses, sheep and swine.

House 953: An Act to provide clerk hire for county officers. (Tabled pending its third reading on motion by Mr. Greenleaf of Portland.)

Passed to Be Enacted.

An Act to amend Section 43 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to the protection of game birds.

An Act to provide for the granting

of lobster licenses and giving State-wide jurisdiction to wardens.

An Act to regulate the sale of lightning rods.

An Act to amend Section 4 of Chapter 31 of the Private and Special Laws of 1905, entitled "An Act to authorize the Houlton Water Company to generate, sell and distribute electricity," as amended by Chapter 106 of the Private and Special Laws of 1907.

An Act to incorporate the Center Lovell Cemetery Association.

An Act to amend Section 7 of 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 181 of the Private and Special Laws of 1911, entitled "An Act to establish in Cumberland county a county farm."

An Act to ratify and confirm the organization of the State Young Men's Christian Association and increase its powers.

An Act to incorporate the Presque Isle Sewerage Company.

An Act to amend Chapter 161 of the Public Laws of 1913, relating to payment of small legacies to minors under any decree of court.

An Act relative to the hours of employment of women and minors.

An Act to amend Section 21 of Chapter 69 of the Revised Statutes, relating to the compensation of guardians.

An Act to amend Sections 3 and 4 of Chapter 70 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Spencer Dam Company," as amended by Chapter 195 of the Private and Special Laws of 1911, and also to amend said Chapter 70 by adding thereto Sections 5, 6 and 7.

An Act authorizing the towns of Mexico and Rumford, in the county of Oxford, to purchase the toll bridge between said towns, erected and owned by the Mexico Bridge Company.

An Act to amend Section 8 of Chapter 130 of the Public Laws of 1913, relating to State and State aid highways.

An Act to amend Section 1 of Chapter 198 of the Public Laws of 1909, as amend-

ed by Chapter 192 of the Public Laws of 1911, and as further amended by Chapter 182 of the Public Laws of 1913, relating to the amount of the school equalization fund.

An Act to amend Section 5 of Chapter 383 of the Private and Special Laws of 1897, relating to the tolls to be charged by the South Branch Improvement Company.

An Act to enable the cities and towns of the State of Maine to appropriate money to aid in the erection of the Knox Memorial building.

An Act to provide for granting administration in certain cases without giving bond.

An Act to authorize the construction of a weir in the tide waters of the Cobscook river in the town of Lubec.

An Act to incorporate the Harmony Water Company.

An Act to extend the charter of the Rockland, South Thomaston and St. George Railway.

An Act to amend Sections 1 and 2 of Chapter 131 of the Public Laws of 1911, as amended by Chapter 114 of the Public Laws of 1913, relating to the taxing of insurance companies not authorized to do business in Maine.

An Act relative to the hours of labor of employes of street railway companies.

An Act relating to the acquisition of land for playground and park purposes by village corporations.

An Act to amend Section 11 of Chapter 31 of the Revised Statutes, relating to the licenses issued by municipal officers of towns for the operation or steam riding galleries.

An Act amendatory of Section 126 of Chapter 49 of the Revised Statutes, relating to the reserve fund deposited with the State treasurer by assessment casualty insurance companies.

An Act to amend the purposes and grant additional powers to the Atlantic Maritime Company.

An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Stratton brook and in the tributaries to said brook and in the Mt. Bigelow ponds, in Franklin county.

An Act to regulate the taking of frogs from Big Fish Lake, Portage Lake, Square Lake, Eagle Lake, Long

Lake, Soldier Pond, and in the tributaries to said pond and lakes, in Aroostook County.

An Act providing for enumeration of neat cattle, sheep and swine.

An Act to amend Sections 38, 39, 40, 42 and 44 of Chapter 28 of the Revised Statutes, relating to the protection of life in public buildings.

An Act to amend Sections 15 and 16 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to the adoption of rules and regulations restricting fishing and hunting in cases of emergency.

An Act to amend Section 16 of Chapter 221 of the Public Laws of 1913, relating to primary elections.

An Act to amend Section 19 of Chapter 16 of the Revised Statutes so as to create the Trustees of the local Methodist Episcopal churches a corporation.

An Act to amend Section 35 of Chapter 114 of the Revised Statutes authorizing justices of the peace to continue the disclosure hearings of poor debtors under certain circumstances.

An Act to repeal Section nine of Chapter 73 of the Revised Statutes, requiring the consent of overseers of the poor to sales of real estate by guardians in certain cases.

An Act relating to the Vinalhaven Lighting Company.

An Act to amend Section for of Chapter 142 of the Private and Special Laws of 1911, entitled "An Act granting a new charter to the Farmington Village Corporation."

An Act to amend Section two of Chapter 297 of the Private and Special Laws of 1907, relating to the Fort Kent Village Corporation. (Tabled by Mr. Pierce of Holton pending its passage to be enacted, and specially assigned for consideration this afternoon.)

An Act relating to the accounts of the various State examining boards, and to provide for the bonding of all officials and clerks who handle public money.

An Act to amend Section 13 of Chapter 204 of the Public Laws of 1856, relating to the recorder of the Municipal Court of the City of Portland.

An Act to amend Section two of Chapter 204 of the Public Laws of 1856, in

relation to the jurisdiction of the Municipal Court of the City of Portland, as amended by Section one of Chapter 28 of the Public Laws of 1887, and Section one of Chapter 134 of the Public Laws of 1895.

An Act to amend Section three of Chapter 199 of the Private and Special Laws of 1913, relating to the collection of assessments for street improvements in the City of Bath.

An Act additional to Chapter 84 of the Revised Statutes relating to the pleadings in actions at law on insurance policies.

An Act to confirm the doings of the Forest Avenue Congregational Church at Bangor.

An Act relating to the payment of legacies.

The SPEAKER. The Chair lays before the House bill, An Act additional to Chapter 80 of the Revised Statutes, relating to the powers of the county commissioners of Penobscot County in regard to securing temporary loans, on its passage to be enacted. This bill carries an emergency clause, and requires a two-thirds vote of all the members elected to this House in order that it may have a passage. All those in favor of the passage of this bill will rise and stand in their places until counted.

A rising vote being had, 117 voted in the affirmative and none in the negative, and the bill was passed to be enacted.

Finally Passed

Resolve in favor of the Eastern Maine Orphans' Home for maintenance.

Resolve in favor of Gorham P. Grant for refund of money paid in lieu of military service in the late War of the Rebellion.

Resolve to reimburse the town of Aurora for over-expenditure on the 1913 State aid road.

Resolve in favor of the Maine Society of the Sons of the American Revolution to provide markers for the unmarked graves of the soldiers of the Revolution.

Resolve appropriating money for the completion of the fish screen at the outlet of Beech Hill lake, in the town of Otis.

Resolve appropriating money to carry out the provisions of Chapter 156 of the Public Laws of 1913, entitled, "An Act to regulate the packing, shipping and sale of apples."

Resolve in favor of the Madigan Memorial hospital for maintenance.

Resolve reimbursing the Great Northern Paper Company for money expended in excess of one-half the cost of the construction of a bridge across the Moose river.

Resolve appropriating money to aid in the construction of the substructure of a highway bridge over the St. John river between the town of Madawaska, Maine, and the city of Edmundston, New Brunswick.

Resolve appropriating money to aid in repairing the Middle Dam Carry road, in the town of Upton and the plantation of Megalloway, and providing for the future maintenance thereof.

Resolve in favor of the Maine Eye and Ear Infirmary for maintenance.

Resolve in favor of Dana H. Danforth, secretary of the committee on School for Feeble Minded, for the expenses of said committee in visiting the Maine School for Feeble Minded.

Resolve allowing Ozias M. Goff to tap and take water from the main running across his farm to the Maine School for Feeble Minded.

Resolve in favor of A. H. Whitman, the official reporter of the House of Representatives, for assistance employed by him in the preparation and completion of the legislative record.

Resolve in favor of Fortunat O. Michaud, secretary of the committee on public health, for expenses incurred by said committee in visiting the Tuberculosis Sanatorium at Bangor.

Resolve in favor of the conference of commissioners, and of the commissioners from Maine, for the promotion of uniformity of legislation in the United States.

Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol.

Resolve providing a State pension for Mary A. Moulton.

Resolve appropriating money to aid in repairing the bridge between Eastport and Perry.

Resolve in favor of Rena Cooley of Augusta.

Resolve appropriating money to aid in repairing a certain road in the town of Cushing, and providing for the future maintenance thereof.

Resolve appropriating money to reimburse the city of Biddeford for money expended for the support of a certain State pauper.

Resolve reimbursing the city of Biddeford for money expended for the support of certain State paupers.

Resolve in favor of the Bath City hospital for maintenance.

Resolve appropriating money to restore the early records in the office of the clerk of courts for York county.

Resolve appropriating money for the repair of roads and bridges in Indian township, in the county of Washington.

Resolve authorizing the State Historian to publish historical matter in relation to the State of Maine.

Resolve in favor of E. W. Murphy, Secretary of the Joint Special Committee appointed by the 76th Legislature on Women's Reformatory, State School for Boys and Industrial School for Girls, for certain committee expenses.

Resolve in favor of the Maine State Prison for certain improvements and repairs.

Resolve declaratory of certain amendments of the Constitution of Maine.

Resolve appropriating money for the improvement of the State park on the easterly side of State street.

Resolve appropriating money for the construction, equipment, service connections and furnishings of one brick building for a central kitchen and bakery at the Maine School for Feeble Minded.

The SPEAKER: The Chair lays before the House, Resolve for laying the county taxes for the year 1915 on its passage to be enacted. This resolve carries the emergency clause, and requires a two-thirds vote of all the members elected to this House. All those in favor of the passage of this resolve will rise and stand in their places until counted.

A rising vote being had, 119 voted in the affirmative and none in the negative, and the resolves was finally passed.

Orders of the Day

The SPEAKER: The Chair lays before the House several matters which have been received from the Senate during the session of the House, and without objection they will be taken up at this time.

From the Senate: An Act to amend and extend the powers of the Hiram Water, Light and Power Company, Senate Doc. No. 312.

On motion by Mr. Ricker of Castine, the rules were suspended and the bill received its three several readings at the present time and was passed to be engrossed in concurrence.

From the Senate: Resolve reimbursing C. W. Dutton, secretary of the committee on mercantile affairs and insurance, Senate Doc. No. 437.

On motion by Mr. Higgins of Brewer, the rules were suspended and the resolve received its two readings at the present time and was passed to be engrossed in concurrence.

From the Senate: Resolve in favor of the Commission on the Revision of the Forms and Rules of Probate Forms and Practice, Senate Doc. No. 438.

On motion by Mr. Holt of Skowhegan, the rules were suspended and the resolve received its two readings and was passed to be engrossed at the present time, in concurrence.

From the Senate: An Act to define county lines in the waters of the State, Senate Doc. No. 439.

On motion by Mr. McCarty of Lewiston, the bill received its three several readings at the present time and was passed to be engrossed, in concurrence.

From the Senate: An Act relative to the granting of licenses for certain business purposes by the municipal officers of the City of Portland, House Doc. No. 735.

In the House this bill was amended by House Amendment A, and passed to

be engrossed as amended; it now comes from the Senate that branch refusing to adopt House Amendment A and passing the bill to be engrossed without the amendment.

On motion by Mr. Colcord of Portland, the bill was tabled until the afternoon session.

From the Senate: An Act for the better protection of children and to amend Chapter C of the Revised Statutes, Chapter 63 of the Public Laws of 1907, Chapter 123 of the Public Laws of 1907, and Chapter 169 of the Public Laws of 1909.

In the Senate this bill received its two readings and was passed to be engrossed under suspension of the rules.

On motion of Mr. Thombs of Lincoln, the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

On motion by Mr. Sanborn of South Portland the rules were suspended and that gentleman presented out of order the divided report of the committee on judiciary on bill, An Act to amend the charter of the Portland Water District, majority reporting "ought to pass," minority reporting "ought not to pass."

Mr. Sanborn then moved that the majority report be accepted.

The motion was agreed to and the bill was then tabled for printing under the joint rules.

From the Senate: An Act to amend Section 1 of Chapter 93 of the Revised Statutes, as amended by Chapter 169 of the Public Laws of 1913, relating to the registration of chattel mortgages, Senate Doc. No. 441.

In the Senate this bill received its two readings and was passed to be engrossed under a suspension of the rules.

On motion by Mr. Pierce of Houlton the rules were suspended, the bill received its three several readings at the present time and was passed to be engrossed in concurrence.

Mr. Greeley of Portland moved that bill, An Act to amend the charter of the Portland Water District, House Doc. 232, was taken from the table, and on further

motion by Mr. Greeley the rules were suspended, the bill received its three readings and was passed to be engrossed.

From the Senate: An Act to create the Hartland Water District, Senate Doc. No. 442.

In the Senate, under a suspension of the rules, this bill received its two readings and was passed to be engrossed.

On motion by Mr. Thombs of Lincoln, the rules were suspended and the bill received its two readings at the present time.

Mr. Higgins of Brewer moved that the bill be assigned for this afternoon at 2 o'clock for its third reading.

Mr. Plummer of Lisbon moved that the bill be laid upon the table pending its third reading.

The motion was agreed to.

From the Senate: Resolve to provide for the payment of telephone service for members during the present session of the Legislature, Senate Doc. No. 444.

On motion by Mr. Nicholas of Eastport, the rules were suspended and the resolve received its two readings and was passed to be engrossed in concurrence.

From the Senate: Resolve appropriating money for the purchase of filing cases for the office of the secretary of the Senate and the President of the Senate, Senate Doc. No. 445.

On motion by Mr. Lord of Ellsworth, the rules were suspended, the resolve received its two readings and was passed to be engrossed in concurrence.

From the Senate: Resolve in favor of the official reporter of the Senate, Senate Doc. No. 446.

On motion by Mr. Holt of Skowhegan the rules were suspended and the resolve received its two readings and was passed to be engrossed in concurrence.

From the Senate: Resolve providing a State pension for James B. Smith of Augusta.

In the Senate this resolve was in-

troduced under a suspension of the rules, read twice and passed to be engrossed without reference to a committee.

Mr. Greeley of Portland moved that the rules be suspended and that this resolve be given its two readings at the present time and be passed to be engrossed.

Mr. PLUMMER of Lisbon: Mr. Speaker, in the statement of facts attached to this resolve there appears to be no reason given why this resolve has not been presented before. The time limit for the reception of private and special legislation expired some time ago, and for that reason I object to the receipt at this time of this resolve.

The question being on the motion that the resolve be received under a suspension of the rules,

A viva voce vote being taken, the motion was agreed to.

The resolve then received its two readings and was passed to be engrossed in concurrence.

From the Senate: An Act for the reorganization or consolidation of the railroad companies constituting the Boston and Maine Railroad system, Senate Doc. 397.

On motion by Mr. Pierce of Houlton, under a suspension of the rules, the bill received its three several readings and was passed to be engrossed.

From the Senate: Resolve in favor of C. R. Tupper, for services in formulating bills for the committee on salaries and fees.

In the Senate, under a suspension of the rules, this resolve received its two readings and was passed to be engrossed.

On motion by Mr. Maxwell of Boothbay Harbor, under a suspension of the rules, the resolve received its two readings and was passed to be engrossed in concurrence.

From the Senate: Resolve in favor of the Commissioner of Pharmacy.

In the Senate, under a suspension of the rules, this resolve received its two readings and was passed to be engrossed.

On motion by Mr. Lord of Ellsworth, under a suspension of the rules, the resolve received its two readings and was passed to be engrossed in concurrence.

From the Senate: An Act amendatory of and additional to Chapter 129 of the Public Laws of 1913, entitled "An Act to create a Public Utilities Commission, and prescribing the duties and powers thereof, and to amend certain provisions of the Revised Statutes and of the Public Laws of the State of Maine relating to public utilities."

On motion by Mr. Campbell of Island Falls, under a suspension of the rules, the bill received its three several readings and was passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House majority and minority reports of committee on judiciary on Resolve in favor of Michael Burns, tabled by the gentleman from Bangor, Mr. Conners, pending the acceptance of either report.

Mr. CONNERS: Mr. Speaker, I move that the matter be taken from the table, and I move the adoption of the majority report, "ought not to pass."

Mr. PERKINS of Augusta: Mr. Speaker, I would like to read the resolve, "Resolved that Michael Burns be authorized to bring suit at common law in the Supreme Judicial Court against the State of Maine for damages claimed to have been sustained by him on account of a criminal prosecution begun in the year 1887, and if it appears that such prosecution was begun and carried on by the order of the Executive, that said Burns shall have same right to maintain suit against the State and recover damages that he would have against an individual for the same prosecution when the action is not barred by the statutes of limitations.

"Any damages that may be recovered in such suit shall be payable from the State treasury out of any moneys not otherwise appropriated."

Now Mr. Burns by this resolve does not ask this legislature to reimburse him for damages which he thinks the State owes him. He simply asks that his suit be taken in the courts and be tried out

there. In 1887 Mr. Burns was engaged in the sale of intoxicating liquors in the city of Augusta. These liquors were imported by him from Liverpool in the original unbroken packages. He had complied with the United States revenue laws authorizing him to sell these liquors. The State of Maine at that time, under the statute, allowed him to sell these liquors, and by three published opinions of the Supreme Court of Maine in *State vs. Robinson* 49 Maine 285, *State vs. Blackwell* 65 Maine 556 and *State vs. Intoxicating Liquors* 69 Maine 524. The law laid down in those cases has been followed by other rulings at nisi prius. The county attorney of Kennebec county, the attorney general and the sheriff of Kennebec county knew that Mr. Burns was engaged in an illegal occupation. In June 1887, by order of the Executive, Gov. Bodwell, the county attorney and attorney general were directed to prosecute Burns, and the sheriff on a warrant seized his liquors,—I think 56 cases of rum and 13 cases of whiskey—and the case was brought before the municipal court of Augusta. Mr. Carleton of Winthrop was then county attorney and Mr. Baker was attorney general. Mr. Carleton did not appear but Mr. Baker appeared for the State and the Hon. Herbert M. Heath appeared for the defendant. Mr. Heath cited the decisions of the Supreme Court—these cases which I have referred to also the statutes and the United States statutes. Mr. Baker admitted the facts, but said he would like to have him held and tried out by the Supreme Court. The matter was in litigation for three years and in 1890 the case was settled in the law court by the full bench and I will read you the decision of the court:

"The Maine Supreme Court at its session in this city last week announced its decision in the famous 'original package' case of *State vs. Burns*. The opinion, which is unanimous in favor of Burns, is by Chief Justice Peters and is as follows:

"The undisputed facts in this case show that the liquors which the State claims to confiscate being in the possession of the respondent Burns for unlawful sale, were imported by him from England, were his property, were in the original and unbroken packages and in the same condition as when imported; and that at the

date of the seizure he had them in his possession with the intent to sell the same only in such original and unbroken packages and in the same condition as when imported; and had established himself in a place of business in the city of Augusta for that purpose.

"There is no doubt that formerly it was both the judicial and legislative opinion in this State that such liquors could be legally sold by the importer in the condition as when imported, notwithstanding any general enactments against liquor selling in the State where sold. In *State vs. Robinson*, 49 Maine, 285, Davis J. (in 1862) speaking for the court, said 'Upon this point the line division between the power of the general government and that of the State has been settled. Under the power granted by the Constitution to regulate commerce with other nations, Congress may authorize a person to import intoxicating liquors and to sell the same in the original packages. But here the power of Congress ceases and the jurisdiction of the State begins. *Brown vs. the State of Maryland* 12 Wheat 262.'

No one but the importer himself has the right to sell except as allowed by the laws of the State; and he can sell only in original packages. The power of the State is plenary to regulate or prohibit all sales except such as are there made by the importer himself. Those who purchase from him have no such right to sell. The license cases, 5 Howard, 504. Concurrence in this view will be found in other cases. *State vs. Blackwell*, 65 Maine 556; *State vs. Intoxicating Liquors*, 69 Maine 524; nisi prius rulings to same effect were frequently made.

"The ruling in the present case in the court below was in a measure to test the question whether the principle of the case alluded to in *Brown vs. Maryland* would be sustained as applicable to the facts of the present method, but the case of *Gus Leisy et als vs. Hardin*, just decided by the Supreme Court of the United States on full consideration, seems to clearly settle the question and to require us, as we are bound on such questions by the law as determined by that court, to reverse the rulings below and sustain the law according to the respondent's contention.

"Exception sustained.

"The decision is concurred in by all the judges of this court: viz, Walton, Virgin, Foster, Libby and Emery."

In the Superior Court in 1890 the judge ordered that these liquors be returned to Mr. Burns, but they never have been. I would like now to read you what Mr. Carleton, who was county attorney at that time had to say before the judiciary committee in 1911.

"In equity and good conscience Michael Burns ought to be paid by the State a reasonable sum to compensate him for the amount of money which he was obliged to expend in defending the suit brought against him, and for which he puts in this claim.

"Michael Burns was engaged in an entirely legitimate business, so far as the laws of this State and the United States were concerned; that is, he was selling imported liquors, imported from a foreign country in the unbroken, original packages, which so far as the law was concerned was as legitimate as selling flour. I am able to state that he was thus selling from the original packages from the fact that I was county attorney at the time, and used every endeavor possible to show otherwise.

"I was sent for by Gov. Bodwell, and saw him at the Executive Chamber at the State House. As Governor he directed me, as county attorney, to stop Burns from selling these liquors, and to institute legal proceedings by search and seizure. I told the Governor that I was of the impression that a prosecution must necessarily fail. He informed me that he other information of legal nature upon which he relied, and to go ahead. I went with Sheriff McFadden to procure a warrant, and assisted in the search and seizure when the liquors in the original packages were seized. The result of this seizure is written in the books of decisions of all our courts, and I need not dwell upon that, Mr. McFadden was indemnified by the State for his costs in the matter, and I can see no reason in justice or equity why Michael Burns should not be."

I would also like to read what Mr.

Heath had to say upon the matter at that time.

"I asked Mr. Heath: 'Was Burns the originator of the original package business?' To which he replied 'By no means. In 1862 the Supreme Court of Maine in the Robinson case said an importer could sell in the original packages. Soon after that a firm started in Portland and has continued unmolested to this day, advertising freely in the Portland papers every fresh importation. They have done an extensive business. One Chandler carried on the business in Houlton for years. In a case reported in the 69th Maine, our Supreme Court unanimously decided that Chandler's original packages were not seizable so long as he sold them unbroken. They held the same law in the Blackwell case in the 65th Maine. For 25 years the full court in its opinions, the judges at nisi prius, and the public generally conceded this law. In 1884 an Augusta liquor dealer carried on the same business, until, as the State claimed, he commenced breaking packages. Burns opened in 1887. Burns was a Democrat. That fact should never be forgotten. His prosecution has like charity been made to cover a multitude of sins. To those familiar with the uses the liquor law has been put to in this community, the fictitious excitement created over the Burns case is easily understood. He was doing what others have done for 25 years, selling quarts where they sold barrels. If I should give you the facts as to the inside history of the Burns case they would seem incredible. The claim that our positions destroyed prohibition was ridiculous; if so, prohibition was destroyed long before Burns followed the example of the heavy dealers in Portland and elsewhere."

Now Mr. Burns comes before this legislature simply asking under the circumstances that he be given the right to take his case to the Supreme Judicial Court. Mr. Burns is an old man. He is a veteran of the Civil War, having fought four years and received an honorable discharge. He will not be with us a great while and

it does seem to me that in his last days we ought to grant this reasonable request; and I move you Mr. Speaker, that the minority report be substituted for the majority.

Mr. PERHAM of Woodstock: Mr. Speaker, It seems to me that if Michael Burns is entitled to something from the State of Maine, we should give him something, and not oblige him to go to the court and entangle the State of Maine in a lawsuit. Even if he were successful in that, a great portion of what might justly be due him would have to be paid out to whoever advocated or prosecuted his claim. It seems to me on general principles that the State of Maine should not be involved in petty lawsuits, either to reimburse liquor dealers or any other of the petty business where someone is unable to get what he thinks is right. If they have a just claim let them come to this court, and let this court pass upon it and vote them direct what is their due.

Mr. SANBORN of South Portland: Mr. Speaker, referring to the statement of the gentleman who last spoke (Mr. Perham), as I understand it Mr. Burns has followed the method suggested of presenting that claim to the legislature for a very large number of sessions in the past; and the fact that he has not got results accounts for his present method of procedure.

Mr. PERKINS: Mr. Speaker, I will say that Mr. Burns has been to the legislature many times and asked them to grant him compensation and reimburse him for what he has expended in this matter. I think in 1911 he put in a resolve that his case be allowed to be taken to the court. Now the judiciary committee—the majority report—were in favor of Mr. Burns taking his case to the court two years ago. I think there was only one dissenting opinion on that. This is something that the State owes to Mr. Burns. He was conducting a legal business, and everybody knew it. He was put to the expense of counsel fees and litigation and all that sort of thing, and it seems to me no more than just that this Legislature should

grant him the right to take his case to the court. If the court sees fit to pay him, alright, and if they do not why they need not. It does seem to me that this old man should have the right to take this case to court. Mr. Burns is a good citizen; he is loved by everybody in the community; he has got a big heart; he is an old man; he has fought four years in the war of the Rebellion and it seems no more than right that we should give him this opportunity to take this case to the court.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Connors, that the majority report of the judiciary committee on this resolve, "ought not to pass," be accepted.

Mr. PERKINS: I call for a division of the House.

The SPEAKER: All those in favor of the motion of the gentleman from Bangor that this report "ought not to pass" be accepted will rise and stand in their places until counted.

A division being had, 49 having voted in the affirmative and 64 in the negative,

The motion was lost.

Mr. PERKINS: I now move that the minority report be accepted.

Mr. PERHAM: I ask for a division of the House on its passage.

The SPEAKER: The question before the House is on the motion of the gentleman from August, Mr. Perkins, that the minority report "ought to pass" be accepted. A division of the House is called for. All those in favor of the motion of the gentleman from Augusta, Mr. Perkins, will rise and stand in their places until counted.

A division being had, 63 voted in the affirmative and 60 in the negative.

The motion prevailed and the minority report was accepted.

On further motion by Mr. Perkins the rules were suspended and the resolve received its two several readings and was passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act to amend Sections 17 and 20 of Chapter 41 of the Revised Statutes of 1903 as amended,

relating to the measurement of lobsters, House Doc. No. 895.

In the House, House Amendment A was adopted and this bill was passed to be engrossed, as amended. In the Senate the bill has been indefinitely postponed in non-concurrence.

On motion by Mr. Lewis of North Haven, the House voted to recede and concur with the Senate in indefinite postponement of the bill.

The SPEAKER: The Chair lays before the House report A from committee on ways and bridges reporting "ought to pass" in new draft on Resolve in favor of building a State road from Jackman, in Somerset County, to Rockwood on Moosehead Lake, signed by Messrs. Colby, Burleigh, Besse, Pollard and Cobb; report B on same resolve reporting "ought not to pass", signed by Messrs. Conant, Wilkins, Perham, Durgain and Colcord.

Mr. WILKINS of Jay: Mr. Speaker, I move that Report B be accepted.

Mr. DUTTON of Bingham: Mr. Speaker, I object to the acceptance of report B and move the acceptance of report A and in support of that motion I would like to lay before the members of the House the actual facts connected with this proposed road. I would also like to read to the House the bill as some may not understand what the proposition is. (Mr. Dutton reads Senate Doc. No. 429, also Senate Amendment A to Senate Doc. No. 429, including statement of facts.)

Mr. Speaker and gentlemen of the House, I ask your patience for a few moments while I give you a statement of a few of the conditions that exist in that section:

Only about six years ago the Somerset County Railway extended its line through to Moosehead Lake. It is situated in the center of Moosehead Lake on the west shore near Kineo, at the narrowest part, which is known as one mile distant.

This lake is nearly 40 miles long and nearly 20 miles wide in its widest part, and has almost 400 miles of shore line, and there are nearly 100 islands, large and small, scattered in different parts of the lake.

Rockwood can now boast of quite a settlement. It contains one hotel, which accommodates over 100 people; one boarding house, which accommodates nearly 100 people; and two or three others which have good capacity. The average population is 300. There are about 90 dwelling houses, two large general stores and four smaller ones, telephone and telegraph offices, one Catholic church, one non-sectarian church and a schoolhouse costing over \$5000.

Here is the headquarters of the Great Northern Paper Co., and, in addition to their large stable and other buildings, they have a manufacturing plant which employs a great many people all the year round.

The American Realty Company has established a lumber mill in Rockwood, and have built a stable, houses, cottages for employees, etc.

There is still another saw mill manufacturing lumber owned by John Lamb Co. that is near this station.

The proposed automobile road would connect at Rockwood with another road, so that tourists could go across Moose River on the new steel bridge which was built over same last summer, clear through to what is known as Pittston Farm, 25 miles from Rockwood, and from there they could go to the Seboomook House, which is at the head of Moosehead Lake, 15 miles from Pittston Farm, and at the Pittston Farm connect with another fine road through to Canada Falls.

In addition to the settlement at Rockwood, there are a large number of camps located not far from Kineo Station, in Somerset county, which are filled with people through the spring, summer and fall months. Also there are the West Outlet Camps, which are only a short distance from Rockwood, and, in addition to the West Outlet Camps, there are several new cottages built, and these are occupied throughout the entire summer season.

A summer camp for school boys is located at Rockwood, which has anywhere from 30 to 40 boys during the summer months. A still larger summer school of over 75 boys is located

not far from West Outlet Camps, all of which are in Somerset county.

There are cottages, and one splendidly equipped set of camps, at Brassau Lake, which is only a distance of two or three miles from Rockwood, and on the line of the proposed new road.

The people who live at Rockwood are interested in lumbering, farming, guiding and general work throughout the year around. The summer population is naturally very much larger than that which I have mentioned in this letter.

On account of the expense of getting to Rockwood, this place in the past has been inaccessible to quite a number of the people of the State of Maine, who would like to see this wonderful summer place and its surroundings. With an automobile road it would open up this part of the county, so that owners of inexpensive machines, as well as more expensive ones, could visit Kineo at a very little cost, as it would mean that a great many people all over the State would make arrangement some time during the summer to run up and see this beautiful place, and at the same time they would have an opportunity, at a very small expense, of taking a sail on what is considered the largest and most beautiful inland lake in this whole United States which is entirely within the borders of the United States.

If this Moosehead Lake had been situated in any other State in the Union, it would undoubtedly have had automobile roads built to it, so as to touch its shores in several places, before this date.

Mention should be made of the farming interests at Rockwood. There are now under cultivation, altogether, about 20 farms in the immediate vicinity of this proposed new road. These farms range in value from \$2000 to \$25,000, and in size from 50 up to 400 acres. There are also several farms along the right-of-way between Jackman and Long Pond which are not included in this number. Practically the entire length of the road could be opened up and made into one of the finest farming

sections of Northern Maine, as most of the way it follows right along in the valley of Moose River.

The following is a statement of the amounts which will be contributed to the Jackman-Kineo road, providing the State should make an appropriation of \$22,500 to help build same:

The right-of-way from Jackman to Rockwood, a distance of about thirty miles, will be given, free of expense, by the land owners, and also all the gravel, material, etc., necessary to build this road will be given free.

At \$15 an acre this land would be worth \$36,000, and the price of \$15 an acre is very low, as the road would go through some of the most desirable land that is held by these different land owners.

Rockwood contributes \$10,000; Somerset county \$7500; the town of Jackman \$3000; town of Long Pond \$3000.

In addition to the above, the Great Northern Paper Company has built two miles of the most difficult part of the road so far as expense goes.

Hollingsworth & Whitney Company has built three miles of the road.

All of this will be turned over to the State.

The Great Northern Paper Company has also expended about \$225,000 in building fine gravel roads which connect at Rockwood with the proposed new road, and the traveling public would have the benefit of all this expenditure.

You will note by this statement that outside interests are contributing, directly or indirectly, a total valuation in roads, lands and cash of \$59,500. In addition to this the Great Northern Paper Company has spent about \$225,000 in building highways with which this proposed new road would connect at Rockwood; so that, by the State contributing only the sum of \$22,500 to assist in building this new road, it would open up a territory which will have spent on its roads a total sum of \$284,500.

It is no use perhaps, gentlemen, to call your attention to the advantages which it would be to the people of the entire State of Maine to have this great summer resort country opened up so that automobiles may go through. It is one of the finest countries for summer visitors and summer residents in the State of Maine. We speak of the State of Maine

as being the playground of the nation and gentlemen, if baseball is the national game, then Moosehead Lake is the homeplate and Mt. Kineo the grandstand of the whole game.

There is another side to the proposition which perhaps might well be met. There are large farms near the mouth of Moosehead Lake and around its shores. There are farms on Long Pond. Then we have as natural resources two large water powers, one at the foot of Long Pond and the other on Brassua Lake, Moose river. These water powers can be developed if the road is built through this section. We do not feel that this is a purely local matter. While it would be of direct local benefit to the people of that locality, yet I submit that it is a State-wide proposition and something that can well be considered in no other light. It is not fair to say that it is a local matter for the people of the entire State of Maine and all New England would have use of this road; also automobilists coming through from Canada where they have splendid roads, could easily come through to Rockwood over this road, put their automobiles aboard the steamer, go to Greenville and on down through the eastern part of the State and up into Aroostook county. To my mind it is the best proposition as a road building proposition the State of Maine has had presented to it this year, and I ask you, gentlemen of the House, to be fair with us, to be fair with this proposition, and join with the Senate in the adoption of Report A as submitted.

Mr. PIERCE of Houlton: Mr. Speaker, I do not wish to raise any protest against any appropriation for purposes of this kind. In the first place, personally, I should like very much to see this road built. I have no doubt but what the statements made by the gentleman from Bingham, Mr. Dutton, are in the main correct, and that it would be a good thing to have the State furnish aid for this road. It is a familiar matter to anyone residing in the timberland counties that there are settlements in the State of Maine which are inaccessible except by railroad, because every man living in the timberland counties knows that there are settlements after settlements where a few people are gathered around some

manufacturing industry, where they are almost inaccessible except by railroad communication. It is a very easy matter to make up a case why this would be a good road to build and why it would be a good thing for the State of Maine to do it; but, gentlemen, the situation is simply here, we have about so much money to spend, and the question is what division of that money do we propose to make? We are faced with the position where we are obliged to curtail appropriations to charitable institutions, \$500 here and \$200 in another place in order to help out some of these smaller places. If we are obliged to do that is it proper business for the State of Maine to turn around and appropriate \$22,500 for that road up there? That is the situation which faces us. I also call attention to one other fact—and I do not disagree with a single word which has been said in regard to this road, this would be a good road to build and a good thing to have, but I call the attention of the legislature to this fact, that if you haven't got the money to build anything with you can not build it in that way; and I will also call the attention of the members of this House to the fact that the State of Maine has not got a borrowing capacity like a town. A town can borrow up to five per cent. of its valuation, but the State of Maine can only borrow \$300,000 without a constitutional amendment; that is the limit of the borrowing capacity of this State. Now, if we are going to borrow these amounts it has got to come out of an increased taxation. As I stated here the other day, the sum of \$700,000 has been recommended here by committees over and above what the ten mill tax would produce and that is the assumed indirect revenue of the State for the next two years. It was proposed a short time ago, as it appeared in some of the discussion, that by eliminating from the appropriation from the Home for Feeble-Minded and some other charitable institutions, we could make a saving of about \$275,000. It is a question whether we will take appropriations from the State poor and the people who are confined in institutions through no fault of their own, or whether we will take it from the little towns that can not afford to do very much for themselves. It is very true that this road will be a benefit

to a certain number of farmers up there, but it seems to me the main purpose of this road is to make it an automobile thoroughfare; and it does not seem to me that that purpose would warrant such an expense on the part of the State, and I trust the motion made by the gentleman from Jay, Mr. Wilkins, that the report "ought not to pass," will be accepted.

Mr. THOMBS of Lincoln: Mr. Speaker and gentleman of the House, I am willing to go on record before this body as being in favor of economy first, last and all the time. I am also willing to go on record as being in favor of what I consider to be a fair and decent expenditure of the public money. As the gentleman preceded me said, we have wards of the State who should be looked after, and also I agree with him when he says that there are small towns that need our assistance financially; they do need it and they ought to have it, and I think they are getting it in a fair degree from the members of this Legislature. But I think you have a duty, gentlemen, which you owe to yourselves, and which you owe to your constituents, and which you owe to the State of Maine. I do not believe that you should stay here in a belief in economy, and that alone, and that you should stagnate any section of the State of Maine. I want to say, gentlemen, that I do not come from this particular section; I never have been there, and yet I am not afraid to go back to my constituents and say to them that I stood here and spoke a good word for what I believe to be an advance in the line of progress of the State of Maine. I believe that here is an exceptional place, as has been stated to you by the gentleman from Bingham, Mr. Dutton, where these people are shut in with no highway outlet, and also I believe in what the gentleman from Houlton, Mr. Pierce, has said, that there are many of these places in the State of Maine, and if there are so many of them then I say let the State as quickly as possible give them some kind of relief, give them something that is somewhere near equal to what the rest of us have. I do not believe in this question of stagnation in the

old State of Maine along business and prosperity lines. We have seen, though, our young boys and girls, young men and young women going out of the State of Maine. They have been forced to go out into some other state to make their way, to make their living. What is the reason for that? I believe one reason is the fact that our legislatures and our State as a whole has not adopted progressive legislation and progressive measures. I believe that this Legislature should stand for what is best for the State of Maine, and I believe that you have an opportunity here this morning to put yourselves on record as favoring progressive legislation; I believe that this Legislature should authorize the expenditure of the money asked by this resolve. (Applause.)

Mr. SMITH of Hampden: Mr. Speaker, I have very little to say in regard to this matter. It is a well recognized fact that the State has already voted \$2,000,000 for highways. The chairman of the committee, a well-informed man, a man to whom you all look for consideration in these matters, or at least to whom I looked, told me that he regarded this particular piece of road as being of the least necessity of any of the proposed roads asking for appropriations at the hands of the State at this time. I believe, gentlemen, that we should give great consideration to the question of economy and in that way we will be better considered by our constituents when we go home.

Mr. BESSE of Clinton: Mr. Speaker, I think this is one of the best propositions that has been brought before this House at this session. I cannot quite agree with the gentleman from Hampden, Mr. Smith. This road will open up a large part of the northern section of our State, and it opens up a section which will be traveled by a great many automobiles, by the foreign people who come here; it opens up a large section for fishing and for hunting, and it is also on the main thoroughfare through to Canada from which country there is a great deal of travel. During the last year there were over a thousand cars

which traveled each way over this line between here and Canada. A great many people come down here from Quebec and Montreal, and this road will open up a large section of this country, and I am heartily in favor of the road.

Mr. GERRISH of Greenville: Mr. Speaker, I would like to say just a word upon this matter. It is a well known fact that there are a great many automobile parties, not only from our own State but from different parts of New England that annually make trips to Quebec. The most of this travel goes up through New Hampshire. It seems to be understood or inferred by a great many here that this will benefit just a small local district around this section of Moosehead Lake, but it looks to me as though it would be a good business proposition for the State of Maine if we could turn this automobile traffic from up through New Hampshire so that it would go through the State of Maine, and I am heartily in favor of the report A. There is one other suggestion and that is in regard to the money that has been already pledged by people in that locality, these people may not be in condition to pledge this money at the time when this matter may come up again; also the land owners may not feel like making an appropriation to the extent of \$36,000 and the Great Northern Paper Company may not feel like turning this road over without expense to the State of Maine after it has cost them \$225,000.

Mr. HILL of Corinth: Mr. Speaker, after hearing the argument from both sides, I agree that there may not be any trouble about it if the State Treasury is in condition to pay this money out, but there is one thing to which I object and that is that the State should not be called upon hereafter to pay for fifty per cent. of the care of this road. We took over the Old Town bridge a few years ago, and we have got that on our hands, and I don't believe the State of Maine should be called upon to maintain this road after it has been built.

Mr. HIGGINS of Brewer: Mr.

Speaker, it seems to me that this is one of the best business propositions which has come before this Legislature, and as the hour is getting late I will refrain from anything further.

Mr. COBB of Denmark: Mr. Speaker, as a member of the committee on ways and bridges I wish to say that I am in the summer resort business and I have spent a great deal of money in building up my business, and I know that any money spent in development of this kind of an enterprise will bring returns. We have been told about this great inland lake, with four hundred miles of shore, and only one approach to it. It seems to me it would be only good business management if we should arrange so that it would be easy for automobile traffic to reach this locality from all over the country, and I most heartily trust that this measure will be adopted and that this road may be built.

The SPEAKER: The Chair will rule that the House must first act upon report A, which report was adopted in the Senate and comes down for concurrence.

Mr. Dutton of Bingham moved that when the vote is taken it be taken by a division of the House.

The question being on the adoption of Report A, reporting "ought to pass,"

A division being had, 79 voted in the affirmative and 40 in the negative.

So report A was adopted.

On motion by Mr. Higgins of Brewer, the House voted to take a recess until two o'clock in the afternoon.

Afternoon Session

Mr. HIGGINS of Brewer: At the time of taking our recess I supposed that Senate Doc. No. 429, resolve relating to the Jackman road had received its several readings, and I therefore move at this time that the rules be suspended and that the resolve be given its second reading and be passed to be engrossed.

On motion by Mr. Higgins Senate Amendment A was adopted in concurrence, and on further motion by the same gentleman the resolve received its second reading and was

passed to be engrossed under a suspension of the rules.

The SPEAKER: The Chair lays before the House Resolve appropriating money for the construction of one brick dormitory for the inmates at the Maine School for Feeble minded, Senate Doc. 362. In the House this resolve was indefinitely postponed; it now comes from the Senate that branch voting to insist upon its action and asking for a committee of conference, and with a committee named in that branch.

On motion by Mr. Pierce of Houlton the House voted to join a committee of conference.

The Speaker thereupon joined as such committee on the part of the House Messrs. Pierce of Houlton, Plummer of Losbon and Perham of Woodstock.

The SPEAKER: The Chair lays before the House, bill, An Act to amend Section 17 of Chapter 80 of the Revised Statutes, relating to the authority of the county commissioners of Cumberland County to raise money by temporary loan, House Doc. 858. In the House this bill was passed to be engrossed as amended by Senate amendment A.

Mr. SANBORN of South Portland: Mr. Speaker, I think I can make the matter entirely clear, which I will do after moving that we do now concur with the Senate in the adoption of Senate Amendment A. The situation is that for many years the commissioners of the county of Cumberland have not had authority to borrow in a temporary loan in anticipation of taxes exceeding the sum of \$50,000 in any one year. The business of the county has grown so that it is now exceedingly difficult for obligations to be met with a loan of \$50,000. Last year, in fact, quite a number of bills had to be deferred on that account; and it is a fact that in the near future it will be impossible to transact the business of the county unless they can have a leeway of more than \$50,000 for their temporary loan. In the first place the bill was drawn authorizing the county commissioners to borrow \$75,000 and after-

wards it was discovered that the original act conferring that authority upon the county commissioners had been amended by including with it the county of Kennebec, and fixing the amount of \$50,000 which the county of Kennebec might borrow; so that the bill as drawn for Cumberland county having been drawn without regard for the latter act would have given a great deal of trouble for the revision committee, and there was no disposition to interfere or disturb the county of Kennebec, and consequently an amendment has been drawn striking it out, so as to include as it should both the county of Cumberland and the county of Kennebec, leaving the county of Kennebec as it is now and raising the county of Cumberland to \$75,000, so that the amendment will carry out exactly the provisions of the bill as originally intended.

On motion by Mr. Sanborn, the vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted in concurrence, and on further motion by Mr. Sanborn the resolve was passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House bill, An Act providing for the temporary licensing of automobiles and motor vehicles.

In the House this bill was passed to be engrossed; it now comes from the Senate amended by Senate amendment A.

On motion by Mr. Roberts of Portland, the vote was reconsidered whereby the bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and on further motion by Mr. Roberts the bill was passed to be engrossed as amended.

From the Senate: Report of the committee on judiciary reporting in new draft under same title bill, An Act to amend Section one of Chapter 244 of the Laws of 1909, relating to the transmission of electric power beyond the confines of the State, and that it "ought to pass."

In the Senate this report was accepted and the bill was indefinitely postponed.

Mr. Goodwin of Mexico moved that the bill be laid upon the table.

Subsequently that gentleman withdrew his motion.

On motion by Mr. Hanson of Sanford, the House voted to concur with the Senate in the indefinite postponement of the bill.

The SPEAKER: The House will now recur to the matters upon the printed calendar. The Chair lays before the House, bill, An Act to grant a new charter to the city of Bangor, tabled by the gentleman from Bangor, Mr. Connors, the pending question being the third reading of the bill.

Mr. Connors moved that the bill receive its third reading.

Mr. Robinson of Bangor offered House Amendment A, to amend by adding "this act shall take effect when adopted by a majority of the legal voters of the city of Bangor at an election duly called for that purpose."

Mr. ROBINSON: Mr. Speaker and gentlemen of the House, I have had no opportunity to prepare any speech or argument upon this matter, so I shall submit briefly a statement of facts as the same has been presented to me by the people of Bangor who seem to be opposed not to the charter, but they are proposing to have it sent back to them without their having an opportunity to refer it to the people for either their confirmation or rejection. There have been sent to me several petitions, one in particular from the members of the Penobscot Bar, in which they say: "We, the undersigned, members of the Penobscot Bar, residents of the city of Bangor, respectfully petition the legislature of the State of Maine that the change of charter of said city be submitted to the people of the city of Bangor for a vote thereon." This petition is signed by a number of prominent members of the bar in Penobscot county. I have also a petition signed by the Democratic city committee of the city of Bangor, signed by seven of its members; I have also a petition here signed by the Republican city committee of Bangor, signed by six of its members, and there has been sent to a me a letter from the seventh

member of that committee; I have also a petition signed by the present city council, 21 out of 28 having signed the petition. I wish to read a section from the Governor's Message to this legislature, delivered on the seventh day of January last, which I believe pertains to this question now before this House:

"There are other cases where laws have been enacted through the influence of party politicians, affecting adversely the interests of municipalities, and have become mandatory without the consent of the citizens or even the municipal officers. Care should be taken that such mandatory laws shall not become effective until accepted by the municipal officers at least, thus supporting the principles of home rule when practicable.

"Private and special bills should, therefore, be scrutinized carefully, and general laws affecting the whole State should not be easily enacted. The old idea, often expressed in these halls, that every legislator is entitled to at least one bill, is as unreasonable as it is unsafe."

I believe this House is willing to assume that I have been pretty familiar and pretty close to the people of Bangor, especially in the last few weeks. I have heard expressions of opinion from all classes of people, professional men, working men and mechanics, and I speak advisedly when I say that, judging from the sentiment as it has been expressed to me, a vast majority of the people of Bangor ask this legislature to return this charter to them with a referendum that they may have an opportunity either to accept or to reject it. It will be urged that a large majority of the committee have favored this charter. I want to say, in connection with that, that it is not any surprise to me and I do not believe it is any surprise to any of the gentlemen of this committee who have been active in the work of this committee during this session. I know that my friend from Bangor and my neighbor, Mr. Connors, has been not only House chairman of that committee but he has been an honored member of that committee, and he is an agreeable gentleman, and it is not at all surprising to me that they should join him in helping to give

this charter, and I should feel if I had been in his place and had not received that courtesy that something was wrong.

Now, gentlemen, there are nine living ex-mayors of the city of Bangor, and six of them have sent word to me that they favor this referendum and ask this legislature to send this charter back to the city of Bangor with this referendum attached; and that is all they ask, and that is all the people of Bangor want at this time, and I hope this House today looks at this thing precisely as I do. We have here four representatives from Bangor, and I seem to be the only one who takes this view of the question. I shall leave it, however, to the good judgment of this House to act as they believe will be just to the good people of the city of Bangor.

The SPEAKER: The Chair wishes to call the attention of the gentleman from Bangor, Mr. Robinson, to the fact that the amendment offered here is not in proper form. The Chair has allowed the discussion to go on because the substance of the amendment indicates what the amendment should be, and the gentleman will have an opportunity to correct the amendment.

Mr. CONNERS of Bangor: Mr. Speaker, the amendment as offered to House Bill No. 920, takes us back substantially to the question which should have arisen before the House upon the acceptance of either the majority or minority report. The judiciary committee before which this matter was pending sent back a divided report. The reports differed only in that the new draft A did not contain a referendum and the new draft B did contain a referendum under Section 83. The two reports outside of that one feature were identical. At the time the matter came up I moved the acceptance of the majority report and expected the matter would be discussed at that time. However, no question being raised, it went through in the usual order; so that, as I say, substantially the question is as to whether or not we shall agree with the majority or the minority report. The majority report was signed by eight members of the committee,

and the minority report was signed by two members.

It might not be amiss for me at this time to go somewhat briefly into the question of commission government; and I realize that it is not a question for this House to decide, whether commission government is a good form of government. According to my information, commission government in this country was first known in 1900. At that time the city of Galveston petitioned the legislature to have a commission appointed by the government. The reason for this was that they had suffered a great calamity there, and they wanted a commission which could act quickly and not be subjected to long delays. This commission of five men was appointed, and they carried on the government for that and the succeeding year, and, as I understand, some of the original commissioners are still in office. Other cities hearing of the good results obtained in Galveston took up the question and, after looking into it thoroughly, have adopted it, so that in January of this year, according to my information, there were 359 cities and towns in the United States operating under a commission form of government in one way or another. Of course they are not identical with this particular style of government.

The movement in Bangor was started in the fall of 1912, during the regime of ex-Mayor Mullin, and at that time the city council voted to authorize Mayor Mullin to appoint a committee to draw up a new charter for the city of Bangor. That was done and a charter was submitted in the spring of 1913. The municipal election of Bangor occurs the second Monday in March, and this report was made some time in February, so that there would not be much time to lay the matter before the voters. At the election in March, 1913, this question of a new charter was voted upon, and 1100 voters at that election declared themselves in favor of a charter substantially the same as this charter. That was two years ago this spring. At that time the legislature, of which I was a member, was then in session, but the men who were behind the movement and who were supporting it did not feel that the voters had ex-

pressed sufficient sentiment to submit the matter to the legislature of that year, and there was nothing done towards submitting it to the legislature then in session. However, that year what was known as the Committee of One Hundred was formed and took the matter up and started a campaign. That was a committee of public explanation and information, and the idea was simply to explain to the citizens of Bangor what the charter was and what it called for. The owners of two of the daily papers in Bangor were opposed to this form of government, so that in order to get the matter before the people intelligently, it was necessary to issue what were called bulletins. These bulletins took up the matter and explained the different provisions, calling attention to the different cities which had a commission form of government. There were three of these bulletins published at different times. In addition to that a copy of that charter was mailed to each voter in the city some time before election day, so that when election day came one year ago this month every voter in the city of Bangor had ample opportunity to acquaint himself with the provisions of this charter, and if they did not do so it was because they did not take interest enough in the matter.

In the spring election of 1914 the matter was put up to the voters and this question was printed on the ballots: "Shall we, the voters of Bangor, petition the next session of the legislature to enact as a law the commission government charter, or so-called modern charter, for the city of Bangor, adopted by the charter revision committee appointed by Mayor Mullin November, 1912, and presented to the Bangor city government in November, 1913, and adopted by the committee of one hundred of the citizens of Bangor on December 11th, 1913?" There was no question of whether it should come back to the people or not. Men reading that would certainly understand that if we did vote to petition the legislature to give us this charter they meant to give it to us and not have us vote upon it two or three times more. The idea was that the voters would not petition this legislature to enact this char-

ter as a law until the majority of the people wanted it. The result of that vote was 2457 voting yes and 1985 voting no, a majority of about 485 votes; and that is the charter which we have before us today with the exception of one section.

I would like to say just a word about the men who favored and the men who opposed this proposition, but I want you to understand that the only question before this House is whether or not there shall be a referendum. There is no difference in the charter. At the hearing before the judiciary committee approximately 125 citizens of Bangor appeared in favor of this proposition. Those were business men and professional men, and men in the different walks of life, 125 men, substantially five per cent of the men who voted and signified their intention and their willingness to have this charter were here interested in the matter. In opposition there appeared a certain gentleman who has appeared here every week during the present session of this legislature objecting to something or other, and it is getting to be a sort of habit with him, and over our way it is getting to be a slogan that "If you want to push something through, get Bass to oppose it." There appeared, as I say, in opposition to this matter Mr. Bass and two or three men working on his paper, and the only objection that was raised outside of the general discussion was in relation to this section No. 78, under the heading of "Municipal Ownership." Both papers in Bangor oppose this matter and have from the start. They did not give any reason, but they have simply been opposed to this charter, and to everybody who is interested in it, claiming that the 2500 men who voted for it in the spring election of 1914 are all schemers. However, gentlemen, they are the men who are doing business over there, and most of them are men who have resided there and who have done their business there all their lives. I have here a list containing the names of a great number of business men and also a large number of attorneys of the Penobscot Bar; and not all of the attorneys of the Penobscot Bar are opposed to this measure, as you would be given to understand. Also I have

a petition signed by 19 out of 20 members of the Penobscot County Delegation. The twentieth man was my colleague from Bangor (Mr. Robinson) who has already spoken. I suppose you all know that my colleague is at present the mayor of the city of Bangor. I want to read to you from an editorial in the Commercial of March 24th, 1915:

**"BANGOR AND COMMISSION
CHARTER.**

"That the views of the voters of this city on the question of whether or not Bangor shall adopt the Commission form of government have undergone a radical change from a year ago, was clearly shown by the vote for mayor on the 8th inst., when Mr. Utterback, Independent, who represented the Commission form issue, was defeated by Mr. Robinson, Democrat, by the very decisive plurality of 450, the vote being: Robinson, Democrat, 2,005; Utterback, Independent, 1,575; Kirstein, Republican, 1,339. The combined Democratic and Republican vote was 3,344, or more than twice as many votes as were cast for Mr. Utterback. In 1914 the vote for mayor was: Utterback, Independent, 2,165; Stanford, Republican, 1,340; and Pierce, Democrat, 1,018. Mr. Utterback's plurality was \$25."

Now, gentlemen, I think I have put this matter before you as I honestly believe the situation to be in Bangor. I will say that I have always been a resident there, and I hope always to be a resident of Bangor. My father has been there since 1836 and is still there, and practically every dollar he has got in the world is invested in real estate in the city of Bangor, and it is not very likely that I would try to present something here which would be hostile to the interests of my own city.

Mr. GALLAGHER of Bangor: Mr. Speaker and gentlemen of the House, let me say a word to you about Bangor and its people; we are a city of about 25,000 inhabitants located on the Penobscot river at its junction with the Kenduskeag river, as beautiful and ideal a spot as God's sun ever shone upon, and the 25,000 people who make their home in this city are as good and as worthy of respect as any equal number no matter where lo-

cated. They maintain 20 churches, many of the edifices magnificent in design and architectural proportions, and these churches attended by devout congregations and presided over by God-fearing and God-loving men. We have more than the usual number of charitable organizations supported in whole or in part by the good people of Bangor, included in these are two orphan asylums, two hospitals, home for aged men, home for aged women, a hospital for the tubercular, a "Good Samaritan" home, a "King's Daughters" home, an Associated Charities and many other religious and charitable institutions, reaching out and doing a world of good not only for the unfortunate of Bangor and vicinity, but also to the people of a great part of our State. Mr. Speaker and gentlemen, we love our city and are proud of its people. Our schools, we claim, are second to none in New England, presided over by as good a corps of teachers as it is possible to procure, our scholars housed in buildings for the most part of the latest and most modern construction, nearly all of them built of brick and with the most up-to-date equipment. Beside our public schools we have a private school in the Y. M. C. A. building, a new and spacious private school on Somerset street, in the so-called aristocratic section of our city, a beautiful stone Parochial school building on the west side of our city and a new and modern brick school building worth more than \$100,000 in St. John's parish on the easterly side of our city, and I may say incidentally that in this building alone are being educated more than 650 children of the citizens of Bangor and the State of Maine in "reading, writing and arithmetic" as well as in morals, religion and patriotism and that without a cent of expense to the State or to the city of Bangor.

We have fraternal organizations, societies and clubs most of them doing good work along their lines. We have a beautiful and expensive public library with stack comfortably filled with the best literature; we have the U. of Maine Law School and a Theological Seminary. Our public

park system is one that a city twice as large might well be proud of; we own a municipal water plant and a municipal lighting system. I trust that this enumeration of a few of the good points in our favor does not tire you and I further trust and pray that it will prompt you to think of Bangor as she really is, a clean, progressive city inhabited by a clean, progressive people, and also prompt you to forget some of the harsh things that have been said about our fair city by certain people in the heat of argument and in their enthusiasm for some desired reform. I believe there are as many strong and temperate men and as many good and virtuous women in the city of Bangor, the city of my birth, as there are in any city of its size in these broad United States. I am proud of my city and proud of its people. We want you to believe that we are as good and as intelligent as the average community. I will admit we are not all perfect and that possibly a few are bad, but I am not going to abuse a single individual in our city and yet, even under these circumstances, I am afraid I shall receive abuse from certain people who will agree with me on all I may say about Bangor but who may differ with me as to the best method of government for our city. We ask you to grant to us a charter and that charter one that was endorsed at the polls in one of the largest votes ever cast in our city by about 500 majority—the people of Bangor knew what they were voting for because each voter in the city had a copy of the same in his possession several weeks before the vote was taken. The extraordinary large vote cast is proof positive that they were interested and knew what they were voting for. Mr. Speaker and gentlemen, we make no charges of corruption or rottenness on the part of our city officials. The charge has been made that our city has become extravagant. Have you ever seen communities that have become extravagant without being absolutely dishonest? Of course you have. The charge of extravagance was made against the administration of last year, and yet, virtually the

same heads of departments have been elected this year and doubtless the same extravagances, that both the local papers called attention to, will exist this year under the present charter. The proponents of the new charter believe that under its provisions the affairs of our municipality could and would be conducted in a more up-to-date and businesslike manner than it is possible to do under the present charter. I will call your attention to a few figures and from them I ask you to draw your own conclusions. Our assessed valuation and amount raised by taxation has been as follows:

	Valuation	Taxes	Rate
In 1893,	\$12,656,698	\$293,867	2.30
" 1903,	15,970,000	337,385	2.00
" 1913,	23,934,305	717,737	2.90

Last year the tax rate was 2.30, and the valuation was about \$25,000,000. You will notice that the valuation today is about 100 per cent more than it was 1893, and it is also a fact that our population has increased only about 20 per cent; if you consider these figures carefully I believe you will all agree that a change would be beneficial or at least will agree that we should have an opportunity to try under a different method. The people of Bangor have told you what they desire by a majority of five hundred votes, four of the five representatives to this legislature from Bangor ask you to grant us this charter; under it no rights that are now possessed by the voters will be denied, on the contrary I believe it will safeguard all their interests to a much greater extent than they are safeguarded at present and give them a greater measure of control over their affairs than they now possess. I regret my inability to place this plain business proposition before you in a manner worthy of the great subject and worthy of this honorable body, but at an age when most of you were at school, I was at work on the Bangor boom with calks in my shoes and with two ambitions in my head, one of them was to keep on the dry side of the log and the other was to do the best I could for my employers. The booms of the

Penobscot river have graduated many good men; men who are as reliable and conscientious as the graduate of colleges. On this occasion I regret I have not the ability possessed by some of them, but I want you to believe that I am fairly reliable and conscientious when I say that I think the majority report represents the right side of this question and it is my desire to do what is expected of me by the people I represent.

I will delay you now only long enough to say Mr. Speaker and Gentlemen, that I believe if you grant this charter as recommended you will be doing what a majority of the citizens of Bangor want you to do, and that your action will not be regretted, remembering that in granting this charter you are neither abridging the rights of the people of any other community nor denying them any measures of self government they now possess. You will simply say to Bangor "Go ahead, work out your own destiny, we have confidence in you."

The SPEAKER: The Chair will read the amendment as presented by the gentleman from Bangor, Mr. Robinson. Amend House Doc. No. 920, by adding the following Section. "Section 82. This act shall take effect when approved by a majority of the legal voters of the city of Bangor at a special election called by the municipal officers of said city for that purpose, said election to be held on the second Tuesday of September, A. D. 1915."

Mr. GREENLEAF of Portland: Mr. Speaker, I know that this House has the highest respect and confidence in the intelligence, integrity, moral and upright standing of the entire Penobscot County Delegation, and it seems to me that the discussion in this matter has diverted somewhat from the real issue that is before the House. It is not worth while to discuss here the merits or demerits of this charter; the charter will probably be accepted by the city of Bangor, and if it is a document that is satisfactory to that city it ought and must be satisfactory to us because they are the ones who are asking for it and whom

it is to cover. The strongest appeal as it strikes me comes from the highest representatives, and that is with no disrespect to any of the other gentlemen from the same locality, but it comes from the highest authority, the exponent, if you please, of the city of Bangor, its present mayor. He asks only that this shall be referred—and this referendum is a people's measure, and that it is right and fair that it should go back to them, and then if the charter is adopted as it undoubtedly will be, the people of Bangor will have no protest and no excuse and no reflection upon this House, and will not be able to say that this House crowded a document in relation to their government down their throats. It is not a question in my mind as to what this charter should do; it is not a question on the merits of the charter, it is simply a question as presented by the mayor of that city here (Mr. Robinson) that you give to them the right and the privilege that the people of Bangor shall have the opportunity to vote upon it as a referendum; it will clear him and it will clear all the other representatives from Bangor and the Penobscot County Delegation, and it will clear us here and all the other delegations, and we simply say to them that this is a charter which you can have if you want it; we are not forcing this upon you, we are simply acting in our capacity as legislators in allowing you to act. This is a measure of the people, and I say to you, gentlemen, that I should do the same if any other member of the Bangor Delegation were the mayor of that city, and I am doing no more for the present mayor of Bangor than I would do if any other gentleman from Bangor were occupying the same position and in the same capacity in which he represents it. (Applause.)

Mr. McCARTY of Lewiston: Mr. Speaker, as one of the members of the committee who signed the majority report in this matter, I feel now that discussion has gone beyond the limits of Bangor and that it is proper that I should say a word in support of the report which I signed with

seven others of the committee. I agree with the gentleman from Bangor, Mr. Conners, that I have the greatest of respect for the integrity and honor of the Penobscot County Delegation, without specially designating anyone in particular. It does not make any difference to me what position or positions members of this House occupy in public life outside of their position here, it does not make any difference, and I do not think it ought to make much difference to any of the members of this House whether a person is mayor or whether he occupies any other high public office, the fact that he occupies a higher office than the majority of the members of this House should not be considered so far as we are concerned; we are all sitting here absolutely equal: position does not give us any more influence and it should not be taken into consideration in passing upon the merits or the demerits of any question that may come before us.

I agree with the gentleman from Portland, Mr. Greenleaf, that it is not a question of the merit of this bill that we are discussing now. Personally I have a great deal of respect for the initiative and the referendum, but regardless of what my own personal opinion upon that law may be, that may be entirely ignored. When this hearing was held before the committee of which I was a member there was a large representation from the city of Bangor present, and I do not remember of any valid argument against the charter as it was embodied in that bill. It is true that three or four citizens of Bangor spoke against it in a general way and they could find nothing in the bill which was a serious consideration for objection, so that it was assumed by the committee that the charter itself was a satisfactory bill to the voters of the city of Bangor.

Now the question came up in regard to the referendum, and I will say also that there was one objection raised in regard to the question of municipal ownership embodied in a section of that bill. That objection has been already met; and the objec-

tion raised by the opponents of the bill at that time has been cured by the judiciary committee and has been entirely eliminated from the bill which is now before the House for consideration.

The question of the referendum is a matter which has been brought up. Are we who are opposed to the referendum on this bill trying to force something upon the citizens of Bangor that they themselves are surprised at? Are we the members of the Legislature trying to dictate to the city of Bangor what it shall have in the light of a city charter? Gentlemen, this is not a new question to the voters of Bangor. It is now two years old. The question as to whether they should change their charter or not was considered by them in 1913, and at that time 1100 voters of that city said they wanted a change. I do not know anything about the political affairs of Bangor, and perhaps it is as well that I do not. This committee that was gotten together drafted a bill providing for a commission form of government, and when the municipal election of 1914 came along several weeks before that time that ballot printed in exactly the same form as it came to the committee on judiciary was placed in the hands of every legal voter of the city of Bangor. Talk about your referendum. Didn't they have a referendum when election day came along? Not a day's notice, but several weeks' notice, and 4442 of the citizens of that city voted upon that question. The result of that vote was a majority of almost 500 in favor of this bill, a decidedly large percentage of the total vote voting on the referendum. I ask you, gentlemen, if that is not a fair enough referendum? They went through their referendum in 1913, and they went through it in 1914, and adopted this charter to a majority of 500. Why do they want to send it back again? I don't know. It is a very strange thing when you hear petitions read here, and you begin to think that perhaps the parties want it back in Bangor again. As they say, the judiciary committee have given this matter their best thought.

and they have decided, and it is only fair that this proposition should go through and be decided by this Legislature inasmuch as it has already been decided by the voters of Bangor; and I trust that this amendment will not be adopted.

Mr. HILL of Corinth: Mr. Speaker, I have listened to the arguments upon both sides and they have told you the merits and demerits of this question. That is not the question at issue here. It is a question of whether the people of Bangor want to change their charter or not. In 1913 they elected a Republican mayor; in 1914 they voted again and elected an independent man for mayor; in 1915, they elected a Democratic mayor of the city. Now, are you going to tell them what they wanted in 1914, what they wanted in 1914 or in 1915? They have presented here petitions, both sides have presented petitions, and what does that signify? I could go out here and get a petition signed by every member of this House to hang a man. People sign petitions that are presented to them. The only question here is whether they want this charter now, not at any other time. I am in favor of trusting the people about it every time.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen of the House, This matter is of so great importance that I trust you will bear with me just a moment. I am a resident of the northern part of Penobscot county, but I transact business in Bangor and am in and out of Bangor a great deal.

The importance of this matter was brought to the attention of the Penobscot delegation quite early in the session. I want to say to you gentlemen that I had some doubt about this matter, and I have endeavored since that time to ascertain what seemed to me to be the sentiment and position of the people of Bangor on this matter. I do not believe there is a gentleman in this House who does not believe in the initiative and referendum. I believe that you all do; and, if you do not, I must say that I think you are out of tune and out of

line with the modern thought of the day; but I want to say to you, gentlemen, that to my mind there is no distinction as to whether you have a referendum previous to the legislature passing upon this question or afterwards. It has been told you here this afternoon by the various speakers that one year ago this present month at an election held in Bangor the citizens expressed their opinion upon this charter. Now it occurred to me this winter when the matter was being agitated that twelve months is quite a period of time, and that possibly there had been a change of sentiment in Bangor; and, taking that as my cue, I have followed it from that time to the present, and, as I have been in conversation with people in Bangor, I have put this question to them. I have asked them, "do you feel, sir, that there has been a change in sentiment in Bangor with respect to this question in the last twelve months?" And, gentlemen, for your information I desire to give you my information on that point, because I know that each and every one of you are endeavoring to do the right thing by those people down in Penobscot county; and I say to you gentlemen that where one has said that there has been a little change in his mind, four have told me "I think the commission form of government is favored by more than ever," and those who have said or acknowledge that there have been some defections from it, have said "we have gained others to take their place." Now I give this to you as I have received it from those people for what it is worth, and I trust it may be of some little advantage to you in making up your minds as to what is the right course to pursue on this question.

Mr. SANBORN of South Portland: Mr. Speaker, I want in just a few words to express the view which I took of the matter in signing the majority report, which I did; and I want to say at the outset that I do not believe that I was actuated in this matter by any feeling of friendship for the member of the committee from Penobscot county, although I would

go as far in the matter of friendship for him as I would for any other member of the committee or any other member of this House. The view which I took was this: This legislature would not of its own initiative prepare and submit to any city for its determination by its own vote a new charter. This legislature would only act, and did only act, in response to a distinct, clear and unequivocal request from the city of Bangor; and, as I understood it, the request that came to this legislature was that it should enact and make into law the charter which that committee had prepared and which the people of Bangor had endorsed. I did not understand that we were asked to give our consent for them to vote once more on the question. I understood that we were asked to enact that charter into law, and I believe that is the form in which the request came to us; and, if we were to return it to them for another vote, we would not be complying with the request that was made of us. That was all there was to it, to my mind.

I want to add just one word, however, in the way of caution against the adoption of this amendment in the form in which it is prepared, a form which I am rather inclined to believe to be due to someone's inexperience in drafting rather than any intended misrepresentation. But you will observe, as your attention has been called to it by the gentleman from Bangor, Mr. Gallagher, that, as it is worded, it asks for a majority of the voters of Bangor; and we have been told that 4500 is a good sized vote to get out there, which would mean that 3000 out of 4500 must vote affirmatively if the referendum were to be in the form it is now. It certainly should provide for its adoption by a majority vote,—not by a majority of all the voters. It seems to me that we do not need the amendment at all.

Mr. GREENLEAF of Portland: Mr. Speaker, just one thing which occurs to me now which I forgot before. I understand that this committee has taken out one sharp fin of this bill,

and that is municipal ownership. Now isn't it possible that what Bangor was voting on was municipal ownership?

Mr. CONNERS of Bangor: Mr. Speaker, the charter as it is submitted in draft A does contain a clause about municipal ownership and it is necessary that it should be so because Bangor owned a municipal water works and supplies water to the inhabitants of the city and also power works and supplies municipal lighting. As I said in my first remarks the only change that was made in that section was to eliminate some of the particular powers which were given in the original draft, and which upon close investigation to the men who were behind the charter it appeared that they did not need them. Now possibly during this discussion it has occurred to the minds of some of the gentlemen why do we object to another referendum even if we have had one. In a few words, gentlemen, I will say that one reason for this is that aside from the fact that we feel that we have had a referendum and a decisive vote on the question, still there is the unfair opposition of both the local papers which makes the matter of another referendum just added expense; that is, it is not possible to bring the matter before the people through the medium of the papers which we ordinarily call upon for such things, but it is necessary to publish these bulletins and do all the advertising and explanations through the mails, and the expense falls upon the men who are interested in the movement. The expense to date has all fallen upon a comparatively few men; although in this connection I will say that it is no one class, or the controlling class, the richer class if you will, that wants this. I will say that at one stage of the proceedings funds were a bit low during the campaign, and we let it be known that small contributions would be accepted in order to defray expenses. At the office maintained by the secretary of this committee it was a common occurrence for days and days to have the workingmen come in and say "I am interested in municipal government. I haven't got much money to

give, but I want to give a dollar towards putting it before the people in a fair way," and many men passed out a dollar in that way. I know that from being at the headquarters myself. When the question is put, Mr. Speaker, I ask for a division of the House.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Robinson, who moves the adoption of House Amendment A to House Doc. No. 920. All those in favor of the motion that this amendment be adopted will rise and stand in their places until counted and the tellers will return the count.

A division being had, 35 voted in the affirmative and 77 in the negative.

So the motion was lost.

On motion by Mr. Connors of Bangor, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House, bill, An Act to provide for the disposition of contraband liquors, House Doc. No. 890, tabled by the gentleman from Portland, Mr. Greenleaf, the pending question being the third reading of the bill.

Mr. GREENLEAF: Mr. Speaker, I now move that it be indefinitely postponed, and I yielded to the gentleman from Corinth, Mr. Hill.

Mr. HILL of Corinth: Mr. Speaker and gentlemen of the House, I put this in here by request. When a sheriff seizes a lot of contraband liquor, he turns it over and his duty then ceases, and the boards of county commissioners then dispose of it according to law. Now you may believe me that a large portion of the liquor seized, the best of it, never goes back to Boston; that is one thing certain. I was in a neighboring county a few years ago visiting a man whose son-in-law had been sheriff of an adjoining county. Now I am not exactly teetotaler and I was asked to take something. He stepped along to a closet and he had it full, although that was two years after his son-in-law had gone out of business. He told me where he got it. Now, gentlemen, this bill does not effect anybody who is honest. It effects no honest sheriff in any county

where liquor is seized in large quantities, but it does put a safeguard on the handling of what is seized. It is returned to the county commissioners and there are three of them, and it is harder for them to combine in a matter of this kind than for one man to handle it. So far as I am concerned personally I do not care what you do with the bill.

Mr. SANBORN of South Portland: Mr. Speaker, I want to call attention to the wording of the act—"Contraband liquor seized in violation of the prohibitory law." I do not know who is seizing liquors in violation of the law. I thought they were acting according to law when they sized liquors. Does this mean the liquors which they seize unlawfully? It is so worded. It seems to me there is enough right there on the face of the act to condemn it and send it to the waste basket.

Mr. GREENLEAF: Mr. Speaker, I do not profess to know very much about contraband liquors, or any other liquors; but it struck me that his bill placed a little stigma perhaps upon officers in certain localities, or perhaps I ought to put it in the single locality, for I know of none other. This is the only one I ever heard of where the officers held back some of the liquor for their personal use. The serious objection to this bill is in the dividing of the responsibility. The law is safe enough where it is, and as the gentleman from South Portland (Mr. Sanborn) wisely suggests it would encourage others—if it has any tendency towards encouragement—and the responsibility would be divided, and the county commissioners would say "We never had your rum," and the sheriff or his deputies would say "We turned it over to you" and then they would get together and say they never had it. Their defence to that issue would be like the man who is tried in court for larceny of a kettle. He had three defences. He first said the kettle was cracked when he had it, the second defence was that the kettle was old when he returned it and his defence was that he never had the kettle.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Greenleaf, that this bill be indefinitely postponed.

A viva voce vote being taken, the bill was indefinitely postponed.

The SPEAKER: The Chair lays before the House, Senate Order just received. Ordered, whereas the mayor and the Music Commission of the city of Portland gave a special invitation to each member of the 77th Legislature to be present with ladies at a grand concert in the City hall auditorium, Portland, on February 18, 1915, and

Whereas, many members availed themselves of the privileges to attend this splendid entertainment.

Ordered, that the Senate and House by the passage of this order give further expression of their thanks and their deep appreciation of the thoughtfulness and courtesy on the part of those who extended the above invitation.

This order was passed in the Senate and sent down for concurrence.

The order received a passage in concurrence by a rising vote.

Mr. Lombard of Old Orchard presented out of order by unanimous consent and under suspension of the rules, bill, An Act to establish a minimum wage for State House employees.

On further motion by Mr. Lombard the bill received its three several readings under a suspension of the rules and without reference to a committee, and was passed to be engrossed.

Mr. Bonney of Bowdoinham presented out of order by unanimous consent report of committee of conference on the disagreeing action of the two branches of the Legislature on House Doc. No. 722, bill, An Act directing the insurance commissioner to abrogate the license of foreign insurance companies under certain conditions, and asks leave to report same in a new draft under same title and that the same "ought to pass." (Tabled by Mr. Higgins of Brewer, until tomorrow morning.)

Mr. HARADEN of Bath: Mr. Speaker, I would like at this time to present a special act with the emergency clause at-

tached to it. I will state that the recorder of the Bath police court died last week. His salary for many years past has been \$75 per year. The position has been held by an old gentleman during many years. It is impossible to get any one in Bath competent to accept the position for \$75 per year, and I believe the lowest amount for such positions in the State is from \$300 to \$600. If it is in order and the rules can be suspended and this act passed, I assure you it would be appreciated by the city of Bath. The act is to amend Chapter 330 of the Private and Special Laws of 1903, relating to the salary of the recorder of the Bath municipal court.

The SPEAKER: The Chair will state for the information of the gentleman from Bath, Mr. Haraden, that if the gentleman desires an emergency clause attached, Section two is not in proper form and would have to be redrafted. The Chair understands that the gentleman from Bath, Mr. Haraden, desires to withdraw it and present it later.

The SPEAKER: The Chair lays before the House bill, An Act to incorporate the Bath Water District, House Doc. No. 832, tabled by the gentleman from Brewer, Mr. Higgins, the pending question being the adoption of an amendment.

Mr. HIGGINS: Mr. Speaker and gentlemen of the House, I tabled this bill last Friday in view of the fact that there was so few members present. (This amendment was introduced by the gentleman from Lisbon, Mr. Plummer, the gentleman from Bath, both parties, in the matter of the water district were so agreeable to the bill that I saw no call for the introduction of the amendment and on conversing with the representatives from Bath I find the same thing to be true at this time, therefore I move that the amendment be not adopted.

Mr. PLUMMER of Lisbon: Mr. Speaker, I desire before speaking on the merits of the amendment to call the attention of the House to one fact, or at least one point, that seems to me to be a fact, and that is that this House is not here to ratify agreements between the city of Bath or any of its representatives. This House is

here, as I understand it, to pass such legislation as is deemed to be in the interest of the people of the State of Maine, and I trust, gentlemen, that the fact that certain people who purport to represent the city of Bath are opposed to this amendment may not of itself have undue weight in your minds. I would like to say further in this connection, that even with the adoption of this amendment, there is nothing in the charter which will prevent the city of Bath from carrying out, if it so desires, any agreement into which it or its representatives may have entered with the Maine Water Company. With this preliminary explanation I will pass to a discussion of the merits of the amendment, and I trust those of you who were here Friday may bear with me as patiently as possible if I shall repeat some things which I uttered at that time.

House Doc. No. 892 is the ordinary form of document so far as I understand which has been passed by the legislatures of the State of Maine where districts wish to take over a water plant which has been in operation. As you know, gentlemen, under these charters the city of Portland probably paid a quarter of a million dollars more than the judgment of a good many people who are in a position to know think it ought to have paid. The city of Waterville, or the Kennebec Water District, paid a considerable sum more than the worth of the plant. The city of Auburn paid a considerable sum more than the worth of the plant. The town of Brunswick, or the Topsham Water District, paid more than the worth of the plant as it existed. It bought a lot of junk which it immediately proceeded to throw away and which stands there today. You can see it from the railroad or from the highway and it stands there today utterly unused and falling down. Now, gentlemen, the question before us today is whether in the future we shall compel municipal and water districts who wish to enter into the business of supplying water to their inhabitants,—whether we shall compel them to pay a price which is altogether out of reason for the property they ac-

quire. This Maine Water Company, so far as the city of Bath is concerned, is operating under a charter which was issued some time in the eighties. The plant was installed somewhere about 1885 or 1887, some thirty years ago. Now a franchise, gentlemen, in my judgment is only a delegation of a right which exists in the people of the State as a whole to use some particular thing. It is a delegation of that right or that power to certain people, or to a corporation, to do that act in certain localities. It is a grant, I say, of a power of the people as a whole. It is a loan, gentlemen, not a gift, and whenever the State of Maine sees fit, in whatever manner it sees fit, it can revoke that charter or it can amend it; and as a matter of fact by the statute, I think Chapter 47, Section 2 of the Revised Statutes, all the charters granted since 1831 may be amended or may be repealed, and the company which is holding them has no appeal from that. That is a right that is reserved to the Legislature. Furthermore the Constitution says that corporations however formed shall be forever subject to the general laws of the State. The question then comes before us gentlemen in this way; as the charter at the present time exists, it provides that the city of Bath may not install a water system of its own or the Bath Water District may not install a water system until it has purchased either by written agreement between it and the Maine Water Company until it has purchased or taken by the right of eminent domain the Maine Water Company. Now if it takes by the right of eminent domain, it is provided by this bill that it shall be left to three appraisers to be appointed by the court, and the court will issue instructions to those appraisers that in valuing this plant there shall be taken into consideration not only the physical property itself, not only its value as a going concern, but also whatever rights or franchises it has from the State of Maine—those things which are revocable and which belong to the State; and if they do not belong to the State the State has no

right to take them back. Now this amendment of mine provides that before the said water district shall construct any plant under the conditions of this act it shall purchase the plant and the property of the Maine Water Company provided the said company desires to sell. It then states what the procedure shall be, that when this act takes effect in accordance with a certain section, the city clerk shall notify the water company and within thirty days the water company shall signify in writing to said clerk its design to sell, that it wants to sell. Then if they can not agree upon a price it shall be left to three appraisers; and here, gentlemen, comes the meat of the whole proposition, and here is the point to which the water company and all those who are aligned with vested interests are opposed, and it is a point to which even the representatives of the city of Bath, and those who are appointed to draw up this charter, as I understand it, object. "Provided, however, that such values shall be estimated by said appraisers without enhancement on account of future earning capacity or on account of the franchise of said company." Now these people, many of them, appear to think that this is altogether a new proposition. I have here a document which legally substantiates my position, and I speak now to the legal profession represented on this floor. It is as good authority, probably, as can be found in the United States of America, and that is as good as any where in the world. It is 168 Massachusetts reports, page 541, the case of Newburyport Water Company vs. the City of Newburyport. An Act was passed by the Legislature which to all intents and purposes was substantially the same as this amendment, that is, so far as it related to this particular proposition, and it stated in the exact words of this amendment that such value shall be estimated "without enhancement on account of future earning capacity or good will"—I have left out the good will part here—"or on account of the franchise of said company." Now the appraisers brought in to the court the

appraisal on which they had valued the plant, and the appraisal when it was ratified by the court was to be final. Now then the appraisers said that the elements they took into consideration in estimating the value of the plant were "One, cost of reproduction of all that part of the physical plant used in pumping and delivering water, less any depreciation. Two, all lands and buildings and easements in and to lands used for piping, and other appliances of the water company, not included within the real estate connected with the pumping station. Three, the personal property. Four, all books and plans conveyed to the city. Five, water collected in the reservoir and wells upon the date of the transfer. Six, the water right of the company taking into account not only the land, reservoir, dams, and everything else that created the water right, but also the quantity and quality of water that gathers at this point, and its adaptability to the purposes for which it was in use when sold."

They say: "We further find that the plant was a going concern and in full operation at the time of the transfer,—one that had been tested by experience and with which the city could begin the immediate prosecution of the business of supplying water to the established connections for domestic and municipal purposes (including in the latter hydrant services), and upon an examination of these facts are of opinion that the property had a greater value for the purposes of its use by the city by reason thereof, than if the plant had not been in full operation, and that this should be considered in passing upon the value of the entire plant. This enhancement we have fixed upon as adding to the value of the property the sum of \$40,000."

Now, Mr. Speaker, they report something here which I am unable to locate now. They did not take into consideration any part of the franchise value or the future earning capacity of the company. There were present at the hearing of this case Chief Justice Field and Associate Justices Allen, Holmes, Knowlton and Barker. The

opinion was written by Mr. Justice Holmes, who is now a member of the Supreme Court of the United States. He says: "The price to be paid by the city of Newburyport to the Newburyport Water Company for what it purchases under St. 1894, C. 474, is not left to the discretion of the commissioners. A rule is given to them by the statute, and it is not improper that the manner in which that rule has been interpreted and carried out should be reported for the supervision of this court before the acceptance of their report." "The commissioners state the elements of valuation which they have taken into account. In addition to the value of tangible property and easements they have allowed \$40,000 for the fact that the plant was a going concern and in full operation. They have allowed for everything for which the petitioner was entitled to be paid. They have approached the question in the manner in which it was within their discretion to approach it. If capitalizing profits would give a much greater excess over the value of the land, water easements, and plant of the company than the commissioners allowed, the reasons are to be found in the franchise and monopoly of the company, in its right to lay pipes in the street, and partly perhaps in the personal skill of the management, none of which are things for which the city is to pay." Just listen to that, gentlemen, and if any of these gentlemen who are to oppose this proposition can quote any better language than that I should be glad to listen to them. But they will not find it, gentlemen, because it is not to be found. They may bring up the case which I have cited to you of the Kennebec Water District, vs. the water company wherein instructions were issued as I say by the court as to what should be paid them by the right of eminent domain, and I do not question that decision; but the question for you now, gentlemen, is whether you will oblige the city of Bath to take it under the right of eminent domain. There is nothing in this amendment—if the city of Bath desires to take it and to run the risk

of paying that exorbitant price—which will prevent it. But there is in that amendment that which will prevent the city of Bath from paying this if they do not want to do so.

One other thing, gentlemen, I want to call attention to, and that is that water companies are not altogether benevolent and altruistic. They are not altogether gotten up for that particular purpose. They are there to do business, and they are there when they get ready to get all the money that they can out of the city of Bath. This same Maine Water Company has been before this Legislature, before the committee on interior waters, and they desired a charter to go way up to Sabbathday Lake, up around New Gloucester, about thirty miles. They said they wanted to take water to run down to the city of Bath. Now one of these representatives from Bath in this Legislature stated publicly, so I am informed, before that committee that the only object that company had in seeking a charter to go to Sabbathday Lake was that it might have more franchise to be taken into consideration when the appraisers came to value what should be taken over by the city. Those are the gentlemen who come here and want you to deal fairly with them because they have this franchise, this right, not a right, gentlemen, but a privilege—this franchise that has been loaned them and which they have been exercising there for 25 or 30 years. These same gentlemen come here and say that you ought to pay that to them because forsooth a lot of women and orphans over the State own it. Now the orphans are pretty old men and I have here somewhere a list of the officers of the company and I just want to call your attention to their names. Some of them you may know. There is Mr. Samuel C. Manley of Augusta, a director, Arthur S. Bosworth, Weston Lewis of Gardiner, A. S. Maxey of Gardiner, William D. Sewall of Bath. Now gentlemen, these poor orphans come here and say that you must not do this, and those same gentlemen seek to make this city of Bath pay them that much extra. The point

about it is this: so far as I am personally concerned I do not care what the city of Bath pays the Maine Water Company for the water works. It can pay a million dollars, or more or less, just as suits the people of Bath. I do not consider it any of my business but it is my business, gentlemen, whether I shall compel them to pay for a franchise which has been loaned to the Maine Water Company by the people of the State of Maine. I want here now and today to shape a policy for the future of this State, and I want these corporations when they begin to do business to go into it on the understanding that any time the people want to take it over it shall be turned over; that the people shall pay them the full value for what they have that belongs to them, that they put into it, but not pay them for anything that we let them that belongs to us. (Applause.)

Mr. CORLISS of Bath: Mr. Speaker, I wish to say a few words in behalf of the Bath Water District. The Brunswick and Topsham Water District was formerly a part of the Bath district and owned by the Maine Water Company. The first company that put in this system was an outside company, afterwards called the Bath Water Supply Company, I think that was afterwards transferred to the Maine Water Company. The supply came from a brook located about half way from Bath to Brunswick. When they took on the town of Brunswick, the brook was said not to furnish a sufficient quantity so they voted to increase the supply and took water from Oquossoc Pond and supplied both towns. They had to cross the Kennebec river, in fact they have three pipes across the Kennebec river at the present time. They also have to cross the New Meadows River. The water comes from the old pumping station at Thompson's Brook and crosses the New Meadows river. From Oquossoc it has to cross the Kennebec river. Now when the Brunswick Water District was set off that left Bath alone. I think outside of Bath at the present time that the Maine Water Com-

pany handles only one other system, that at Calais. Now the people at Bath thought it would be a good thing to own their water supply, and they made a move to start a water district. The city government appointed a committee of five prominent citizens, including the mayor, to draft a bill. They met several times, and after considerable discussion and consideration, drafted this bill which is along the line of all the water district bills. The city of Bath would like to have this bill passed without the amendment, as the amendment may possibly lose us the bill because it may possibly be declared unconstitutional or something of that kind. The contract between the Maine Water Company and the city of Bath was for thirty years, and that contract expires the coming summer. That is one reason why we want this water district. If the amendment is tacked on we are liable to lose the entire bill and I hope the amendment will not receive a passage.

Mr. HARADEN of Bath: Mr. Speaker, of course it would be useless for me to stand before the House and argue this question after listening to this human encyclopaedia of law and rules. I have always known him to be a doctor of medicine but I never knew he was a doctor of law. I wish to state that I honestly believe that there is merit in his amendment and I recognize his intention. In speaking of this bill I have not prepared one word. I will simply state that many interested in the bill came to my house, particularly Sunday, and asked me to insist that the bill pass as originally made. That bill was drawn by five or six of the representative people of Bath appointed by the city government. They conferred with the water district, or its representatives who agreed not to appear before the Legislature in opposition to the measure. The bill went along on its passage in the Senate until it reached the scrutiny of the gentleman from Lisbon and now at the eleventh hour he attaches to that bill this amendment. I ask you, gentlemen, if it is justice. We will admit what he says

about those corporations as a rule; but is it justice at this late hour when they have no right of appeal to attack such an amendment? I will conclude by saying that the citizens of Bath want this bill passed. All we ask of you is to leave it to us with that bill in our hands that we may be able to make a better trade than they have in the past with the Maine Water Company. We want that bill. It is a private matter and I hope this amendment will not prevail.

Mr. ST. CLAIR of Calais: Mr. Speaker, the gentleman from Bath, Mr. Haraden, in the last of his remarks has said enough to condemn the bill anyway. The proposition as stated by the gentleman from Lisbon, Mr. Plummer, is correct. It is a legal proposition, reported by the highest legal authority in the country. The object of this amendment is to receive at a proper valuation that water system down there and no gentleman in this House, it seems to me, should object to an amendment of that kind. As the gentleman from Lisbon well says if the city of Bath wants to put any fancy price on that and pay something over to these poor orphans or the others connected with that water district more than their system is worth, why they can do it and make them a present of it, but he is opposed to passing any legislation which would seem to compel the city of Bath to do that or any other city in the State of Maine; and I am too. The courts have given us a measure of valuation of corporations of this nature, and I think the safe thing for the Legislature of the State of Maine to do is to travel the road that the courts have pointed out, and not take any road that has been blocked out or blazed out through the swamps. Mr. Speaker, the fact that five or six gentlemen down in the city of Bath got together with some members of this corporation and put up a bill by which they could sell their system is no reason why it should be adopted by this Legislature, but is a reason why we should look at it with some degree of suspicion. We are passing bills to protect communities in the State of Maine. It seems to me this is rather a queer proposi-

tion to put up to us, and I hope the gentlemen of the House will stand by the gentleman from Lisbon, Mr. Plummer, and vote for his amendment. It is just and proper and for the interests of the citizens of the State of Maine and the people of Bath.

Mr. HIGGINS of Brewer: Mr. Speaker, I made a motion to indefinitely postpone the amendment of the gentleman from Lisbon, Mr. Plummer, when the bill went on the table last week, Friday. There was a pending motion that the amendment be adopted. That being the case, I presume I would be out of order in offering my motion and I would simply say that I hope the motion of the gentleman from Lisbon made last Friday will not prevail.

Mr. PIERCE of Houlton: Mr. Speaker, I have no intention of wearying this House with a matter of constitutional law. It is a matter of law which a great many people think never should have been devised, but be that as it may, it is something which we have to contend with. I can not believe that the gentleman from Calais, Mr. St. Clair, good lawyer as he is, thinks that the Legislature has any right to alter the rule of damages on account of condemnation proceedings. It has always been the law in this country that you could not take property away from people without making them just compensation. The State of Maine has laid down a set of rules as to what constitutes due compensation. Now whether or no the Legislature has a right to revoke the charter or the franchise of the Maine Water Company is a matter which is not now before this House; but this much I think any lawyer will tell you that so long as that charter is in force and effect it is impossible for the Legislature in any way to alter the rule of damages under which the city of Bath must pay if they take this property over. I do not believe it to be a reasonable assumption that these two gentlemen, members of this Legislature, who have been here all winter, are parties to any corrupt arrangement to enrich the Maine Water Company at the expense of others, their

own fellow citizens and the municipality which they represent. I do not believe it a reasonable assumption that the city solicitor of that city, an attorney of standing in this State, is a party to the construction of a bill which takes away from his city a right which it properly has. As I say, I will not enter into the constitutional feature at all; I am not prepared to do so. It is a matter which I would not enter into without thorough and careful preparation either in this House or anywhere else. But I do believe that when their contract with this Maine Water Company runs out this coming summer, when they are going to be at the mercy of this Maine Water Company for their water supply, that you are working an unjust hardship upon the citizens of that city if you adopt this amendment. I do not say whether this amendment is law or is not law. I do say that it is seriously questioned by a large number of good lawyers and in the language of the city solicitor of that city it would seriously injure the proposed bill to insert this amendment. I hope it will not prevail.

Mr. PLUMMER: Mr. Speaker, I want to say just one word to correct what seems to be a false impression conveyed to the House by both the gentlemen from Bath, Mr. Haraden, and the gentleman from Houlton, Mr. Pierce. The question of constitutional proceeding does not come into this amendment. There is no question in this amendment of condemnation proceedings. The only question raised by it is this: under the old law the city of Bath could not engage in the business of supplying water until it has either bought or taken by condemnation the property of the company. Under this amendment the city may buy out the company by agreement. It may condemn or it must buy if the company wants to sell; but if the company does not desire to sell then the city may go ahead and install a system of water works in its own streets, and that is all there is to this amendment. Now, gentlemen, do not get confused about it. The only question here is whether or not, provided the

Maine Water Company does not desire to sell its plant, the city of Bath shall have a right to go ahead and put in its own water works. That is the question and the Maine Water Company can not hold up the city of Bath either by hydrant rental or by an exorbitant price to get rid of paying exorbitant hydrant rental. The constitutional question of taking private property for public uses does not enter in, and it is so held in this decision as follows: "It must be remembered that the transaction before us springs out of a voluntary offer by the petitioner to sell upon the statutory terms, and therefore there is no reason to try and bend those terms in its favor. Of course, an offer by a water company made under the threat of municipal competition and to avoid ruin might be voluntary only in Maine. But we have no reason to assume in this case that the petitioner is the victim of robbery, and must treat it as having acted of its free choice in fact as well as in form." There is the law for you, gentlemen, and you need not bother about hunting up any decision of the Supreme Court of Maine for you can hunt a thousand years and not find one.

Mr. HARADEN: Mr. Speaker, I ask for a division of the House.

The SPEAKER: The question before the House is upon the adoption of House Amendment A to House Bill 892, and the motion of the Gentleman from Lisbon is that this amendment be adopted. A division has been called for. All those in favor of adopting House Amendment A will rise and stand in their places until counted and the tellers will return the count.

A division being had, 36 voted in the affirmative and 58 in the negative.

So the amendment was rejected.

On motion by Mr. Corliss of Bath the bill then had its third reading and was passed to be engrossed.

Mr. LOMBARD of Old Orchard: Mr. Speaker, a matter has been called to my attention which perhaps should be called to the attention of the House. I refer to House Doc. No. 885, which was passed to be engrossed, referring to the temporary

licensing of automobiles, and there was an amendment presented. The amendment which was presented required that the tag issued should be returned within seven days and the bill itself stipulates that such tags are good for seven days for use on automobiles. Now the proposition comes up, how would it be possible to return this within seven days if it is good for use for seven days? I have no objection to the amendment only in so far as it is inconsistent with the terms of the bill, and I move that we reconsider the vote whereby this bill was passed to be engrossed as amended.

The motion was agreed to.

On motion by the same gentleman the action of the House was reconsidered whereby Senate Amendment A was adopted in concurrence.

On further motion by the same gentleman the matter was tabled until tomorrow morning.

On motion by Mr. Haraden of Bath, unanimous consent was given him to present a bill out of order, bill, An Act to amend Chapter 330 of the Private and Special Laws of 1903, relating to the salary of the recorder of the Bath municipal court, under suspension of the rules.

On further motion by the same gentleman the bill then had its three several readings and was passed to be engrossed.

On motion by Mr. Higgins of Brewer, House Doc. No. 964, bill, An Act relating to the Grindstone Boom Company, was taken from the table.

Mr. CAMPBELL, of Island Falls: Mr. Speaker, I move at this time that report A "ought to pass" be accepted.

Mr. HIGGINS of Brewer: Mr. Speaker, on the proposition to accept Report A, I want to say that I tabled this bill on account of the fact that it interested the people of Penobscot county very much; and, as the members of the Judiciary Committee who signed Report B were very busy at that time, I deemed it advisable to table the bill in order that I might look into it and ascertain the wishes of my constituents in regard to it. On my return to the House this morning, I find on my desk, as you all did, several circulars, which I will not take the time, owing to the lateness of the hour, to read; but I

simply call your attention to those circulars, and, while the proponents of this bill are friends of mine, and men for whom I have the highest respect, I am still here to do my duty for my constituents and the State of Maine as I see it. It seems to me, Mr. Speaker and gentlemen of the House, that the circulars on our desks are more or less misleading,—“all pulp wood and ties on the East Branch are being handled now without difficulty. Railroad ties are taken from the river, and have been by contractors and operators for the last two years without hindrance.” The incorporators of the Boom Company have not shown me, any one of them, their permits; they have not shown me that they own any land, and they have not shown me that they have any pulp wood or ties. The company, it seems to me, therefore, Mr. Speaker and gentlemen, is simply a driving company. If necessary, it must drive the pulp wood and ties the entire length of the river. The East Branch Logging Company, to which reference is made in the circulars on our desks, is a mutual one, made up of log owners and operators on the river. Whatever is done is by vote of and for the benefit of all; and there are members in this House who have received letters and communications from the small operators. Now I want to say to you, Mr. Speaker and gentlemen of this House, that the land-owner is not objecting to this bill. Why should he? He has nothing at stake. It is the operators; and, as I say to you, this East Branch Log Driving Company is a mutual affair for the big fellow and the little fellow, notwithstanding these circulars. As I said before, it is not the land-owner, but the operator who is objecting to the passage of this bill. At present, logs and other lumber from the East Branch are distributed the entire length of the Penobscot river. The boom rights named in the circulars here have been granted to those ownings mills on the rivers where they are exercised, or to those contemplating the erection of mills; and I want to call your attention to the circular wherein it refers to a certain corporation which had similar rights; but I also want to call your attention,

gentlemen, to the fact that all of these concerns are now operating mills of some kind or have in contemplation the erection and operation of mills. Therefore, Mr. Speaker and gentlemen of this House, I trust that the time has not arrived when we shall grant to this company this privilege. I hope the motion of the gentleman from Island Falls (Mr. Campbell) will not prevail.

Mr. DAVIS of Old Town: Mr. Speaker, I have driven the East Branch, and know the conditions of the river. In Grand Lake dam they will plug and jam, and, if they extend the boom across the river to stop those logs when they are sluicing from Grand Lake dam,—they sluice something like two and three million a day when they have good luck and the wind allows it,—they would back up a long way, the railroad ties and pulp wood would have to be sorted out, and it might delay the drive a long time. Under those conditions, the East Branch drive would be liable to be hung up by low water, and I cannot see any reason why after the East Branch drive goes by, those people cannot drive behind the East Branch drive after they pass the fall where they intend to boom. After the drive passes Grindstone that water still runs until those logs are in the different booms,—Nebraska, Argyle and Pea Cove booms—a good many miles down the river. Now those people have plenty of time to drive in those ties after they pass there, and I do not think it is right that they should take 17 miles of shore above Grindstone. If they should ever want to develop that water power, they would not have any shore-room after this company had taken 17 miles of the shore provided they wanted to erect a mill there. I do not think this charter ought to be granted.

Mr. BONNEY of Bowdoinham: Mr. Speaker, I want to say just a word on this bill because I happen to know that country so well up on the East Branch there. I have hunted all over that section, and I know something of the lumber operations in the State today as they are carried on, because

I have visited some of the large camps and know the conditions under which their lumber is cut. I think you will all agree with me that this is true: About the only thing left for the small operator today is to go in and cut pulp wood or get out railroad ties or cut telephone poles. Twenty-five, thirty or fifty years ago a man would go into the woods with a crew of men and buy his stumpage rights, perhaps put in twenty, thirty or fifty men and ten pair of horses, and do his little lumbering operation and make some money. Now everybody knows that the large concerns have got hold of the timber, and the small fellow cannot go into the woods and make a dollar. There is nothing left for him to do but to go in and cut those sleepers, as I have said before, or this pulp wood. Now all these people want is an opportunity to run this short lumber down that East Branch from the mouth of the Sebøeis to Grindstone, where it can be taken out by rail to the mills. That will not interfere in any sense with the Penobscot Log Driving Company. People already have rights on the river despite this Log Driving Company, and they are simply asking us to give them the right to go in there, put piers on the shores, and put in small booms to sidetrack some of this short lumber. This is the fact of the matter.

Mr. WESCOTT of Bluehill: Mr. Speaker and gentlemen of the House: I have just a few suggestions that I wish to make. As I understand it, this charter is asked for by the incorporators to assist the pulp-wood and railroad tie business on the East Branch of the Penobscot river. Originally, if I am correct, a bill was introduced copied from and similar to many such charters which have been granted on most of the navigable rivers and streams of this State. It is a perfectly fair proposition. The incorporators were not associated with or part of any powerful group of timber land owners or wealthy corporations. They are independent business men seeking to protect the short lumber business on the East Branch. This pulp wood and railroad tie business is wholly

distinct from the log or long lumber business. Short lumber cannot be handled on any river in the same way as long lumber. Objection was raised at the hearing because the people interested in this charter were not big enough to warrant giving them charter rights. Such objections were fully answered at the hearing and a new draft of the bill submitted, which made it in effect a public service corporation, and which put the business under the supervision of the Public Utilities Commission.

As the bill comes to this Legislature, it gives all parties a right to use the works and improvements built. The corporation asks no one to use its piers and booms, but provides that all may use at a price fixed by the Public Utilities Commission.

The rights asked for do not conflict with the right of the East Branch Driving Company. The Driving Company cannot and would not handle the kinds of lumber for which this charter is designed. Now if I am wrong I would like to be corrected; but, as I understand it, certain big timber land interests object because the right to use the shores is asked. If the shores cannot be used, the business cannot be done. If legal right to use the shores in places along the river is not given them, any owner of land could charge such a price for the right to go to and from the piers and booms as to be prohibitive. This charter asks rights granted many times, and leaves the price or damage to the county commissioners. A few land owners object because the charter stops them from charging the business on the river an unreasonable price for shore rights. The river is a highway and should be open to all to do business on. Now it is plainly obvious that arbitrary and selfish shore owners without a charter is granted could curtail the use of the river and seriously hamper the short lumber business.

The business to be done on the East Branch of the Penobscot river will each year in the future be a larger percentage of pulp wood, railroad ties and telegraph poles, which cannot be driven to Bangor Boom, but must be

taken out of the water at Grindstone and shipped by rail. This charter is to hold short lumber at such few places on the river as holding ground is available. On the East Branch of the Penobscot between Grindstone and Seboeis river holding ground is limited by reason of the current.

Now it looks to me that a few selfish land owners should not be allowed to hold up business by unreasonable shore rentals. A log driving company desiring everything to go to Bangor boom should not be allowed to dominate the river. Remember that the Grindstone Boom Company is a public service corporation which all may use. Of course we are all in favor of large corporations doing a large business; but it looks to me as though the small fellow should have a chance also.

Mr. CONNERS of Bangor: Mr. Speaker, as a member of the committee before which this matter was heard, I would like to say a few words as to why I think the bill should not pass. The gentleman from Bluehill (Mr. Wescott) has said the big corporations should not be given a monopoly. Now this East Branch Log Driving Company is not necessarily a big corporation which is swallowing up other smaller operators. Rather, it is a mutual association of log drivers, a mutual company, membership in which is open to all men driving or owning lumber and driving along that river. It is composed of men from Bangor and men from other sections who own timber lands up along that river—the East Branch of the Penobscot. The long lumber which comes down there is driven along to Grand Lake dam, and over the dam, and a great portion of it is held in booms between Grand Lake dam and Grindstone. It is let out into the main river, and eventually a great portion of it reaches Bangor. Now the log driving industry as carried on by the East Branch Log Driving Company is a big industry and it is a big industry all along the Penobscot and one that the people are interested in. The only regret is that it seems to be falling off in recent years. It is not a case of crowding out the small operator. I

say before we pass a bill like this, let the people come to us and ask for a charter who have been injured in some way. There is no evidence before this committee, or before this House that any individual or any set of individuals have been injured in any of their rights. They have not come here and told us that they have been hindered in driving their pulpwood or sleepers. They are asking for big rights here, gentlemen, they are asking the right to erect piers and to erect booms and they are asking you to incorporate them into a company making their capital stock \$10,000. Now how much can they do in the way of improvements, and erecting booms and piers with \$10,000? If they carry out what they propose to do they should erect their dam at Grindstone. They say that if they obstruct the rights of the East Branch Log Driving Company or anybody else that that company will have redress. How much redress will they have against a company which is incorporated for that comparatively small amount? I say "comparatively small amount" because I want you to consider that the East Branch Log Driving Company and the men composing it are conducting big operations which mean a good deal to the people of that community and to the lumber industry in the State of Maine. Probably one-half the lumber which is sawed for the entire year on the Penobscot, at least in the tide water mills of the Penobscot, comes down the East Branch. It did not appear either in evidence, gentlemen, that the incorporators in this bill had any special timber rights along the East Branch. I believe Mr. Halbert P. Gardner said he had certain rights within the term of permit. Granting that, he has no ownership of land along there, and therefore I do not see how he is hindered in any of his rights. I do not think it has appeared who are the owners except the elder Mr. Gardner. It has been mentioned that he is a timberland owner, but it does not appear to what extent. Gentlemen, I repeat that my great objection to granting anything of this kind is that these people come here and ask us to give them some right, and claim

that the small men are being crowded out before they can show that they have ever operated there and been put to any damage or been hindered in any way in getting their drive down that river. I therefore object to the adoption of report A.

Mr. LAWRENCE of Fairfield: Mr. Speaker, I do not approve of doing anything to damage any large corporation like the Penobscot Driving Company; but if we can do anything to improve the condition of the small operator without damaging them it seems to me it would be a benefit. This Grindstone Boom Company, as I understand, does not propose to build a boom across the river with piers; they propose to build what we call pocket booms to hold pulpwood four feet long, sleepers or telephone poles. Now to hold them they must have a logan or an eddy in the river; and as I understand where they propose to build their first pocket boom the river is about 300 feet wide and they do not propose, as I understand it, to go more than 150 feet into the current. That would leave a clear space of 150 feet for the long logs to go through down the river. I have heard that there were piers erected just above the railroad bridge at Grindstone—jam piers—where the log driving company would have no objection to their putting in booms I suppose, but I do not see what good they would do them. They would be too near the falls and the current would be too strong. I understand that they wish to build some along there to take out their pulpwood and ties for shipment away on the cars. The reason why they wish 17 miles of the river, as I understand it, is that you have got to build the pocket booms in the eddies and logans. You cannot build them on the points or in the currents. I have a little map of the river there and it looks to me as if the places where they could build those booms would be very few indeed. It certainly seems to me as though it would hurt the log driving company, however, I have been told that they propose to run their drive after the log driving company had gone through. If they did, it would not

disturb them a particle as I can see.

Mr. PERHAM of Woodstock: Mr. Speaker: Men who go into the woods in that section tell me that the woods there are full of pulp and railroad ties all prepared for market. Now you all know that that is all there is left after the big logging companies get through. It seems to me that it is necessary to have our pulpwood gotten out and our railroad ties got to market,—just as necessary as it is the big logs. It seems to me that they should have a fair chance on these great public highways of our State, and I do not think that any corporation should have the right to go in and utilize them for their own benefit to the exclusion of others.

Mr. SANBORN of South Portland: Mr. Speaker: I dislike very much to undertake to discuss a proposition as to which I know so little as I do about this one; but I did listen very attentively to all that was brought out at the hearing, and I have listened with some attention to what has been said here today. I have not heard a single thing inconsistent with the impression I received before that hearing which impression was this: That there were large wealthy interests in that upper Penobscot region which had been enjoying the privileges of that river without let or hindrance, and somehow they are afraid that the granting of this charter will let somebody else in on to this public highway. Under the decisions of our courts that river is nothing else than a public highway open and free to all usage and the granting of this charter would let somebody in that would in some way at some time inconvenience them a little bit. They do not like to be inconvenienced even. Now a few things that have been said here this afternoon seem to me to be quite consistent with that view. It has been said that this company if chartered will go on the river and will interfere with driving these logs. The first answer to that is that, being a highway, and open to all, no one has the right to interfere with or obstruct passage any more than you or I in a wagon in the road have the right legally to interfere with the passage of other teams. We simply have got to get out of the

way and let them pass. If, as they say, it is so small a thing as to be insignificant, certainly it could not do very much in the way of impeding the progress of their logs. Then they say if you do impede us, if you do hinder us, you are a company without assets and would not be able to respond in damages. Now I may be incorrectly informed, but, as I understand it, the log driving company itself is a company without assets though made up of these wealthy and powerful timberland owners so it is as broad as it is long. The argument seems to be exactly like that heard here two years ago so many times when a small company asked the right to develop a little water power out in the country somewhere to light a small village and the big company invariably came in and spent half the time explaining how much it would damage them on account of the magnitude of the enterprises in which they were engaged while the other half of the time they spent in explaining that the water power they wanted to develop would not in fact develop twenty-five horsepower—two absolutely inconsistent propositions. I am unable to see anything in this discussion that does not seem to be just that. They say it is terrible for this company to get shore rights along 17 miles of that river; but when you think that in that 17 miles there are not more than two or three places where it is practicable to build their side booms, then this becomes necessary. I cannot see anything which would possibly be inimical or hostile in any way to the rights of the companies already doing business on the river, and I certainly can see where if those people are not granted this charter they will be still kept in the position they are now. It has been said: "Why, they are not operating, they are not doing business, they do not have permits, they do not need anything; What are they there for anyway?" The fact is they do not operate because they cannot do so until they get the right to erect their booms and piers, they cannot get that unless we grant it to them. That is the reason why they have not gone into business. When the question is raised whether or not they own timberland, I do not know about

that. The charter incorporates a few persons named and their associates, and I assume that there are plenty of people up and down this river who do own land covered with short stuff who can become associates of these people when the corporation organizes and so get its benefits; or, forsooth, if they do not associate with them this company will be a public service corporation which can take down the short stuff belonging to anybody and everybody. They will be under obligations to take it down because they will be a public service corporation. They will be under obligation to take it down for them at a reasonable rate, such a rate as will be prescribed by the Public Utilities Commission. Now I am firmly impressed, profoundly impressed, with the view that these people have as much right on this river as you and I have with our vehicles on the public highway. We must turn out when we meet another team if the place is narrow, and we may be obliged to stop for a moment. Of course it would be very nice if when we started out on the highway there was no one else going to be on it at all, and it would be nice for these folks to know that there would be nobody else on the river at all; but they must adapt themselves to the rights of the little fellow in some degree even though they do not like to be put in that position. That is all I have been able to see in this matter. I am charged with always being lined up with the vested interests. Here is a case where I am not. (Applause.)

Mr. HIGGINS: Mr. Speaker: I simply want to say that I am very much surprised to see how so many people in various parts of the State are interested in this matter on the East Branch of the Penobscot river although I have no doubt that some of them who have spoken do not know where the East Branch of the river is. In my opinion this river is wide enough for the erection of piers and, furthermore, I believe that the gentleman most competent to answer this question is the gentleman who has spent half of his life in the woods in this vicinity, the gentleman from Old Town (Mr. Davis). Ties are now being shipped at Grindstone, a great many thousand are coming down

there this year. Now the wealthy interests must be doing a pretty good job because there has not been a word of complaint from the small operator; and if you could read a letter from one of the small operators which is in the possession of one of the members of this committee, I am sure that you would agree that one small operator at least objects very strenuously to the passage of this act. If the proponents of this bill can come to me and show me that there is any objection or complaint on the part of the small operator, I will be the first one to hold up both hands for the small fellow. The great point is this: the lumbermen in Bangor, which is the center of the lumbering interests all along the river, both great and small, are opposed to this bill; not one has approached me and told me they were in favor of it. Now in view of the fact that I tabled it last Friday, it would seem that some of these small operators would have had an opportunity to get at me and say that they were in favor of the passage of the bill. That is all I have to say.

Mr. PIERCE of Houlton: Mr. Speaker: There are a lot of little fellows down in Brewer who are interested in whether the East Branch drive is hung up or not, because if it is hung up it means no work for the winter in a lot of those mills. Among the protests that came to us was that of Mr. Bryson of Haynesville, the sheriff of Aroostook county. He is an ordinary, every-day operator. He is not a big Bangor director, who drives around the country with a seven-passenger touring car, but is an ordinary lumberman and makes a living at it. He is opposed to this measure. Also the man who cuts more ties than any other man in the south Aroostook country, Mr. Sawyer of Sherman, signed a protest against the passage of this bill. If it were necessary to get ties out of that country the bill ought to be passed but they are getting them out under the arrangement as it is now. I just want to repeat and emphasize that this is a big industry, not altogether an industry of big men, but a big industry. The Penobscot Log Driving Company is made up of a lot of men, ordinary, every-day lumbermen interested in that East

Branch drive, and whether or no they are able to drive economically and without the risk of being held up every year is a matter of tremendous importance to a lot of men who are not big, who are not rich, who are not influential in any way whatever. It is a plain, ordinary log driving proposition. Now if these gentleman were to bring in any more people who want to do business up there, you could say there was a pure conflict of interest. But even then I would say that the interests of the people of the State of Maine comprising the thousands of men who get their living out of manufacturing lumber cut on the East Branch are superior to those of any other small number of directors who are interested merely for themselves. I have not the slightest idea that this is an attempt to get ahead of anybody; but I do say that in my judgment it is a question of whether the interests of the many should not be superior to the rights of a few people who want to get a charter to continue to do business there.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen of the House: The gentlemen in naming over here this afternoon the different people who get their logs from the East Branch of the Penobscot river have either intentionally or unintentionally omitted the good town of Lincoln. The only industry Lincoln has is a pulp and paper mill which gets almost its entire output from this section of the State. Therefore you will agree with me, I think, that I am quite interested in the matter. Now, gentlemen, I believe that we have touched this afternoon upon one of the most interesting questions relating to the great lumber industry of Maine, to wit, the driving of lumber from the stump to the boom. Now I will be very brief, owing to the lateness of the hour; but I want to call your attention to the fact, gentlemen—and it has been repeated here this afternoon many times—that the rivers of Maine are the great highways of the State open to all persons alike. In the beginning there was no corporation that had piers or booms anywhere upon these great rivers, and the question arises why do we now find them there? And I believe I am correct in answering that when I tell you that the many con-

flicting interests upon these rivers as the lumbering industry grew made a demand that there should be some reasonable regulation of driving facilities and some reasonable regulation of the water upon these rivers for the accommodation of all these people. Why there were as many minds and as many methods of driving, if you please, in the short time in which it is necessary to drive logs in this State as there were men who had drives upon the river, and I have no doubt that in the course of time they tried to combine and drive their logs together; but you understand of course that a combination of men like that probably disagree in many instances in the manner of driving, and very likely in the disposition and in the proportionate amount of payment after the drive was in. Hence, I say to you, someone seized upon the idea of going to the State, which holds in trust for the people of Maine these great highways, and asking that a corporation be formed and giving certain rights upon these rivers, for whom? For the benefit of the incorporators of that particular company? No, for the benefit of all the people who wanted to use this river and who are entitled to use this river. Hence, have grown up these corporations, and I don't think it is necessary to argue the advisability, and they have worked out in many instances and are working out for the good of the people of the State of Maine. If all the charters of driving companies were revoked this spring, I dare say there would not be logs enough reach the mills to carry them through the season. What are you going to do about it? If this is a true condition of things such as I have pictured to you are you going to put in on these little rivers every time somebody comes up here and asks you to do it,—are you going to put in another corporation whose rights are in conflict and must necessarily be to some extent with the existing corporations there? If you are going to do that, won't you have just the same condition in a little while that you had in the beginning when these individuals tried to use the stream? I believe that that is a true statement of the facts. And I further believe, gentlemen of the House, that before you

as guardians of the interests of the State of Maine should grant rights in addition to the rights already granted to this corporation on the East Branch of the Penobscot river, that you should be firmly convinced by the proponents of the measure that it is necessary and that it is fair and that it is right. I want to submit to you further that the East Branch corporation now existing there is under an obligation to take all the logs turned in below a certain point, and they are under obligations to drive them to their destination with reasonable despatch, and if they do not do that they are amenable to the owners. Now, you should remember that, being placed under that obligation, it is necessary for them to have to some extent at least the control of the river and its water in order to fulfil the duty which the Legislature has placed upon them. I believe there should be a solution of this whole matter in this way. I do not understand that the East Branch Driving Company does object to the use of its piers and booms for these men who desire to use them to take out their logs. Then I say, will this Legislature say to the East Branch corporation, "So amend your charter that you shall give these people facilities on the river, both to the owners of long lumber and to the owners of short lumber, to the end that all men owning land in that vicinity may have a fair and just use of this great natural highway?"

Mr. DAVIS of Old Town: Mr. Speaker, they say they do not want to boom 27 miles of the river and if they boom it at all it would be better to boom it for 27 miles on the length of this river. Every pocket that they come to in the river they are sure to have a jam where it will run full. I have seen it run full from shore to shore, and when they are running that way there are different pockets every one forming a jam right across the river, and that will stop all the logs, and the lumber will be plugged when the drives run against such a jam, and this condition will exist practically all the time.

Mr. Greenlaw of Presque Isle called for the previous question.

The SPEAKER: The Chair would suggest to save the formality of the previous question that the gentleman from

Presque Isle, Mr. Greenlaw, move that the vote be now taken upon this question.

Mr. GREENLAW: Mr. Speaker, that is satisfactory to me.

The SPEAKER: The question is on the motion of the gentleman from Island Falls, Mr. Campbell, that report A, reporting "ought to pass" in new draft, be accepted. All those in favor of the motion will say yes; all those opposed will say no.

A viva voce vote being doubted, a rising vote was had and the motion was lost by a vote of 41 to 64.

On motion by Mr. Higgins of Brewer, report B, reporting "ought not to pass" was accepted.

On motion by Mr. Pierec of Houlton, the House voted to take a recess until 7:30 o'clock in the evening.

Evening Session.

The SPEAKER: The Chair lays before the House bill, An Act relative to the taxation of mortgages on real estate in savings banks and trust and banking companies, tabled by the gentleman from Lisbon, Mr. Plummer, the pending question being the third reading of the bill.

Mr. Plummer then offered House Amendment A, to amend by adding section three: "This act shall take effect July 1, 1916."

The amendment was adopted, and on further motion by Mr. Plummer the bill received its third reading and was passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House bill, An Act to incorporate the Mutual Loan Society of Lewiston, Senate Doc. No. 405, tabled by the gentleman from Lewiston, Mr. McCarty, the pending question being the third reading of the bill.

On motion by Mr. McCarty, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the house bill, An Act to provide for the destruction of dog fish and other members of the shark species, House Doc. No. 198, tabled by the gentleman from Portland, Mr. Greenleaf, the pending question being the third reading of the bill.

On motion by Mr. Greenleaf, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act relating to the Clark Power Company, Senate Doc. No. 310, tabled by the gentleman from South Portland, Mr. Sanborn, the pending question being the passage of the bill to be engrossed.

Mr. SANBORN: Mr. Speaker, I think the record will show that there is an error in the schedule laid before us here, and I think in fact the pending question is on the motion of the gentleman from Portland, Mr. Greenleaf, to reconsider the vote whereby this bill was passed to be engrossed. That being the pending question, I will yield the floor to the gentleman from Portland, Mr. Greenleaf, who, I trust, has some reason to offer for asking for the reconsideration of this vote.

The SPEAKER: The Chair will state that according to the endorsements on the bill the pending question is the reconsideration of the vote whereby the bill was passed to be engrossed.

Mr. GREENLEAF of Portland: Mr. Speaker, I made that motion in order that the vote might be reconsidered and after that an amendment might be offered. I understand, like many other bills, that there is some opposition to this measure, and the object of this was in the furtherance of the bill itself and not to oppose or antagonize it if a satisfactory adjustment or modification perhaps might be made. My motion was made in order that an amendment might be offered, and I hope that the House will consent to the reconsideration for that purpose.

The motion was agreed to, and the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Hanson of Sanford then offered House Amendment A, to amend Section one so that it shall read as follows: "The Clark Power Company, incorporated under the provisions of Chapter 250 of the Private and Special Laws of 1911, its successors and assigns, are hereby authorized and empowered to construct a dam across the Saco River at any point between the towns of Buxton and Dayton, in the county of York,

upon lands now owned or hereafter acquired by said company, its successors or assigns, for the purpose of storing water therein, and to use the same for developing power for any and all legal purposes. Said dam not to exceed in height the dam now existing at Union Falls by twenty-five feet."

Mr. BLAKE of Oakland: Mr. Speaker and gentlemen, as a member of the committee on interior waters, I would like to state a few of the points brought to the attention of the committee and which led them into sending in an unanimous report upon this measure, that it "ought to pass." The Clark Power Company proposes to build a 70-foot dam, and this amendment, as I understand it, limits the height of that dam to 40 feet. This amendment is simply a wolf in sheep's clothing, and it is meant to kill the bill.

On February 18th, there was a special hearing held on this bill, and at that time there was not ample opportunity given to the proponents of the bill to state their case, and an adjournment was taken for one week at that time giving them full opportunity to state their case and that both sides of the case might be fully heard. At that time we were not satisfied after having two hearings on the bill and the committee decided to make a trip to the Saco River for the purpose of investigating conditions there and also to have an opportunity to talk with some of the people concerned, in order that we might better determine how we should act in the matter. This company proposes to build a dam to develop about 10,000 horse power, this power to be used in Dayton, Hollis and Buxton for lighting purposes and for power, and also to be transmitted to the cities of Saco and Biddeford. If this proposed dam is built it would flow out about 500 acres of land, 300 acres of which are now owned by the company.

Now, just a word in regard to the other people who owned the land to be flowed out. The Appalachian Club will have about 45 acres of land which will be flowed out. This club acquired a tract of land at Salmon Falls through gift, and this land is mostly woodland or timberland, and they will lose about 45 acres; then there is a Mr. Strong who

owns about 45 acres, and he owns a farm assessed for somewhere between \$500 and \$600. The company have offered to give for this tract of land the sum of \$1200 in order to make everything satisfactory. In that trip we also talked with a gentleman by the name of Mr. Andrews who owned 29 acres of land that will be flowed out. And at Salmon Falls we met a gentleman who said that in all the people of his acquaintance in that vicinity he knew very few who objected and most of the people of his acquaintance were very much in favor of the proposition. Then there was a gentleman by the name of Mr. Smith with whom we also talked, and he was very much in favor of this proposition; also another gentleman by the name of Mr. Meserve, who was a former selectman of the town of Dayton, and he drove down there to see us, and he said he didn't know of a soul who was opposed to the bill; also there was a gentleman by the name of Mr. Deering who said he could assure us that 90 per cent of the voters in Hollis where he lived were in favor of the proposition. Then there was a gentleman by the name of Mr. Dennett who owns a farm and who objected very strenuously; and altogether we only found four or five people who really objected to the proposition. This man owned 75 acres of land which would be flowed out, and of that between 15 and 20 acres was tillage land. Mr. Clark, who owns a farm just above Mr. Dennett's, has offered to give Mr. Dennett as many acres in tillage land as he will lose; and at the hearing Mr. Dennett testified that this land was just as good, if not better, than the land that he would lose. Of course he would lose his timberland; but the strongest objection made was because of a spring which he owns, and the outlet to that spring was found to be seven feet and eight inches above the top of the proposed dam, and yet Mr. Dennett fears that his spring will be flowed out. The engineer assured him that there would be no damage, and it seems to me in his case that it is a question of being more scared than hurt.

Now, in regard to what the company has offered these people,—and of course that matter will be settled by the Public Utilities Commission—but they have

offered these people \$12 on the stump for the pine timber, \$9 on the stump for the hemlock and \$8 on the stump for the oak. I don't know very much about lumber, but we had some lumbermen on our committee, and they said that was a very good offer and more than they would want to give. It seems to me that the company is very fair in making this offer. After this land is cleared, they have offered them for the cleared land \$20 an acre and also \$20 an acre for the pasture land.

There was another party who objected very strenuously, Mrs. Riggs, or in other words, Mrs. Kate Douglass Wiggin, for whom we all have a great deal of respect. She came on from New York and objected to this proposition for the reason that if this dam were built it would flow out Salmon Falls, of which she thinks a great deal because she has a summer home located just above the falls. Her land would not be flowed at all, but it would destroy the falls which she thinks a great deal about, and in regard to which she has written a great deal. She stated at the hearing that hers was a purely selfish motive, which was no argument at all, and that she did not want the dam built to destroy the scenery.

Of course this is a beautiful spot, and we all hate to see these beautiful objects of nature destroyed, but to my mind there are hundreds of other places in the State of Maine just as beautiful as Salmon Falls, and we find them all over the State. For the last few years we have heard a great deal about "Boom Maine; develop the resources of Maine, and make use of all these things we have here in this State." To me this sounds a great deal louder than the roar of those falls. I believe in making use of these powers and giving the people the benefit of them. If this dam is built by the Clark Power Company, of course the valuation of the town of Dayton will greatly increase, and the Clark Power Company will be the owners of about fifty per cent of the valuation of that town.

Another thing I wish to mention at this time. Two years ago I understand this Legislature granted the York County Light and Power Company permission to build a dam on the Saco River. If they acquired the land they could

build a dam on this river. The Clark Power Company asks the permission of the State to build a dam on land which they own now or may hereafter acquire. If they acquire these lands and want to build a dam, then I see no reason why the State should not grant them that permission. I do not want to go on record as saying that I came down here and voted against propositions that meant the development of Maine; that is just what I think we ought to do, to "Boom Maine" all we can, because it is quite apparent that other states are getting away from us in this regard. This power is to be used in these towns, and they have all sent petitions here and they all want the power developed, and that power will be used also in the mills of Saco and Biddeford, and the laboring men in those localities will benefit by it much more than they will from the scenery around those falls; and I think the bill should go through just as it has been drafted, and I am opposed to this amendment.

Mr. DAVIS of Old Town: Mr. Speaker, I was one of the committee which visited Salmon Falls, and we met a number of the people who live in that vicinity who did not seem to oppose the bill. They said at one time they had several mills there, a few blacksmith shops and a few stores, and they said they had very little there now, and they believe that the Clark Power Company will develop that power to its full extent, which would be a nice thing for the town. As it has been stated already, they have offered large prices for the property which they propose to take, more I think than would be offered by anyone else. They will have a nice lake there when this dam is built, which will be of much more use to the people of that locality than the present falls. As has been stated, the only objection we met was from this Mr. Dennett who owned the spring which has been mentioned. He said he had this spring and he did not want to have it spoiled, but as far as the land goes that this dam is going to overflow, Mr. Clark offered him land enough that butts right on to his farm and adjoins it, and in a much better location than where his land is located.

Mr. McCARTY of Lewiston: Mr.

Speaker, I have listened with considerable interest to the statements of the members of the committee in behalf of their report and in favor of the passage of this bill relating to the Clark Power Company, and I want to say here that I sympathize with them for the strenuous struggle they have made in order to arrive at an unbiased and fair judgment in the matter. I know how some of them must have felt in driving over the frozen ground of York County and interviewing the scattered individuals they talk about in order that they might obtain evidence upon which to found a judgment in this matter; but after I have listened to their arguments I cannot help arriving at the conclusion that it is nothing more or less than an apology for the action of that committee.

The gentleman from Oakland, Mr. Blake, speaks about this amendment which has been offered as being a wolf in sheep's clothing. In starting out his defense of the committee's action, he makes the statement that this power is intended to be developed in order to light the towns of Buxton, Dayton and Hollis. That is the primary object of the development of this power, according to the statement of the gentleman from Oakland, Mr. Blake; but before he is through with his argument you will find that instead of the purpose in the creation of this power to be the lighting of these three towns, we find that it is to be transmitted further down the river, in order that the mills and shops of Saco and Biddeford might be benefited thereby. Mr. Speaker and gentlemen, I haven't yet heard that the Pepperell Manufacturing Company of Biddeford have had to close down their mills by reason of any lack of power; I haven't heard of any other manufacturing establishments, either in the city of Biddeford or in Saco across the Saco River that have suffered from any want of power. Talk about your wolves in sheep's clothing! It seems to me that the real wolf in this case is not up in Buxton, in Dayton or in Hollis, but is located right down in the office of the corporation of the Pepperell Manufacturing Company of Biddeford.

Now the gentleman mentions the development of Maine, how we should give the opportunities for this state to develop. There is something else in-

volved in this case beside the sordid proposition of development. That I think is one of the main features of American life today, the search of the almighty dollar at the expense of sentimentality, if you will, but at the expense of human life itself. I know when I am speaking upon this proposition that I am speaking to hard-headed business men, but I wish that hard-headed business men would consider something else than the material benefits to be gained by any such proposition as this—benefits material. I call them, not to you or to me but to the Clark Power Company masquerading under the guise of the Pepperell Manufacturing Company. You speak about the State of Maine being the playground of the nation, and you are appropriating money in order that your tourists and your visitors to this State can enjoy all of this magnificent scenery of which we are so proud. And then by one stroke, in the passage of this bill, you are going to destroy one of the most magnificents in the State of Maine so far as natural scenery is concerned. Go out to Niagara Falls, if you will, which is the most imposing natural object of wonder of this country; look at both sides of that river, and what do you see? On the American side you see that it is disfigured by power houses and pulp mills, while on the other side, on the Canadian side, you have no disfigurement of the grandest picture that nature has painted on the American continent.

And now you come into Maine, and here you make an attempt to destroy one of nature's pictures. I say, gentlemen, the man who has not a slight bit of sentiment in his soul is no man. These gentlemen talk about a few individuals whom they met and talked with out in that locality, and they talk about the offers which have been made by these men, representing this power company, to the owners of land in that locality. What are they making those offers for? Why do they offer so much for the lumber and for the land? If they had an honest proposition or something that they had no fear behind, they would depend upon the laws regulating damages by floorage. But they want to close the mouths of the people down there, and they go down there and talk with a few of them. There is one indi-

vidual, however, whose mouth they did not close, and for her I have the greatest respect, as I have for any citizen who does something to place the State of Maine in the foreground. She is a woman, it is true, and she is a woman who has made her mark in the literary world and right upon that spot where this committee in its report seeks to destroy and rob of all its natural beauty. Kate Douglass Wiggin's summer home is located at this spot, and through all the little territory around there characters that have become by-words in the literary world have their residences and their places; it is a region that is rich in historic literature. It means something to the State of Maine, that little territory down there, just as it means something to the State of Maine to place a monument across the river here to mark the stopping place of an expedition passing through the city of Augusta and on towards Canada. I say, gentlemen, save these historic places.

Gentlemen, I trust this amendment which seeks to cut that power in half will be adopted. I wish the entire bill might be indefinitely postponed, and I would have voted for it if the proposition were before this House, but give them half the power as demanded by this amendment, and by doing that perhaps we can save at least part of the historic interest that clusters around this historic spot.

Mr. GILMOUR of Westbrook: Mr. Speaker, I was one of the committee that went out there, and I want to say that I went there with honest purposes. I am no lawyer, and neither am I a speech-maker, and I have not bothered this House very much with speeches during this session. I want to say that we went to this locality, and we stood upon that bridge that has been mentioned and we saw the beauties of that gorge. It was a very beautiful scene and it touched the sentimental part of our natures to stand on that bridge and look down through that gorge; but if you just close your eyes a minute, you will find that you get no light from it; it is only through the eyes that you get any pleasure from observing such things as that; and when we opened our eyes I imagined I could see smoke curling up from the cottages of the laboring men who would be em-

ployed in that plant which it is proposed to erect there. Now, wouldn't that be a sight more worthy of consideration than it would be to look at the rumbling water going down over that river bed and over the rocks below? I say that nature formed a reservoir there for this very purpose. God intended that the energy in that water should be used by man for man's benefit; He never intended that the State of Maine should send down to the mines in Pennsylvania and pay for coal and bring it up into Maine in order to get that same energy which we have right here at our hand. And on our way down there we saw a great many deserted farms, places going to ruin all along the road there.

This dam that is proposed to be built there will be one worthy of the State of Maine; if you put on this amendment, it will ruin the whole prospect, because the land is so constructed there that it will hold five or six or ten times the amount that it would lower down in the gorge. As it has been stated, this amendment will simply kill the measure. As I understand, there will be something like \$500,000 put into this dam, and these men cannot build a dam there for less, and they have got the money to do it with. Think what that money will do there. That money is coming into the State of Maine and it is going to make the State more wealthy, more prosperous; it will bring revenue into the State, something which we will be able to tax, and we want the money. This matter is coming sometime, and why not have it now? If this privilege is granted to this company we will see these places prospering, and there is no doubt about it. Look at the town of Rumford. Twenty years ago Rumford was a wilderness, and today they have a population of 10,000 people. In the last two years they have spent a million dollars in another dam there. They have a Mechanics' Institute there for workmen, and it had not been built six months before it had a membership of 800 workmen; they have got two banks there, the assets of which amount to \$3,000,000; they have got seven churches there and it was a wilderness twenty years ago, and they owe it all to that "dammed Androscoggin." Are you coming here as representatives of the State of Maine to help in the

prosperity of this State? It seems to me that should be our first object. Is it not a fact that this is going to add revenue to this State? There will be developed at this place something like 10,000 horse power. We want some of that horse power in Portland. As I say, what has been done for Rumford can be done for that place out there, and it seems to me it should be the duty of every member here to vote for this bill in accordance with the report of the committee, because voting for this amendment will do very little good. (Applause.)

MR. ST. CLAIR of Calais: Mr. Speaker, I am glad that we have one man in this House who is animated by sentimentality, but it seems to me when it comes to a contest between sentiment and dollars and cents in the State of Maine, I am sorry to say, as much as I admire the citizens of this State, that sentiment goes to the wall every time. I am sorry there are so many people in this State who cannot see anything in a waterfall that should lead them to desire to preserve it, or in any other scenery, when it comes to a question of making dollars out of it for somebody, but there are some people who still love our State for its fine forests, its beautiful lakes and its rivers, and who find sweeter music from the purling of a brook or the roar of a waterfall than they do in the sentiment of the hammer upon the anvil.

MR. PERHAM of Woodstock: Mr. Speaker, it is true that we have all these natural beauties within our State which have been so eloquently described by others, but there is one matter to which I wish to call your attention, and that is the fact that the State stands ready to pay thousands of dollars for making these points of interest more accessible to people from all over this State as well as to people from outside the State. These points are only a few hours' ride from our cities. It is proposed by these measures to sacrifice these beauties and add to the wealth of one of the richest corporations in the State, and they have grown rich through those powers and also through the labor which they hired. This House has just voted to pay \$22,500 to make accessible in the northern part of the State

just the things that you are trying to give away in the southern part of the State, and giving to whom? You are giving it to one of the richest and strongest corporations in the State of Maine, and one that does not need it.

Mr. SANBORN of South Portland:

Mr. Speaker, it has been the policy of this State through all its existence to do whatever it might to encourage the development of the State and to encourage the development of industry through just such channels as this. It has been presented here as an argument against this proposition that the purpose of this dam is to furnish power to be used further down river to help run the wheels of the mills down there. There is nothing very strange about that. I do not know of anything against that proposition when it is stated, as it has been stated here, that some of this current is to be used by the mills of Saco and Biddeford. I do not know as that is anything hostile to the welfare of the State, or contrary to the policy of the State in such a case. And it should be remembered, also, that this power is to be used in several towns, and there is a market for a large portion of it, and people are coming more and more every year to appreciate the value of electric power, and it seems to me it is a perfectly proper scheme. It is true that there has been some opposition to this measure. I think we all share equally in a profound respect for Mrs. Riggs, and as to that matter I do not care to enter into the discussion. This proposition was made to the parties interested in framing the measure, to the effect that if they should be paid a certain sum of money, and if they could receive a certain amount of money, then their objections would be withdrawn. The bulk of the opposition which was presented to this measure seemed to be in a disposition on the part of certain parties there to make an unjust profit themselves out of the granting of this privilege, and they have presented all this talk about sentiment and in that way have worked up something of an opposition. I think we should rebuke that sort of thing. I am told by those interested in the proposition that if the amendment is passed limiting the height of this dam as proposed, it is absolutely the equivalent of

indefinitely postponing the measure, and that such a dam as would be permitted by the terms of this amendment would never be built because the operation would have to be carried on in such a small scale that it would be out of the question for them to attempt to do the thing. It seems to me that this amendment should not be adopted and that we should not be misled from our settled policy by all this talk about sentiment.

Mr. GREELEY of Portland: Mr. Speaker, this spot which has been described is unlike any other in the State of Maine. You have no place in the State of Maine that is quite like that gorge. This place is known by thousands and thousands of summer tourists and visitors who come to the State of Maine. If you do what this bill asks for and this amendment is not adopted you will have defaced from the State of Maine one of the most beautiful nature spots we possess.

Mr. BRADBURY of Hollis: Mr. Speaker, I live in the locality where this proposed dam is to be built, and with the exception of one person there never has been a person to protest to me against this proposition. I have received a complaint from a gentleman who has been mentioned here, Mr. Dennett, and from surveys which have been made it has been shown that this spring of water will not be overflowed by some few feet. The building of this dam means a great deal for our community; it means the employment of a great many men, and I deem it unnecessary at this time to say anything further about this dam; and when the vote is taken upon this proposition, I hope you will consider the matter from a business point and vote to develop this privilege which will mean prosperity to everybody in the county of York.

The question being on the motion of Mr. Hanson of Sanford, to adopt House Amendment A,

A viva voce vote being taken, the amendment was lost.

On motion by Mr. Sanborn of South Portland, the bill was then passed to be engrossed.

The SPEAKER: The Chair lays before the House Resolve in favor of the Old Town Hospital for maintenance, tabled by the gentleman from Merrill, Mr.

Libby, the pending question being its final passage.

On motion by Mr. Libby of Merrill, the resolve received its final passage.

The SPEAKER: The Chair lays before the House bill, An Act to fix the salaries of the agents of the Indian Tribes, tabled by the gentleman from Houlton, Mr. Pierce, the pending question being its passage to be engrossed.

On motion by Mr. Pierce, the rules were suspended, and the vote reconsidered whereby this bill was passed to be engrossed.

Mr. Pierce then presented House Amendment A, as follows:

"Amend said Act by striking out the words 'including commissions or disbursements,' and inserting in place thereof the words 'in lieu of all commissions or other perquisites.'"

The amendment was adopted.

On further motion by Mr. Pierce, the bill was then passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House bill, An Act relating to ice fishing in Kennebec River in Somerset County, tabled by the gentleman from Skowhegan, Mr. Holt, the pending question being the passage to be enacted.

On motion by Mr. Holt, the bill was then passed to be enacted.

The SPEAKER: The Chair lays before the House, Resolve in favor of altering and enlarging the State Prison at Thomaston, House Document 642, tabled by the gentleman from Houlton, Mr. Pierce, the pending question being the adoption of Senate Amendment "A."

Mr. FORD of Whitefield: Mr. Speaker, I move that we concur with the Senate.

Mr. LORD of Ellsworth: Mr. Speaker, I move that this resolve be indefinitely postponed. As a member of the Committee on State Prison, I visited this institution, and signed the majority report favoring the construction of a new prison. That report, as you all know, was rejected. The minority report, favoring the repairing of the present prison, calls for an appropriation of \$100,000, and it seemed that that was

the smallest amount for which the renovation could be secured. Now, however, we are asked to appropriate \$50,000, or only one-half the sum needed; and whatever the views of this House as to the moving of the prison, the passage of this resolve can in no way be sound business policy. If in the future the prison is to be removed from its present location, this amount will be absolutely thrown away; and, if we are to renovate it, that purpose can much more economically be secured by doing a thorough job all at once and not take it piecemeal. The question of removing or extensively renovating the prison was never discussed or agitated prior to this session of the Legislature. This much seems certain as a plain matter of business: that the State should not put an additional \$50,000 into a location which admittedly cannot accomplish what is desired, and which, if any other conclusion is reached, will be absolutely wasted.

There is a further consideration I would urge upon this House, although I have every consideration and charity for the inmates. They are there, however, through their own wilful wrongdoing; and at this session, when economy is needed and large cuts are made in appropriations for institutions for the sick and unfortunate, I cannot feel that we should assume such a large burden for a prison. The State of Maine should never practice economy on its charitable and benevolent institutions and then deliberately reverse itself and spend \$50,000 for its convicts.

Mr. FOSSETT of Portland: Mr. Speaker, I am very much surprised to hear the gentleman's remarks, a gentleman who was with me on this committee that visited the State Prison, and who signed the majority report with the other eight members that the conditions at this State Prison were something terrible. "Those cells were not fit to keep a dog in," I heard this man say. I heard every man of that committee say that the cells in the State Prison were not fit to keep a dog in. Now he asks you to indefinitely postpone this bill after the bill to build a new State Prison has been killed. He asks you to keep those men, those convicts, those human beings, in a place that he would not

confine a dog in. Gentlemen, I am surprised to hear this. Why, the unanimous report of the State Prison Committee, and every man who has been there, was that this prison was in an unsanitary condition, and they ask you to let this thing remain for two years longer, with the prospect of a longer delay. I am surprised gentlemen, to hear such a thing advocated.

Now the gentleman says that \$50,000 will not do anything there. I claim that it will. Since our hearing I have taken the advice and seen parties who have been there and who know. Now the roof can be raised one story and the cut granite taken from those cells at 25 per cent. of the cost of adding 60 feet to one of the wings. We can put 100 steel cells into the east wing of this prison, and we can do it all for \$37,500 at the highest cost of the cells. We would then have left \$2,500 with which to buy land, and \$10,000 to do the rest of the repairing. Now, gentlemen, I ask you—mind you, this will be putting in steel cells, with wash-basins and hot and cold water for the closets in each cell. This prison today has got as good sewerage as there is in the State of Maine in any public building. It has as good a heating plant as any public building. The State Prison itself is in absolutely perfect order. The cells are independent of the State Prison; they are built independently of it. The cut granite can be used. The prisoners can do one-half of the work or more that will have to be done. Now, gentlemen, Capt. Lord was one of the men who went down there with the committee that made this report. From that report the Boston papers took it up, and on one whole page of a Sunday Boston paper was depicted the terrible condition in the Maine State Prison. Now, gentlemen, I hope we shall adjourn next Friday, and the following Monday I start into Massachusetts to do business, and I shall be ashamed to go there, after this has been printed in the Boston papers, and say that I as a member of this House allowed such things to go on for another two years ago because it was thought that \$50,000 was too much or not enough. Gentlemen, I am going to appeal to the good sense, to the humanity of this House; and I hope that this House will concur with the Senate in

the appropriation of the \$50,000 for this purpose.

Mr. HANSON of Sanford: Mr. Speaker, I do not propose to argue this question tonight. I merely want to give you the benefit of some information that I received from one of the Prison Inspectors. Now the question would be whether we will improve this prison or build a new one, and we have a very large amount of property there in this prison and in the workshop connected with it which we can not afford to throw away. One of the prison inspectors with whom I was talking within a few days told me that this prison could be repaired and made an up-to-date prison at a very small expense compared with what it would cost to build a new one. They tell us that there is no land to be had, but the prison inspector tells me that there are acres and acres of land that can be had right close to this site. The site of this building is a very beautiful spot on a high bank overlooking the water and he advises the improvement of this prison rather than going to the great expense of building a new one; and I believe that that is safe advice for us to follow. (Applause.)

Mr. LORD: Mr. Speaker, I call for a division of the House.

The SPEAKER: A division of the House is called for. All those in favor of the motion of the gentleman from Ellsworth, Mr. Lord, that this resolve be indefinitely postponed, will rise and stand in their places until counted. The tellers will return the count.

A division being had, 28 having voted in the affirmative and 71 in the negative.

The motion was lost.

The SPEAKER: The Chair wishes to state that so far as the endorsements on this resolve show the House has not reconsidered its vote whereby this resolve was passed to be engrossed although the calendar says that the pending question is the adoption of Senate Amendment A.

On motion by Mr. Hanson of Sanford, the vote was reconsidered whereby this resolve was passed to be engrossed.

On motion by Mr. Ford of Whitefield, Senate Amendment A was adopted in concurrence.

On further motion by Mr. Ford, this resolve was passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House Senate Doc. No. 377, bill, An Act relating to closed season on fur-bearing animals, tabled by the gentleman from Calais, Mr. St. Clair, the pending question being the third reading.

On motion by Mr. St. Clair, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act to amend the charter of the city of Lewiston and to provide for a police commission, tabled by the gentleman from Lisbon, Mr. Plummer, the pending question being the third reading of the bill.

Mr. PLUMMER: Mr. Speaker, I yield the floor to the gentleman from Lewiston, Mr. Clifford.

Mr. CLIFFORD: Mr. Speaker, I have an amendment to offer.

Mr. Clifford then offered House Amendment A, to amend by adding Section 14. "Section 14. This act shall be submitted to the inhabitants of the city of Lewiston at a special election legally called by the mayor fourteen days prior to the first Monday in October, 1915; and if approved and accepted by a majority of those voting in relation thereto, shall take effect on the first day of December, 1915."

On motion by Mr. McCarty of Lewiston, the bill and amendment were tabled until tomorrow morning pending the consideration of the latter.

The SPEAKER: The Chair lays before the House Doc. No. 923, Resolve in favor of Fred R. Smith, tabled by the gentleman from Hampden, Mr. Smith, pending its second reading.

On motion by Mr. Bonney of Bowdoinham, the resolve was given its second reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act relating to road commissioners, House Doc. No. 924, tabled by the gentleman from Island Falls, Mr. Campbell, the pending question being the third reading of the bill.

Mr. CAMPBELL: Mr. Speaker, I move

that the bill be indefinitely postponed.

Mr. POLLARD of Solon: Mr. Speaker, I am somewhat surprised at the gentleman from Island Falls, Mr. Campbell, who wishes to have this bill indefinitely postponed. I do not see his object. The towns do not have a right to elect their road commissioners; they are to be appointed by the selectmen. Under this bill it is optional. I do not see any objection to that. All the objection I have heard of is that they are afraid the boys will get together and elect some good fellow to be road commissioner. I can assure you, gentlemen, if it had not been for some of the boys last fall, all you good fellows would not be in the Legislature. I object to the indefinite postponement of this bill.

Mr. RICKER of Castine: Mr. Speaker, I have no objection to a change in the road commissioners bill because I realize that all towns can not be governed the same. Some towns prefer to have their selectmen elect a road commissioner, and others wish to do it themselves. I think, however, there are some defects in the drawing of this bill. They say that the towns may elect by a major vote, and down in Section 14 they say that the several town officers, including road commissioners, shall be elected by ballot. Also Section 13 says "Should any town fail to elect a road commissioner or commissioners, the selectman shall appoint one or more road commissioners." There is no real choice in the matter as to what a town may do. Also the last two lines of Section 13 say that the expenditure of all sums of money shall be under the supervision of the selectmen. Now they elect a road commissioner and they tie him up by saying that some one else spends the money. There does not seem to be any head nor tail to the bill.

Mr. DUTTON of Bingham: Mr. Speaker, I think the objections to the bill, or criticisms of the gentleman who just preceded me, should be taken seriously. There is no question but that the towns desire that it shall be optional whether they elect road commissioner or whether the appointment shall be by the selectmen. I do not understand that the fact is generally known throughout the state that any such act was ever passed. It has proved very unsatisfactory. I

think the towns in my section of the state prefer to elect their road commissioner. This does not take away the privilege, as I understand it, of the selectmen appointing the road commissioner if the towns prefer to do that. Regarding the expenditure of the money, that certainly should be under the jurisdiction of the selectmen. I hope the motion of the gentleman from Island Falls will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Island Falls, Mr. Campbell, that this bill be indefinitely postponed.

A viva voce vote being taken,
The motion was lost.

On motion by Mr. Sanborn of South Portland, the bill was then given its third reading and passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act relating to the licensing of dogs, Senate Doc. No. 400, tabled by the gentleman from Hodgdon, Mr. Benn, the pending question being the third reading of the bill.

On motion by Mr. Benn, the bill was indefinitely postponed.

The SPEAKER: The Chair lays before the House bill, An Act to equalize the salaries of clerks of courts, Senate Doc. No. 160, tabled by the gentleman from Mt. Desert, Mr. Small. The Chair wishes to state for the information of the House that this is a matter which was brought to the attention of the House last Friday. The House inadvertently passed this bill to be engrossed without taking action on Senate Amendments A and B. On Friday last the House reconsidered its action whereby the bill was passed to be engrossed, and although the calendar states that the pending question is the third reading, the question now before the House is the adoption of Senate Amendment A in concurrence.

On motion by Mr. Corliss of Bath, it was voted to concur with the Senate in the adoption of Senate Amendment A.

The SPEAKER: The question is now on concurrent action with regard to Senate Amendment B.

Mr. SMALL of Mt. Desert: Mr. Speaker, I am going to make the motion that

we non-concur with the Senate in the adoption of Senate Amendment B, relating to the clerk of courts in Hancock County, and I wish to state briefly my reasons. I do not think there is any county in the State of Maine that this recess committee went over where they found the salaries so high as in Hancock County; and if all the salaries of Hancock County are ridiculously high, none can compare with the clerk of courts. At the present time he gets \$2100 a year. He is also by law the recorder of the Hancock County Municipal Court, gets \$400 more for that, making his salary \$2500. I am under the impression that the recess committee recommended a \$1600 salary for the clerk of courts for Hancock County. Under the old arrangement the clerk of courts in our county used to pay for clerk hire \$300, which left him a net salary of \$1800 a year. When these salary matters were brought up they were referred to the different county delegations who were to recommend to the committee on salaries and fees the salaries desired. We all wanted to see Hancock County officials get good pay, but we did not have the crust to ask for \$2100 for the clerk of courts; so we compromised the matter in the delegation that we would stand for the salaries as they were at present except the clerk of courts and that he was to have a cut of \$300. On the face of this amendment a cut of \$300 is shown; but what I want to explain to the House is the fact that there is no cut, but that this new salary bill provides that all of his clerk hire shall be paid, leaving him the same net salary of \$1800 he has always received. This is the most paid to any clerk of courts doing the same amount of work in the State of Maine. I feel now that the \$1600 recommended is fair and all he ought to have and I see no reason why we should pay the clerk of courts in Hancock County more than such clerks are paid in any other county and I move that we non-concur.

Mr. WASGATT of Deed Isle: Mr. Speaker, I wish to second the motion of the gentleman from Mr. Desert, Mr. Small. I think \$1600 is all the clerk of courts earns in Hancock County.

Mr. RICKER of Castine: Mr. Speaker, it seems to me that this is somewhat a change of heart on the part of the

Hancock County Delegation. At our meeting we did consider a flat salary of \$1800 was no more than right for a clerk of courts in Hancock County. We think we understand the situation pretty well. We object very much to having the salary cut.

Mr. WESCOTT of Bluehill: Mr. Speaker, I am somewhat surprised that a broadminded gentleman like my friend from Mt. Desert, Mr. Small, should lie down on our clerk of courts. I think perhaps it is a misunderstanding between us in regard to the matter but my understanding is the same as that of the gentleman from Castine, Mr. Ricker, that our delegation should recommend that he have \$1800 a year. I think it is a well known fact that this Legislature has been very broadminded in regard to salaries. Not only have the salaries of the State House employees been raised this session, but those of almost everybody else, clear up through the county officials to the Governor himself. The clerk of courts in Hancock County is one of the few who seems likely to suffer a cut, he is the only clerk of courts of the whole sixteen who is likely to get a cut under this new apportionment. I do not know why it is that anyone should wish to do anything of the kind. This salary was fixed I think ten years ago, and during that time previous to the first of last January the office was held by Mr. Knowlton, a Republican, and then by Mr. Bunker, the present distinguished Secretary of State, a Democrat. They are both men of ability, both good lawyers and they were worth the \$2100 a year also the present clerk, Mr. Mahoney, is a man of great ability. He spent ten years in the probate office, knows all about the business, and he is worth at least the \$1800 which the Senate was glad to recommend. I hope that the motion of the gentleman from Mt. Desert, Mr. Small, to indefinitely postpone, will be voted down and when that is done I sincerely hope that we may concur with the Senate in the amount of \$1800 and do this in no uncertain terms.

The question being on the motion to non-concur with the Senate in the adoption of Senate Amendment E,

A viva voce vote being taken,
The motion was lost.

On motion by Mr. Wescott of Bluehill, Senate Amendment B was adopted in concurrence.

On further motion by Mr. Wescott the bill was passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House Senate Doc. No. 146, bill, An Act to equalize the salaries of county commissioners, tabled by the gentleman from Lincoln, Mr. Thombs. This is another matter which the House took action on sometime ago and failed to notice Senate Amendments. On Friday the House reconsidered its action whereby this bill was passed to be engrossed, and it is now before the House for the purpose of considering the Senate amendments, the first one being Senate Amendment A.

Mr. GREENLEAF of Portland: Mr. Speaker, it seems that Cumberland County was singled out there in that bill by the Senate. I move that we non-concur with the Senate and ask for a committee of conference. The reason for making that motion at this time, Mr. Speaker and gentlemen, is that the committee on the adjustment of salaries who gave this matter careful attention reported early in this session giving the county commissioners of Cumberland County \$1350, which we feel is little enough. All the other salaries in Cumberland County have been adjusted on a higher basis and the county commissioners ought to have more than allowed by the Senate amendment. The county commissioners' duties are increasing every year. They now have more work in regard to the county farm, and especially this year they have the care and responsibility of constructing the bridge between Portland and South Portland. It seems unfair to single them out as victims of reduction while others are being advanced.

On motion by Mr. Greenleaf, the House voted to non-concur with the Senate in the adoption of Senate Amendment A.

The SPEAKER: The Chair will state that a committee of conference is not necessary at this time. The Chair lays before the House Senate Amendment B to this same document.

On motion by Mr. St. Clair of Calais,

Senate Amendment B was adopted in concurrence.

On further motion by Mr. St. Clair, the bill was passed to be engrossed as amended by Senate Amendment B.

The SPEAKER: The Chair lays before the House bill, An Act relating to municipal elections, House Doc. No. 258, tabled by the gentleman from Lincoln, Mr. Thombs, the pending question being the third reading of the bill.

On motion by Mr. Thombs, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act relating to trial justices, tabled by the gentleman from Calais, Mr. St. Clair, the pending question being the third reading of the bill.

On motion by Mr. St. Clair, the bill received its third reading and was passed to be engrossed.

Mr. GREENLEAF of Portland: Mr. Speaker, I move we take from the table House Doc. No. 953, bill, An Act to provide clerk hire for county officers, tabled by myself this morning with the promise that it should be taken from the table today. I now move that it be indefinitely postponed.

Mr. ST. CLAIR of Calais: Mr. Speaker, I had a notion—I may be wrong—if so I wish to be corrected—that in equalizing the salaries of county officers it was understood that the clerk hire was to be paid by the county. Formerly it has been paid by the county officer out of his salary. Now if the salaries have been fixed with the expectation that clerk hire should be paid by the county that might make some trouble. I may be wrong; I am just asking for information.

The SPEAKER: The gentleman from Calais, Mr. St. Clair, desires information in regard to this matter.

Mr. SANBORN of South Portland: Mr. Speaker, perhaps I can give the explanation, and at the same time make plain the next move that may be made. The committee on salaries and fees introduced an act of which the one under consideration is the remnant and which the committee believed to be a wise

thing to have enacted,—An Act providing for the classification of clerks in the State House and in the counties. It became evident early in the session, that, so far as the State House was concerned, it did not meet the approval of the Legislature and that bill was indefinitely postponed and the present one introduced in its place, the latter providing that each county should determine within its own borders the matter of clerk hire. It seemed to the committee that this was wise; that it was better for that matter to be determined in each county where the bills were paid than to be determined by the Legislature. It has become perfectly obvious in the last few days, however, that representatives from a majority of the counties do not wish that to be done; and while I still feel that a plan of that sort would be a wise one, I certainly can very good naturedly yield to the superior judgment of the majority. I will say that if this bill now under consideration be indefinitely postponed it is purposed to follow it with a bill which I hold in my hand to determine the amounts to be paid for clerk hire in the several counties, and that bill will differ from the present arrangement in this particular: under the present arrangement which has obtained for many years the acts have provided that officials, for instance the clerk of courts in Piscataquis County, shall receive a salary of \$1400 and \$200 for clerk hire. Now under that enactment it has been the custom of the county treasurer to pay the clerk \$1600 and no questions asked about what became of it. If he could hire a clerk for \$150, he got the \$50 as a bonus. If on the other hand it was necessary for him to pay \$100 more, he had to stand the difference. This bill which it is proposed to introduce provides that each officer shall notify the county treasurer how many clerks he is employing and what the weekly wage is and their names and that the county treasurer shall pay these clerks in the different offices, that is the clerk of courts' office and the office of the register of deeds and the register of probate and take their receipts. In this way the officer himself does not handle the money nor is he obliged to pay anything out of his own salary. It then goes on to provide that the total

sum to be paid annually shall not exceed the amounts named and these amounts named are the amounts which have been stated to be the ones which are necessary by the several different officers over the state. There is no disposition to limit or curtail in any particular, and I believe that the amounts named here are wholly adequate and such as are acceptable to all of the offices. With this explanation, while it is contrary to what I could have wished, I understand that it will be in order to indefinitely postpone the present bill and then the one which I have just explained will be offered.

Mr. DUTTON of Bingham: Mr. Speaker, I do not know whether my county would like this bill which the gentleman from South Portland has moved to indefinitely postpone or not. I do not know whether they want to adopt a bill such as our friend from South Portland recommends or not. Our county desires that the clerk of courts shall be provided with compensation for clerk hire of \$500 per year, and the register of deeds the same. That was entirely satisfactory to our committee and I understand was provided for in the original salaries and fees bill that was first contemplated. There have been so many changes and so much juggling that we have not been able to follow it. If anyone can inform me as to what provision it makes for Somerset County, provided it is as above, I will be glad to support the motion.

Mr. SANBORN: Mr. Speaker, I will say for the information of the gentleman that this bill does provide for clerks in the office of register of deeds in Somerset County \$500 and clerk of courts \$600; that is, that they shall not exceed that amount. It means whatever is necessary inside those amounts.

On motion by Mr. Greenleaf of Portland, the bill was indefinitely postponed.

On motion by Mr. Sanborn of South Portland, unanimous consent being given, the rules were suspended and that gentleman presented out of order bill. An Act to determine the amounts to be paid for clerk hire in the several counties.

On further motion by Mr. Sanborn, the rules were suspended, and the bill received its three several readings at

this time and was passed to be engrossed.

On motion by Mr. Libby of Merrill, House Doc. No. 942, bill, An Act to confer additional rights and powers upon the East Branch Improvement Company, a corporation incorporated by a special act of the legislature, approved March 18, 1903, was taken from the table.

On further motion by Mr. Merrill, the bill received its third reading and was passed to be engrossed.

On motion by Mr. St. Clair of Calais, House Doc. No. 938, bill, An Act additional to the charter of the city of Biddeford and in effect amendatory of the said charter, was taken from the table.

On further motion by Mr. St. Clair the bill then received its third reading and was passed to be engrossed.

The SPEAKER: The Chair wishes to call the attention of the House to Senate Doc. No. 422, bill, An Act to create the Anson Water District. It is not on the printed calendar, although it should have been, assigned today. This bill was read twice on March 27 and tabled pending printing of Senate Amendment A and assigned for Tuesday. This amendment is printed as House Doc. No. 963.

On motion by Mr. Greaton of Starks, Senate Amendment A was adopted in concurrence.

On further motion by Mr. Greaton, the bill received its third reading and was passed to be engrossed as amended.

The SPEAKER: The Chair will also call the attention of the House to House Doc. No. 960, new draft of House Doc. No. 359, bill, An Act to amend Sections 4 and 5 of Chapter 35 of the Public Laws of 1909, relating to the duties of the commissioner of agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation. In the House the majority report "ought to pass" was accepted and the bill was printed under the joint rules and now comes before this House for action.

The bill then received its first and second readings.

The SPEAKER: The Chair wishes to

state that this is a matter in which Mr. Peterson of New Sweden wished to file a minority report. The Chair will state that his rights will be protected.

On motion by Mr. Peterson of New Sweden, the bill was tabled until tomorrow morning, pending its third reading.

The SPEAKER: The Chair lays before the House House Doc. No. 513, bill, An Act to require certain vehicles to carry lights at night on public highways and bridges.

Mr. ST. CLAIR of Calais: Mr. Speaker, I move that that be indefinitely postponed.

Mr. RICKER: Mr. Speaker, I believe there is an amendment to this bill.

The SPEAKER: The Chair will lay this matter before the House so that you may act upon it intelligently. In the House, House Amendment A was adopted. The bill was read three times and passed to be engrossed and sent to the Senate for concurrence. The Senate non-concurred in the adoption of the House amendment but adopted Senate Amendment A and sent it back for concurrence. Senate Amendment A is printed as House Doc. 959. If the House wishes to act upon this matter it will be necessary to reconsider the vote whereby this bill was passed to be engrossed.

On motion by Mr. Ricker, the House reconsidered its vote whereby this bill was passed to be engrossed.

Mr. RICKER: Mr. Speaker, I think the change will be found in the fact that the Senate voted to non-concur with the House on an amendment that I offered the other day. In this new draft that part of the bill which is Section one refers to the lights, and says "or to any vehicle designed for the transportation, as its principal freight, of hay or straw, or other general heavy freight." That is where the difference comes,— "or other general heavy freight;" also the penalty of this bill has been removed. It seems to me the bill should be passed under its present conditions.

Mr. Fay of Dexter moved that the bill be laid upon the table until tomorrow morning.

A viva voce vote being doubted,

A division of the House being had,

The motion was lost.

Mr. Fay then moved that the House concur with the Senate in the adoption of Senate Amendment A.

Mr. ST. CLAIR of Calais: Mr. Speaker, I now make the motion to indefinitely postpone this bill.

The SPEAKER: The gentleman from Calais, Mr. St. Clair, moves that this bill be indefinitely postponed. The gentleman from Dexter, Mr. Fay, had already moved to concur with the Senate in the adoption of Senate Amendment A. The motion of the gentleman from Calais has precedence. All those in favor of indefinitely postponing this bill will say yes; all those opposed will say no.

A viva voce vote being doubted,

A division of the House being had,

Fifty-two voted in the affirmative and 48 in the negative, and the motion to indefinitely postponed prevailed.

Mr. Besse of Dixmont moved that the vote be reconsidered whereby this bill was indefinitely postponed.

A rising vote being had,

The motion was lost by a vote of 37 to 54.

Mr. Sanborn of South Portland moved that the vote be reconsidered whereby the House passed to be engrossed bill, An Act fixing the amount of clerk hire in the several counties.

The motion was lost.

The SPEAKER: The Chair lays before the House bill, An Act to amend Chapter 121 of the Private and Special Laws of 1913, entitled, "An Act to incorporate the Madison Water District," House Doc. No. 958, tabled by the gentleman from Lisbon, Mr. Plummer.

Mr. Plummer then yielded the floor to the gentleman from Solon, Mr. Pollard.

Mr. POLLARD: Mr. Speaker, this bill was introduced by me several weeks ago. It was referred to the committee on judiciary and a hearing was held at which neither the proponents nor opponents of the measure were present, and the committee reported that it "ought to pass." I am informed by the citizens of that town that they do not want the bill, and I therefore move that it be indefinitely postponed.

The motion was agreed to.

The SPEAKER: The Chair lays before the House bill, An Act to amend Article 22 of the Constitution, as amended, relating to the limit of municipal indebtedness of cities, Senate Doc. No. 269, tabled by the gentleman from Lisbon, Mr. Plummer, the pending question being the passage of the bill to be engrossed.

Mr. Plummer then offered House Amendment A, to amend by adding after the semicolon in line 22 the following words: "provided, further, that the value of any public utilities owned by any town shall be subtracted from the gross debt and the remainder shall be considered the aggregate debt or liability. The value of any such utility shall be estimated by the Public Utilities Commission or in such other manner as the Legislature shall provide."

The amendment was adopted.

Mr. PLUMMER: Mr. Speaker, this resolve provides for an amendment to the Constitution providing for an increase in the debt limit of cities of seven and one-half per cent. The Constitution at present provides that the debt limit of all towns and cities in the state, with the exception of cities of over 40,000 inhabitants, which means only Portland, is now five and one-half per cent. The debt limit of Portland is seven and one-half per cent. This resolve as it exists here increases the debt limit of all cities in the state to seven and one-half per cent; it does not raise the debt limit of any town. It seems to me if we are to amend the Constitution along these lines at the present time that something should be looked for in the future more than for the purpose of immediately borrowing money. The object of this amendment is that in the estimation of any indebtedness of a town—and nothing is said about cities—that in case the town owns any public utilities as, for instance, water works, that the value of that utility shall be taken out before considering the aggregate debt, because towns are taking into consideration the furnishing of themselves with light and water plants. In view of that it seems to me that we should make some kind of an amendment like this to the Constitu-

tion while we are about it. The mere increasing of the limit from five to seven and a half per cent is only putting off the evil day. Those cities that have it at seven and a half per cent find that they have a use for this provision, and those that have not the seven and a half per cent provision have got to increase it to that point, and they are still going to want more money, and they will later want it increased to ten per cent.

On further motion by Mr. Plummer the bill was passed to be engrossed as amended.

The SPEAKER: The Chair lays before the House bill, An Act relative to the granting of licenses for certain businesses and purposes by the municipal officers of the city of Portland, House Doc. No. 735, tabled by the gentleman from Portland, Mr. Colcord.

On motion by Mr. Greeley of Portland, the bill was taken from the table.

Mr. Greeley then moved that the bill be indefinitely postponed.

The motion was agreed to.

The same gentleman then moved that the vote be reconsidered whereby this bill was indefinitely postponed.

The motion was lost.

The SPEAKER: The Chair lays before the House bill, An Act to incorporate the Hartland Water District, Senate Doc. No. 442. This bill received its two readings this morning and was assigned for this afternoon for its third reading.

The bill then received its third reading and was passed to be engrossed.

The SPEAKER: The Chair will now take up matters on the calendar under the heading of "Tabled and Unassigned." The Chair lays before the House bill, An Act increasing the amount of exemption from taxation on musical instruments, tabled by the gentleman from Lewiston, Mr. McCarty, the pending question being the acceptance of the report of the committee.

Mr. McCarty yielded to the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker, as a member of the committee on taxation, this matter came before our committee. The law now exempts musical instru-

ments up to the value of \$50, and I have introduced a bill here increasing the amount of exemption to \$200. That bill came before the committee and upon that measure the committee reported "ought not to pass." At that time I made no minority report for the reason that I had discovered not very general interest in the matter. Since that time the gentleman from Lewiston, Mr. McCarty, and some others have expressed some interest in the matter, and I therefore move that the bill be substituted for the report of the Committee.

Mr. FAY of Dexter: Mr. Speaker, there was considerable opposition to this bill at the hearing before the committee. I think there were no proponents of the bill who appeared before the committee, and it seems to me that at the time of the hearing it appeared that most of the people who owned instruments were taxed upon instruments that were worth considerable money and they paid the taxes on them. It seems to me that a musical education is a good thing and is almost a luxury in the home, and this is on the principle that luxuries should be taxed. I wish to say that the report of the committee was unanimously that the bill "ought not to pass."

Mr. WASGATT of Deer Isle: Mr. Speaker, I remember there was considerable opposition to this matter, and the ground was that the exemption as it now exists practically and nearly all came from small musical instruments except pianos; and they strenuously objected to having those exempted as it would very much reduce the amount of taxable property, and I see no reason why people who own a piano should not pay a small tax upon it, and the committee reported "ought not to pass." I hope the report of the committee will be accepted.

Mr. McCARTY of Lewiston: Mr. Speaker, I do not want to find any fault with the report of the committee, but as it has been suggested by the gentleman from Lisbon, Mr. Plummer, I did approach him after the report came in with the idea of trying to determine for myself just upon what ground the committee refused to increase the exemption on musical instruments. It has been suggested here that a person

who owns a piano is perhaps better off in this world's goods than those who do not own pianos. I want to call your attention to the fact that there are hundreds and perhaps thousands of pianos used in the State of Maine today that are sold on the installment plan, and the purchasers of those pianos are not only paying the installments as they come due but on the interest on unpaid balances and it seems to me it is only fair to include all instruments up to a certain value in this exemption from taxation. The sum of \$200 won't cover the piano owned by the rich man, but it probably will cover the value of the ordinary piano owned in the ordinary home where the parent is struggling not only to pay for the piano but is trying to give his children an education along musical lines. That is the reason why I am objecting to the acceptance of the report of the committee, without reflecting at all upon the manner in which the report is presented to this House.

The question being upon the motion that the bill be substituted for the report,

A viva voce vote was doubted,

A rising vote was had and the motion prevailed by a vote of 45 to 37.

So the bill was substituted for the report of the committee.

On motion by Mr. Plummer, the rules were suspended and the bill received its three several readings.

Mr. Roberts of Portland moved that the vote be reconsidered whereby this bill received its third reading at the present time.

The motion was lost.

The bill was then passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act to amend Sections four, seven and eight and adding Section 12 to Chapter 65 of the Public Laws of 1911, relating to the department of labor and industry, House Doc. No. 401, tabled by the gentleman from Biddeford, Mr. Descoteaux, the pending question being the adoption of Senate amendment A in concurrence.

Mr. Descoteaux yielded to the gentleman from Lewiston, Mr. McCarty.

Mr. McCARTY: Mr. Speaker, I am frank to say to the members of this

House that the importance of this amendment does not strike me so forcibly as it does some of the persons who are interested in labor legislation. The section which this amendment seeks to change is that which gives the commissioner as state factory inspector and any of his agents power to enter any factory, mill or workshop there to examine the same in regard to sanitary and any other conditions that might exist so far as the labor laws are concerned; and the particular sentence which is amended by the amendment is this: "and if any person, or persons, shall refuse to admit or shall delay the commissioner or any authorized agent of the labor department in so entering, or shall refuse to give the information so desired by said commissioner or authorized agent, then said person or persons, shall be deemed guilty of a misdemeanor, etc.," and the purpose of the amendment is to change it so that it shall read "and if any person or persons shall unreasonably refuse to admit or shall delay the commissioner." It is claimed that the labor laws are being violated especially in regard to minors, and it is said that in many factories delays have been caused to the commissioners or the persons attempting to enter the factories, and it is their idea that there should be no delay whatever, and that they should have not only the power to enter the factories but that that power should not be at all stopped by anybody in authority, and it is the contention that the word "unreasonably" should not be in there. I therefore move that the House do non-concur with the Senate in the adoption of the amendment.

Mr. WESCOTT of Bluehill: Mr. Speaker, I do not feel that the word "unreasonably" ought to be in there, and I hope the amendment will be voted down.

The question being on the motion to non-concur with the Senate in the adoption of Senate Amendment A.

The motion was agreed to.

On further motion by Mr. McCarty, the bill was passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act relating to the annual appropriation for the State

Laboratory of Hygiene, tabled by the gentleman from Houlton, Mr. Pierce, the pending question being the passage of the bill to be enacted.

On motion by Mr. Pierce, the bill was passed to be enacted.

The SPEAKER: The Chair lays before the House bill, An Act relating to the compensation of registers of probate, tabled by the gentleman from Lincoln, Mr. Thombs.

On motion by Mr. Thombs, the bill was indefinitely postponed.

The SPEAKER: The Chair lays before the House bill, An Act relating to the compensation of clerks of courts, tabled by the gentleman from Lincoln, Mr. Thombs.

On motion by Mr. Thombs, the bill was indefinitely postponed.

The SPEAKER: The Chair lays before the House bill, An Act relating to the compensation of registers of deeds, tabled by the gentleman from Lincoln, Mr. Thombs.

On motion by Mr. Thombs, the bill was indefinitely postponed.

The SPEAKER: The Chair lays before the House bill, An Act to provide for semi-monthly payment on account of state contracts, tabled by the gentleman from Brewer, Mr. Higgins.

Mr. Higgins moved that the bill takes its usual course.

Mr. PERKINS of Augusta: Mr. Speaker, I think there is an error in relation to that matter. I think the bill has received its three readings and has been passed to be engrossed.

The SPEAKER: Under the circumstances, the Chair thinks it would be better not to take any action at this time upon this matter, and if any action seems to be necessary, we will consider it tomorrow.

The SPEAKER: The Chair lays before the House bill, An Act relating to and electricity, House Doc. No. 778, tabled by the gentleman from Lewiston, Mr. McCarty, the pending question being the second reading of the bill.

On motion by Mr. McCarty, the bill received its second reading.

Mr. Plummer of Lisbon then offered House Amendment A, to amend by

striking out the whole of Section four and inserting in place thereof the following: "Section 4. Before the town of Lisbon shall construct any plant under the provisions of this act, it shall purchase the plant and property of the Lisbon Falls Gas and Electric Company, providing said company desires to sell, and said company is hereby authorized to sell. The procedure shall be as follows: that when the town of Lisbon shall vote to enter upon the business of supplying gas and electricity or either, the town clerk shall notify the said gas and electric company of such action by registered letter directed to its office. If within thirty days thereafter said company shall signify in writing to said town clerk its decision to sell it shall within ninety days after so signifying deliver to the said town suitable deeds or other instruments conveying its plant and property, and said town shall pay to said company the fair value thereof to be ascertained as hereinafter provided. Should said town and said company be unable to agree upon the value of said plant and property, then such value shall be determined by three appraisers, one of whom shall be chosen by the town, one by the company and the third by these two, or if they be unable to agree, the third shall be named by the Chief Justice of the Supreme Court of Maine. Provided further that such value shall be estimated without enhancement on account of the future earning capacity or on account of the franchise of said company."

The amendment was adopted.

Mr. Plummer then moved that the bill receive its third reading and be passed to be engrossed as amended.

The bill received its third reading, as amended.

Mr. SANBORN of South Portland: Mr. Speaker, wish to call attention to this fact, that the amendment as offered and adopted hastily is an amendment which I am informed by attorneys who have given the matter consideration would be held unconstitutional by our courts. I understand this amendment to be like the one we rejected in the Bath Water District matter. Unfortunately for the gentleman from Lisbon, Mr. Plummer, these matters in our state are

not decided according to the decisions in Massachusetts. A decision which might be perfectly constitutional in that state under their constitution might not be held so in this state. I want to say if this matter is allowed to go on as it has the result will be that it will be taken to the courts and the question of constitutionality decided, and if that is done it will result in additional delay and expense; and I am going to move that we reconsider the vote whereby the bill received its third reading and reconsider our action in adopting this amendment simply for that purpose.

Mr. PLUMMER: Mr. Speaker, as far as any decision in this case is concerned, if this company sells out it does so voluntarily. And I want to call attention upon that question to the provision of the Constitution that private property shall not be taken for public uses without just compensation; but even in the cases cited by legal authorities in the Kennebec Water District matter, that it is ruled by the court in that case, and was charged to the appraisers in that case, that a franchise may be revoked by the Legislature, and that the appraisers were to take into consideration, as I understand it, the likelihood of its being done. But that case is altogether aside from this one. This question is simply as to whether or not the town of Lisbon shall have the right to sell electricity, having first offered to buy out this company, and if this company does not care to sell, whether or not one may sell electricity in the town of Lisbon, and even then we would be subject to the Public Utilities Commission. Before they can sell it is necessary for them to go to the Public Utilities Commission; and I am inclined to think before the town of Lisbon could sell even under this act,—if this company which is now doing business there does not care to sell, we would have to go to the Public Utilities Commission before we could sell electricity; so that this is really only an enabling act to put it in the same position which any three men could get into now under the general law.

The question being on the motion to reconsider the vote whereby this bill received its third reading, as amended,

The motion was lost.

On further motion by Mr. Plummer the bill was passed to be engrossed.

The SPEAKER: The Chair lays before the House bill, An Act relating to the Old-town-Milford bridge, tabled by the gentleman from Lewiston, Mr. McCarty, the pending question being the acceptance of the report of the committee, reporting "ought not to pass."

Mr. Davis of Oldtown moved that the bill be substituted for the report of the committee.

The motion was lost.

On motion by Mr. Plummer of Lisbon, the report of the committee was accepted.

The SPEAKER: The Chair lays before the House Resolve in favor of Herbert L. Kimball, House Doc. No. 690, tabled by the gentleman from Houlton, Mr. Pierce, the pending question being the printing of the amendments.

Mr. PIERCE of Houlton: Mr. Speaker, the resolve returned from the committee provided that the state should not be allowed to plead in defense of that suit Section 63 of Chapter nine of the Revised Statutes. They reported in favor of allowing Herbert L. Kimball and Deforest Keyes, then men mentioned in these two resolves, House Docs. No. 690 and 691, to sue the State of Maine and provided that the statute of limitations should not be pleaded. The attorneys for Messrs. Keyes and Kimball before that committee advocated and set forth that all they wanted was a chance to present their case against the state, but this resolve reported out of the committee does more than that, it repeals this section of the statute which is referred to. In other words, that statute provided that when the state sells land for taxes it gives a quit-claim deed, and that section provided that there should be no claim against the state. That was the law when Keyes bought these tax titles and when Kimball bought his, and it has been the law in the State of Maine for a great many years. These two men came down to the State of Maine and bought these tax titles, and they were simply gamblers. And what chances did they take? The tax rate at that time was three mills on the

dollar, and allowing two mills more for your expenses of sale and that would make a total of five mills taxed against those lands, and the result of that would be that they would gain at the ratio of 200 to one. They came down here and took their chances and they lost, and now they want their money back. I don't call that even a decent sporting proposition, the way I look at it. In my opinion, they did not come down here to make any legitimate investment. They thought that somebody had forgotten at some time or other to pay their state taxes, and they said they could get rich by purchasing these tax titles, and they said that if one of these deeds was good, they would get their money back, and if they were all good they would make a good sized fortune. At that rate with the amount of money expended, at the ratio of 200 to one, they would have made \$4,000,000. Now if the State of Maine deceived those men and the matter was placed in that position I am perfectly willing that the state should be sued, but I do object to repealing this provision of the statute when the State makes no misrepresentation at all; and it does not seem to me right that this State should turn around and let those men sue it on the one hand and repeat that which was the law at that time, and which has been the law back as far as 1857, that being as far back as I have looked. I do not believe when a gambling enterprise of that nature is carried on that the State should now be asked to pay those men what they have asked.

Mr. McCARTY of Lewiston: Mr. Speaker, on the discussion not only of the resolve in favor of Mr. Kimball but also the resolve in favor of Mr. Keyes, which I think is proper because the same facts are involved in both cases, I think it is proper that we consider both matters at this time, and I am not going to quarrel with the gentleman from Houlton, Mr. Pierce, in regard to the law involved in these cases, because there is no occasion for any quarrel at all; but I am going to challenge and challenge very seriously the proposition involving some questions of fact. The position is taken that Keyes was a gentleman and that he came into the State of Maine with a proposition

which, if successful, would yield him two hundred per cent. or two hundred times the amount that he himself had invested. Now, Mr. Speaker, and gentlemen, it is a well-known fact that it takes more than two to carry out a gambling proposition; you can not gamble with yourself; you have got to have something or somebody to gamble with, and the biggest gamble in this whole proposition was not this boy of 22 years from New York, but it was the State of Maine through its officials who spread broadcast advertisements stating that they had land for sale, and this came to the attention of this young man Keyes whose father was a banker there in New York, and who invested in these same titles to wild lands which had been forfeited by land holders in the State of New York, a legitimate investment; and this young man knew that his father had made money; he saw these advertisements, and he thought when he was dealing with the State of Maine that he was dealing with somebody that was responsible and if the deal was made that the State of Maine was honorable enough to stand up behind it. Mention has been made about quit-claim deeds and warranty deeds. A warranty deed or a quit-claim deed, either one of them, gives some title to some thing, but every deed among the 316 that this man Keyes received,—every one of those deeds gave title to absolutely nothing. This young man came down here and interviewed the Treasurer of the State at that time; and the Treasurer told somebody and somebody told him that he advised this young man that he was dealing in rather a ticklish proposition. Now, if the Treasurer ever made those statements, and I don't think he did, I think it was the most unmanly and dishonorable thing that man ever did in his life; if he gave that advice that this State had certain lands for sale and then turned around and took from this young man 316 fees for preparing deeds and sticking the money in his pocket, I say if he did that it was a most dishonorable thing.

It is true this young man might have had the idea in his mind that he was going to become rich by the acquisition of valuable timberlands. But, as I say, it is not a question of law in this

case as far as I can see; it is simply a question of actual justice. This claim has been before the Legislature of Maine for several years, and never yet has any committee failed to return either a unanimous or a majority report in favor of the claim. I understand that the committee on claims of this present Legislature had virtually decided to report in favor of it, and I don't know what made them substitute this resolve giving the right to bring an action in equity, but whatever their judgment was I imagine it is good, and I know it is. This claim was once passed by a Legislature of this State and subsequently vetoed by a governor. To me it is a question of honor, and it is a question whether the State of Maine which has been enjoying the \$17,000 which Deforest Keyes paid over shall pay it back again. In his case they gave him nothing but blank paper and charged him \$316 for those 316 deeds.

As far as this amendment is concerned, it is proposed to deny to the State of Maine, if a suit in equity is to be brought,—it is proposed rather to reserve to the State of Maine the power to answer to that bill in equity by raising the objection provided for in Section 63 of Chapter nine which has already been referred to. If this amendment is adopted it strikes out this provision in the resolve where this technical objection can not be raised, and you might just as well start in here and kill the entire resolve because any lawyer knows that if this bill in equity were to be brought and were to be produced in court and the attorney general came into court and raised an objection to its being sustained by referring to that particular section of that chapter, there would be nothing for a presiding justice to do but to sustain the objection raised and dismiss the bill. If this case has not got any merit as far as the facts are concerned, and if it has merit as far as the defense is concerned, then I have enough respect for the ability of the attorney general of the State of Maine to find defenses. These are not the only two defenses that can be raised in a case of this sort, and the attorney general of this State will be able to present a sufficient defense. I say that this amendment

should not be adopted, but that this resolve as presented here certainly should be adopted and this young man be given his day in court.

Mr. Hill of Corinth moved that the resolve be indefinitely postponed.

The SPEAKER: The Chair lays before the House the parliamentary status on this matter so that it may be acted upon intelligently. The first question before the House is upon the acceptance of the report of the committee reporting "ought to pass" in new draft.

On motion by Mr. Pierce of Houlton, the report was accepted.

On further motion by Mr. Pierce, the rules were suspended and the resolve received its first reading.

Mr. Pierce then offered House Amendment A, which is printed as House Doc. No. 914, and moved that the same be adopted.

Mr. Hill withdrew his motion that the resolve be indefinitely postponed.

The question being on the motion that House Amendment A be adopted, and a viva voce vote being doubted,

A rising vote was had and the amendment was adopted by a vote of 52 to 32.

The question then being on the adoption of House Amendment B, presented by the gentleman from Lewiston, Mr. McCarty, which amendment is printed as House Doc. No. 917,

On motion by Mr. McCarty, the amendment was adopted.

The question then being on the adoption of House Amendment C, printed as House Doc. No. 918,

On motion by Mr. Greeley of Portland, House Amendment C was withdrawn.

On further motion by Mr. Pierce, the rules were suspended, the resolve received its first reading at this time. ed to be engrossed as amended.

The SPEAKER: The Chair lays before the House Resolve in favor of Deforest Keyes, House Doc. No. 691, the pending question being the acceptance of the report of the committee, reporting "ought to pass" in new draft.

On motion by Mr. Pierce of Houlton, the report was accepted.

On further motion by Mr. Pierce, the rules were suspended and the resolve received its first reading at this time.

Mr. Pierce then offered House Amendment A, being House Doc. No. 916, and moved its adoption.

The amendment was adopted.

The pending question being on the adoption of House Amendment B, on motion by Mr. McCarty of Lewiston, the amendment was adopted.

On further motion by Mr. Pierce, the rules were suspended, the resolve received its second reading and was passed to be engrossed, as amended.

Mr. Pierce of Houlton moved that the vote be reconsidered whereby the House passed to be engrossed resolve in favor of Herbert L. Kimball, being House Doc. No. 690.

The motion was lost.

Mr. Pierce of Houlton moved that the vote be reconsidered whereby the House passed to be engrossed Resolve in favor of Deforest Keyes, being House Doc. No. 691.

The motion was lost.

The SPEAKER: The Chair lays before the House bill, An Act to amend Section 11 of Chapter 120 of the Public Laws of 1913, tabled by the gentleman from Houlton, Mr. Pierce, the pending question being reference to a committee.

On motion by Mr. Pierce, the bill was indefinitely postponed.

The SPEAKER: The Chair lays before the House bill, An Act for the better protection and preservation of the lobster fisheries and bill, An Act for the better protection and preservation of the lobster fisheries, and authorizing the appointment of a commission, House Doc. No. 925, tabled by the gentleman from Lisbon, Mr. Plummer, the pending question being the third reading of the bill.

Mr. PLUMMER: Mr. Speaker, I don't know that I have any particular objection to this matter only in the fact that it carries a larger appropriation than seems to be necessary.

On motion by Mr. Mulligan of Nobleboro, the bill received its third reading and was passed to be engrossed.

Passed to be Enacted.

An Act to amend Section two of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public

Laws of 1913, relating to ice fishing in the Kennebec River in Somerset County.

An act to amend Section 23 of Chapter 18 of the Revised Statutes, as amended by Chapter 26 of the Public Laws of 1907, and Chapter 40 of the Public Laws of 1913, relating to the annual appropriation for the State Laboratory of Hygiene.

An Act to repeal section four of Chapter 217 of the Private and Special Laws of 1913, entitled "An Act to incorporate the Inter-Urban Ferry Company.

An Act to provide for the establishment of a board of recreation for the city of Portland.

An Act to amend sub-division F of division sixth of Section 23 of Chapter 48 of the Revised Statutes, with reference to the investment of deposits in savings banks and institutions for savings.

An Act to fix the salary of the clerk of the commissioners of inland fisheries and game.

An Act to fix the salaries of certain public officers.

An Act creating the Southern Maine Forest District and providing for protection against fires therein. (Tabled by Mr. Pierce of Houlton.)

An Act to amend Section 80 of Chapter 48 of the Revised Statutes, as amended by Chapter 15 of the Public Laws of 1905, allowing trust companies to become stock holders in federal reserve banks.

An Act additional to Chapter 156 of the Public Laws of 1913, relating to the marks upon barrels and boxes to be used in shipping apples.

An Act to amend Section eight of Chapter 123 of the Revised Statutes providing that warrants issued by trial justices may be returned before any municipal court in the same county.

An Act relating to the appointment of harbor masters for the harbor of Portland. (Tabled by Mr. Roberts of Portland.)

An Act to regulate the shipment of lobsters by shippers with established places of business.

An Act to amend Section two of Chapter 158 of the Public Laws of 1911, relating to the verification of savings deposits in savings banks, institutions

for savings and trust and banking companies.

An Act to amend Section 54 of Chapter 125 of the Revised Statutes, relating to the appointment of cruelty agents. (Tabled until tomorrow morning on motion by Mr. Greenleaf of Portland.)

An Act to amend Section two of Chapter 114 of the Revised Statutes of 1903, relating to arrests and disclosures on leaving the state. (Tabled until tomorrow morning on motion by Mr. Lombard of Old Orchard.)

An Act to provide for the systematic maintenance of the principal thoroughfare in each municipality in the State.

An Act to amend the charter of the city of South Portland thereby providing for the election of assessors by the citizens.

An Act to amend Sections two, three and five of Chapter 21 of the Public Laws of 1909, relating to the use of cinematograph, cinetograph, kenetoscope and moving picture machines.

An Act to amend Section 75 of Chapter four of the Revised Statutes, relating to loans in anticipation of the issue of bonds or notes.

An Act to amend Section one of Chapter 21 of the Public Laws of 1909 relative to the use of the cinematograph.

An Act to amend Section 28 of Chapter six of the Revised Statutes, as amended by Chapter 98 of the Public Laws of 1911, relating to the time of opening and closing the polls at elections, and also to repeal Section 35 of said Chapter six of the Revised Statutes.

An Act relating to the appointment of agent by a non-resident testamentary trustee.

An Act to provide for semi-monthly payment on account of State contracts.

An Act to incorporate the Southwest Harbor Water District.

An Act to extend and enlarge the powers of the Limerick Water and Electric Company.

An Act to correct certain clerical errors in and to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to inland fisheries and game. (Tabled until tomorrow morning on motion by Mr. Gerrish of Greenville.)

An Act to provide for the care and treatment of tubercular persons.

Finally Passed.

Resolve appropriating money for the installation of steel filing cases in the office of the State Treasury.

Resolve authorizing the State Highway Commission to undertake the defense of a certain suit at law against the town of Falmouth.

Resolve authorizing John G. Fleming to bring a suit at law or in equity against the State of Maine for a balance claimed to be due him on a highway contract. (Tabled until tomorrow morning on motion by Mr. Perham of Woodstock.)

Resolve in favor of the physician at the Maine State Prison. (Tabled until tomorrow morning on motion by Mr. Perham of Woodstock.)

Resolve appropriating money for the construction of certain buildings at the University of Maine. (Tabled until tomorrow morning on motion by Mr. Pierce of Houlton.)

Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish, game and birds, and for the printing of the report of the commissioners of inland fisheries and game. (Tabled until tomorrow morning on motion by Mr. Pierce of Houlton.)

Resolve making an appropriation for the purpose of obtaining information in regard to the wild lands for the purposes of taxation.

Resolve in favor of the Maine Wesleyan Seminary and Women's College for practical instruction in agriculture and domestic sciences. (Tabled until tomorrow morning on motion by Mr. Pierce of Houlton.)

Resolve providing for the construction and equipment of a central school building at the Maine Industrial School for girls, at Hallowell. (Tabled until tomorrow morning on motion by Mr. Pierce of Houlton.)

Resolve appropriating money for the purchase of additional laundry equipment for the Maine School for Feeble-Minded.

Resolve appropriating money to fence the new water supply at the Maine School for Feeble-Minded.

Resolve appropriating money to aid in constructing a bridge across the Fore River between the cities of Portland and South Portland. (Tabled until tomorrow morning on motion by Mr. Pierce of Houlton.)

Resolve appropriating money for the purpose of providing and operating patrol boats to be used in the enforcement of laws relating to sea and shore fisheries. (Tabled until tomorrow morning on motion by Mr. Pierce of Houlton.)

Resolve in favor of the Augusta State Hospital for renovating the second male wing of the stone building.

On motion by Mr. Higgin of Brewer,
Adjourned until to morrow morning
at nine o'clock.