

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1921

## HOUSE

Tuesday, March 1, 1921.

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

Prayer by Chaplain Frank L. Phallen of National Soldiers' Home.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill "An act to amend Section 76 of Chapter 82 of the Revised Statutes relative to price of Maine reports." This was passed to be engrossed in concurrence in the House, February 23.

Comes from the Senate, that body having reconsidered its vote whereby the bill was passed to be engrossed, and having adopted Senate Amendment A, and having passed to be engrossed as amended by Senate Amendment A.

The SPEAKER: The Clerk will read what will be Section 76 of Chapter 82 of the Revised Statutes, provided the House accepts Senate Amendment A.

(Senate Amendment A read by the Clerk.)

On motion by Mr. Rounds of Portland, the bill with Senate Amendment A as suggested was tabled, and specially assigned for Thursday, March 3.

Mr. BUZZELL of Belfast: Mr. Speaker, before we proceed with the next order of business, there are some ten bills that have come over to us from Friday and Monday, and I move at this time a suspension of the rules that they may be enacted and signed by the Governor before he leaves the State.

The motion prevailed, the rules were suspended and the House proceeded under Section eight of the regular order.

### Passed to Be Enacted

An Act to amend Sections 2 and 8 of Chapter 55 of the Private and Spe-

cial Laws of 1903 entitled "An Act to incorporate the Squirrel Island Village Corporation."

An Act to amend Chapter 211 of the Private and Special Laws of 1911 relating to the Congregational Conference and Missionary Society of Maine.

An Act to extend the charter of the Quebec Extension Railway Company.

An Act to amend An Act entitled "An Act granting a charter to the Alumni Association of Bates College."

An Act to extend the charter of the Eastern Maine Railroad.

An Act to amend Section 10 of Chapter 182 of the Public Laws of 1919 relating to inmates escaping from the Reformatory for Men.

An Act to revive, renew and extend the charter of the Lubec and Machias Railway Company.

An Act to permit the town of Southport to obtain a supply of pure water.

An Act amendatory of Section 7 of Chapter 117 of the Revised Statutes, as amended by Chapter 226 of the Public Laws of 1919, relating to compensation of judges upon retirement.

An Act establishing a game sanctuary in Range 3 east of the Kennebec River in the city of Augusta and county of Kennebec.

## Recess

### After Recess

The SPEAKER: We are now under the regular order again.

Communication from the President of the University of Maine transmitting a list of the receipts and expenditures of the University of Maine in response to a House order of February 15.

The communication was received and placed on file.

The following bills, resolves and petitions were received and upon recommendation of the committee on reference of bills, were referred to the following committees:

**Placed on File**

Mr. Barwise of Bangor: Petition of Edward L. Foss and 431 others of Portland in favor of the "Barwise Sunday Bill."

By Mr. Lowe of Gray: Remonstrance of Eliza J. Jordan and 17 others against the same.

By Mr. Varney of Windham: Remonstrance of Mrs. Mary K. B. Varney and 37 others of Windham against same.

**Education**

By Mr. Varney of Jonesboro: Bill "An Act to amend Section 82 of Chapter 16 of the Revised Statutes relating to the High Schools."

**Judiciary**

By Mr. Maher of Augusta: Bill "An Act to amend Chapter 126 of the Revised Statutes relating to accessories."

By same gentleman: Bill "An Act to secure the purity of ice cream offered for sale." (500 copies ordered printed.)

**Legal Affairs**

By Mr. Clarke of Stonington: Bill "An Act additional to Chapter 126 of the Revised Statutes, for the punishment of offences against chastity."

By the same gentleman: Bill "An Act to amend Chapter 120 of the Revised Statutes relating to desertion and non-support of families."

By the same gentleman: Bill "An Act to secure prosecution against bail in criminal cases."

**Sea and Shore Fisheries**

By Mr. Varney of Jonesboro: Remonstrance of Willis H. Allen and 45 others of Machias against bill relating to the nine inch lobster law.

By Mr. Roberts of Vinalhaven: Remonstrance of Arthur B. Arey and 37 others of Vinalhaven against same.

By the same gentleman: Remonstrance of Arthur Philbrook and 26 others of Matineus against same.

By the same gentleman: Remonstrance of H. W. Dyer and four others of North Haven against same.

By the same gentleman: Remon-

strance of F. B. Erickson and 13 others of Criehaven against same.

**Ways and Bridges**

By Mr. Porter of Pittsfield: Bill, "An Act to provide for the inspection and repair of all steel or iron highway bridges in the State."

**Reports of Committees**

Mr. Chase from the committee on claims reported "ought to pass" on resolve in favor of the town of Hartland for aid rendered to a mother with dependent children during the year 1918.

Mr. Rounds from the committee on salaries and fees reported "ought to pass" on bill "an act to increase the compensation of fence viewers."

The reports were read and accepted.

On motion by Mr. Brewster of Portland from the committee on legal affairs, that gentleman was granted leave to present out of order the report of that committee, "ought to pass," on bill, "An act to amend Chapter 118, Section 8, Revised Statutes, relating to fees of jurors."

The report was accepted.

**Passed to be Engrossed**

House 173. An Act requiring political advertisements to be signed.

House 180. An act to authorize the city of Portland to pay a pension to Henrietta M. Miller.

House 181. An Act to amend Section 6 of Chapter 486 of the Private and Special Laws of 1885, as amended by Chapter 370 of the Private and Special Laws of 1909, relating to the appointment of chief of police of Portland.

House 182. An Act to amend Chapter 13 of the Private and Special Laws of 1915, entitled "An Act to incorporate the Mopang Dam and Improvement Company."

House 184. An Act for the better protection of clams within the limits of the town of Brunswick.

House 185. An Act relating to the catching of smelts in the Piscataqua river.

House 186. An Act regulating the taking of clams in the town of Jonesboro in Washington county.

House 187. An Act to amend and enlarge the corporate powers of the Fort Kent Electric Company.

House 188. An Act to extend the provisions of Chapter 155 of the Private and Special Laws of 1917, as extended and amended by Chapter 9 of the Private and Special Laws of 1919, entitled "An Act to authorize the town of Yarmouth to supply gas and electricity."

#### Orders of the Day

The SPEAKER: The Chair will state that under the regular order, matters especially assigned upon the calendar for today have precedence.

On motion by Mr. Maher of Augusta, House Doc. No. 28, Report of the Committee on Judiciary on Bill, An Act relating to prohibiting business on Sunday, was taken from the table.

The pending question being that the report of the committee, reporting "ought not to pass," be accepted.

Mr. Maher then moved that the report of the committee be accepted.

Mr. BARWISE of Bangor: Mr. Speaker and gentlemen, I have no desire to take up very much of the time of this House in talking about the good points and the pedigree of a dead horse, but I think in justice to the many thousands of people who favor this bill, some statement of the reasonable circumstances underlying this bill is due to them and to the members of this House.

This bill originated in a peculiar way. Last winter the Bangor Symphony Orchestra, a very creditable musical organization advertised a Sunday concert in City Hall, Bangor, at which classical music was to be rendered. There was some little opposition from some of the Evangelical clergymen, and equally liberal support from those liberally inclined. Dr. Scott, the pastor of the Unitarian church, who delivered the eulogy over the late Governor Parkhurst a few weeks ago, in the course of his sermon on Sunday morning, told his congregation that he was going to attend the Sunday concert and advised them to go, and they all took his advice. In fact, nearly all of the profes-

sional and business men of the city, and all of the first people of the city were in attendance at that concert. The consensus of opinion among the people of real consequence in Bangor was that a law ought not to exist on the books which made a misdemeanor of such a thing as that. It was agreed between myself and Mr. Thomas Kline who was the democratic candidate in the primaries that whichever one was elected, a bill for a reasonable Sunday law would be presented to the legislature, and that was the reason for the presentation of this bill.

If the gentlemen of this House will turn to House Doc. No. 28, and look at the bill, they will observe that there is nothing provided for or allowed in this bill, with the exception of one line, but what is already done in the bigger towns of our State and but what all of us are doing every Sunday. This bill is not intended, and in fact, it distinctly prohibits any commercialism on Sunday, and yet it tries to make legal the things that the first people of our State are doing. With the exception of this one line, as I have stated, and that I think can very well be justified on this ground, that the golf links of Maine are all open on Sunday with two exceptions. They play golf in Bangor, in Waterville, in Augusta, in Skowhegan and in Portland, and in all the golf links all over the State, and if a boy in Bangor begins to knock a ball, the officers chase him half way out of the county. The boys resent this fact as rightly they may. It is commonly remarked among the boys that if you are rich and accomplished no law reaches you. The present situation in regard to the law on our books is one which has come down from Colonial days, and which is entirely out of line with our present notion of things, still powerful now and still in force now as far as some of these things are violated by everybody.

It was contended by one of the speakers in the hearing the other day that this bill would make for lawlessness if it was passed. I contend, Mr. Speaker and gentlemen that

there is nothing that makes for lawlessness so much as the regular and systematic breaking of the law. The thing for sensible legislators to do is to pass a law that can be enforced, and a law that public sentiment will stand behind if it was enforced. It was also said by one of the distinguished speakers the other day in the hearing that the supreme court will take care of us. Very likely they are doing the best they can; they are rendering necessitous decisions, and necessitous decisions are always ridiculous from the standpoint of the layman and from the standpoint of common sense. Lawyers can see the need and the necessity for necessitous decisions, but a decision which does violence to common sense is not a decision which builds up respect for law in the State of Maine, and the thing above all others in this age which we should encourage is the principle of standing firmly by the law.

I claim it is the business of the Legislature, and not our business to put it up to the Supreme court to twist an ancient Statute into an impossible meaning as they did in the Cleveland case. The law says that you cannot travel on Sunday for pleasure or business, and that meant just what it said all down through the generations which have preceded us; it meant the same in all of the early decisions, but somebody had an idea that traveling for pleasure was nothing but traveling for pleasure, and that idea prevailed all down through the 30's, the 40's, the 50's and the 60's. Now you come to the Cleveland case. The Cleveland case says when we take out our cars on Sunday morning that we think we are doing it for fun, but as a matter of fact, we are not; it says that we are doing this for our health, and health is a public necessity, and so, therefore, it comes under the head of a necessity and the respondent is discharged. If this course of necessitous decisions is followed, there is no need of the ridiculousness of what we will force our supreme court to do, if we have not the manhood in this Legislature to do by virtue of our legislative qualifications what the supreme court is doing by decision.

Supposing the distinguished gentleman from South Portland, Mr. Hinckley, were arrested for playing golf. You would have a line of decisions like this: They would say, now the accused thought he was playing a game, and games are prohibited under the Statute, but as a matter of fact he was not playing a game; golf is not a game; golf is a device whereby you chase a homeopathic pill over a 20-acre lot for the purpose of seeing how far the Gulf Stream of youth may be deflected into the Arctic regions. Golf is not a game; golf is a matter of public health, and consequently the respondent is discharged.

Now, I submit to you, gentlemen of the House, is it a reasonable thing that we should force this sort of thing upon a dignified supreme court to pass upon such idiotic measures as this, or shall we make a statute that fits the conditions of the present age? Let me say to you that the basis of law has always been the habits and customs of the people. None know that so well as the lawyers in this Legislature, and in the days of Coke, Blackstone and Littleton, when a judge did not know the law that applied to a specific case, the law was determined simply by finding out what the customs of the people were. So in that way, the customs of the people were inquired into to see what the basis for the law should be. Statutory law is simply an application of the common law; and I submit to you that a statute passed in the Colonial period, based on the habits of the people of that time is not in harmony with the habits of the people now in any of our communities, and that a reasonable law should supercede it; and for that reason, Mr. Speaker and gentlemen, I move that when the vote is taken upon this measure, that it be taken by a division of this House.

**THE SPEAKER:** The pending question is on the acceptance of the report of the committee, reporting "ought not to pass." The gentleman from Bangor, Mr. Barwise, upon that question, asks for a division of the House. All those in favor of the acceptance of the report will rise and stand in their places until counted.

A division being had,

One hundred and seven voted in the affirmative, and 15 in the negative.

So the motion prevailed, and the report was accepted.

The SPEAKER: The next matter for consideration upon the calendar is the report of the committee on Sea and Shore Fisheries on Bill, An Act relating to the use of trawls and nets, tabled pending acceptance of the report on motion by the gentleman from South Portland, Mr. Hinckley.

Mr. Hinckley then moved that the bill and report be recommended to the committee on Sea and Shore Fisheries. The motion was agreed to.

The SPEAKER: The next matter for consideration upon the calendar is House Document No. 145, Bill, An Act relating to fishing in Kennebeco stream, tabled pending its third reading on motion by the gentleman from Fairfield, Mr. Weeks.

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

The SPEAKER: The next matter for consideration upon the calendar is House Doc. No. 61, Bill, An Act relating to poll tax, tabled pending its third reading on motion by the gentleman from Portland, Mr. Murray.

Mr. MURRAY of Portland: Mr. Speaker, I wish to say that I tabled that bill for the purpose of offering an amendment. I have the amendment all prepared, but before offering it, I wish to take it up with the other members of the Portland delegation, and for that reason I will ask that it be re-tabled and be especially assigned for consideration tomorrow morning.

The motion was agreed to and the bill was again tabled.

The SPEAKER: If there are any matters under the heading of "tabled and unassigned" that can be disposed of at this time, it might be well to take them up now.

On motion by Mr. Winter of Auburn, Senate Doc. No. 54, Report of committee on Salaries and Fees on Bill, An Act relating to the salaries

of justices of the supreme judicial court, was taken from the table.

Mr. WINTER: Mr. Speaker, I yield to the gentleman from Perham, Mr. Bragdon.

(Mr. Hinckley of So. Portland assumed the Chair.)

Mr. BRAGDON of Perham: Mr. Speaker and gentlemen of the House, for the purpose of bringing this matter into a debatable condition, I will move for the indefinite postponement of the bill. The subject of salaries and fees is one of the difficult and troublesome questions which will engage the attention of this Legislature. Every person on the pay-roll of this State, and every person on the pay-rolls of the several counties of the State have been coming to us requesting an increase in salary, and intimating that if such increase is not granted, they will be compelled to vacate the various offices which they now hold.

The situation seems to be in line with these strikes which have been prevailing so much in recent years. If you should learn that the railroad brotherhoods had served notice that unless they were granted a substantial increase of salary at once, that the freight and passenger business of the country would be tied up, no doubt the cold chills would run up and down your spinal column, and in view of your past experience you would wonder if the supply of sugar and other necessities of life would be sufficient to hold out until conditions had again resumed normal. But as resignations among our public officials in the past have been of far less frequent occurrence than have been strikes in the industrial pursuits, we do not perhaps appreciate the gravity of the situation. Maine, however rich in scenic power, and in its wealth of honest and true-hearted men and women, is, when measured by the standard of dollars and cents, a poor state; our tax rate is becoming burdensome; we cannot afford to support our public officials according to the standards existing in Massachusetts or in New York; we cannot afford the highways of California; we cannot afford in our own

homes the comforts and conveniences that are enjoyed by the citizens of our sister states, and our public officials should be content with a standard of living which is in keeping with the wealth of the State. Any other course would simply tend to stimulate the growth of Bolshevism.

Now, Mr. Speaker and gentlemen, this particular branch of the subject of salaries and fees is one which the layman will naturally approach with a feeling of hesitancy. The position of justice of our supreme judicial court is the most important and honorable one that has been created under our Constitution. It has almost invariably been filled by the most honorable men that the State of Maine has ever produced; their value to our State can never be measured in money. It seems to me that this is a very evident fact and one which is known to all of us. At the same time, gentlemen, I feel that I am speaking within due bounds when I state that every lawyer in this Legislature—yes, every lawyer in the State of Maine, has been fervently praying to his God ever since his admission to the Bar that he may some day land on the Supreme bench of our State. Certainly, the ambition is a very laudable one.

I will be frank enough to state, gentlemen, that I do not consider the salary of the justices of our supreme court to be sufficient at the present time. It is now \$5000, with actual expenses while on duty away from their homes, as I understand it. And in these days when a system of graft, real or imaginary, appears to prevail everywhere, I consider that it is the highest tribute that can be paid to the honor and to the integrity of the justices of our supreme judicial court that in the past year the highest expense account turned in by either of them was only a little over \$700. I feel that perhaps a slight increase might have been granted at this time, perhaps \$1000, without exciting any comment, but if you will raise this salary to \$7500, then you cannot go to your homes without waiting to readjust the complete sal-

ary list of all the officials of the State.

This is not the time for making such a revision. Prices since 1914 have been rising by leaps and bounds, and are now receding. It is possible that in six months from today, and I think I may say it is probable that a salary of \$5000, with expenses, may look like a fortune to the citizens of our State. The only logical way to adjust this salary matter is by the appointment of a recess committee whose duty it would be to inquire into the whole subject of salaries and fees, taking into account the salary that is received at the present time, with the expenses and other perquisites that may go with the office, and reporting to the next Legislature, or to a special session of this Legislature which will no doubt have to be called for other purposes than this, and adjust the matter in that way.

If we attempt to adjust this matter of salaries and fees by a special resolve covering each case, you will find that the man with the big pull will get the biggest salary, regardless of the duties connected with or the importance of the office; and I will submit, gentlemen, that there are other salaries in the State of Maine which should be considered beside this one. I feel that it would never do to give the people of this State a chance to say that the salary of this office was increased 50% under pressure of the great and powerful Bar Association of the State, when the ordinary applicant, the unorganized applicant, could not even get a consideration of his claim.

Gentlemen, we have seen the reprehensible figure of Democracy spring again into an active and troublesome existence, even while the mourning friends were standing around the open grave and the last sad rites were being performed; and I contend that it is no part of our duty as true republicans to fan the feeble spark of life that is remaining there today.

Gentlemen, I must apologize to you for the time I am taking. I realize that I am here representing the plainest of the plain people of our State, that great body of farmers with no powerful organization looking after



their interests, and no eloquent exponent to plead in their behalf, but I feel that the course that I am taking here today and the position which I am taking here today, is the position of the farmers, the laborers and the taxpayers of this State. I feel that they are watching us, and that they will want to know how we have voted today, and so, Mr. Speaker, in spite of the advice and the admonition of our leaders, I will move that when this vote is taken, it be taken by the yeas and nays; so that the people of this State can see if any of us here who have been preaching economy from the housetops, who have been opposed to even a consideration of the claims of the ordinary office-holders, and who have reported unanimously against giving jurors even as much as their board while they were in the service of the public, but who perhaps afterwards saw the error of their ways—I want them to see that if after doing these things, we voted for an increase in salary of 50%, in the salary of a position they were hoping some day to pull down for themselves, and when in the seclusion of their homes they calmly and dispassionately examine these matters, may the thought of their early training come across their minds so that they will stand with heads uncovered and devoutly make the sign of the cross—the double cross, gentlemen, and say “Consistency, thou art a jewel.” (Applause.)

(Speaker Barnes resumed the Chair.)

Mr. WADSWORTH of Winthrop: Mr. Speaker and gentlemen, I believe in economy, and I believe that all of the people of this State believe in economy, but I think when we approach this question and all questions relating to matters of this nature, we should approach them upon their individual merits. I find in my experience that the people of the State of Maine do not object to paying for what they receive; what they object to is paying for things that they do not consider they get their money's worth from. Now, as we all know, the government of the State of Maine is divided into three distinct branches, the legislative, the execu-

tive and the judicial. I do not know which of these three costs the most to maintain, but I do not think it is the judicial. I do not think, however, that that is an argument why this particular bill should pass. The question is, what do they do, what is the duty of each?

We come here and we make laws, and we try to write them out in such a way as to express our meaning, but we find after we have left here and gone away, that when other people read them there is some question as to our meaning being made plain and the people go to different ones to get their opinions, and they get various opinions; the law may possibly be in conflict with some Federal Statute, and it may be in conflict with some other law of the State which will have a tendency to make it inoperative. Who will have the decision of that question? Where does that rest? It should rest in the hands of men who have had training, men of brilliant intellect, men of honor and of honesty. We go to the Supreme court. What are their duties in other respects? Can they delegate their authority to others? When a great case comes up before them, they are obliged to investigate personally, they have to look into the matter, and they cannot get someone else to do it for them. In the other departments, they have heads of those departments who delegate their authority in many cases to assistants. It is not so in the judiciary. The burden is upon them. Who stands between us and the promoter? Who stands between the small corporation and the powerful organization that is able to secure the best legal talent in the country? Where do we leave our case? Who is going to look after our rights?

I have in mind now a case that was decided in this State during this past year in which a great injustice was to have been done to an old lady who was unable to defend herself. The case went to the Supreme court, and they dealt with the matter legally, and they did justice. That is the

question we have to consider here, we should consider the justice of each case. What class of men do we require for this particular work? We require men who are legally trained and men with a bright intellect to start with; we require men of honesty, the highest type of American manhood is the class we seek, and I claim that we have it today on the bench of our Supreme Judicial court. The men who are occupying those positions in our State today represent the highest type in the world, I believe.

Now, gentlemen, I say that when the Governor has an appointment to make as a justice of this court, it is not well that he should be obliged to canvass all the lawyers in the State of Maine, or any large percentage of the lawyers. I think there should be a salary commensurate with the living conditions and living expenses, with the dignity of the office; and I think it should be sufficient so that if a man is asked to accept that position he will feel that he can afford to accept the appointment. The men who are at present occupying these positions are not asking for money; if they were they would not be upon this bench. Many of them can make a great deal more money than they are making today, without any question. We feel that these men have left this matter in our hands. They do justice by us in court, and I think it is nothing more than right and fair that we should do justice by them here, and I hope that the motion will not prevail.

Mr. WEATHERBEE of Carroll: Mr. Speaker and gentlemen, As a new member among you, I could not sit here in my seat as a listener while this matter was under discussion, without expressing my opinion. I feel that this is so important a question that I would not be doing my duty if I were not to express what I believe to be the sentiment of the people whom I represent. Realizing that able and eloquent speakers will address you upon this subject, I will abbreviate my remarks.

will endeavor to abbreviate my own remarks.

First, permit me to refer you to the remarks of the distinguished gentleman from Kennebec, Senator Farrington, while addressing the Honorable Senate upon this matter on Thursday of last week. In defending this proposed increase, he referred his colleagues to the fact that our Budget Committee had unanimously recommended an increase in the salary of justices of the Supreme court to the sum of \$8000., and that the committee on salaries and fees had also unanimously recommended an increase to \$7500., without any opposition. There is no secret in the fact that our Budget committee recommended this increase as a compromise with one of our ex-public officials, and I think they should be congratulated; I think they should be given a vote of thanks for being able to affect a compromise with the gentleman in question. We also know that all members of the committee on salaries and fees are not champions of this measure at the present time. We do not doubt that the lawyers know and realize the situation, especially after being so informed by the distinguished Senator; but that the rest of us should acquiesce without sufficient enlightenment is an improper conclusion to be drawn.

It seems to me, Mr. Speaker and gentlemen, that the sum of \$5000, together with the general expenses which are paid by the State, and especially when we consider that our judges are retired upon half pay after a service of ten years, providing they have reached the age of 70 years, is a fairly chargeable sum for the work performed during one year. Of the eight judges who are now serving us so efficiently, six of them are already between the ages of 60 and 70, so that they will be retired within a very few years; six of the eight are almost at the retirement age, which means that if they live the average length of life in excess of 70 years agreed by the insurance companies, to be 8½ years,

reckoned on the increases basis of expenditure, it would mean \$225,000 of the people's money, in excess of what we will pay the incoming board of judges. Now if it is a fact, and it has been so stated by the chairman of our most important committee, that some of our judges could make \$25,000 a year in private practice, how have we been able to keep eight of the ablest lawyers in the State of Maine contentedly serving as justices of our Supreme Judicial Court during so many years in the past?

I feel with Senator Morrill, that if this question could be laid before the people of our State today for them to vote upon, that their answer would be overwhelmingly for no increase of salary at this time. Let us now have this Legislature go on record as one of the people, by the people and for the people. Let us not talk of economy unless we intend to practice economy. Let us not talk of unnecessary expenditures unless we intend to act so as to curtail those expenditures. Each of us here in this Legislature represents several thousand of the taxpayers of our State, and we feel that it is their desire that we close the door at this time against salary increases and against extravagance. When your income and the incomes of the people whom you represent are being reduced, it is no time to increase the salary of any State official; and in closing, I beg of you not to open the door at this time but rather to show to those who placed us here by their votes in September that we still remain true to the trust which they placed in us. I thank you, gentlemen. (Applause)

Mr. ROUNDS of Portland: Mr. Speaker, I have no apologies to make for the decisions of our committee on Salaries and Fees. I am one of that committee, and I am one who would like to reduce salaries and keep them down to a reasonable basis, but there is a large class of people who are practically isolated from the rest of the community. There are only eight men who occupy the positions of justices in our supreme court. This matter was explained before our committee and we talked it over for

a long time. I was one of the low men, and I came up with the others and I have no apology for that committee or myself for my action. I wish to state, however, that we are \$4000 under this budget if we keep to this program. If all the other committees will keep under the budget requirement, there is no doubt but what the tax rate will be lower, and so much lower that nobody will care whether the judges get \$7500 or \$5000 a year. Now I want to say that if you will all keep down within the budget requirement, there will be no difficulty.

It has been said here that the expenses of one of these men was something over \$700. Here is a list of the expenditures for the year 1920 for the justices of the supreme judicial court, found on page 21. In the year 1920, it was \$789.31, so that the others must have been very low. There is the budget, and that is all I know about it, and that is what we are working under. Now if there was only \$789 paid, it looks to me very queer and that there must be some mistake somewhere, and I for one want to go on record as believing that we should have this thing threshed out, and for that reason I move that this bill be tabled.

(Cries of "no, no.")

Mr. ROUNDS: (Continuing) And send the matter back to the committee for further investigation.

Mr. CARROLL of Norway: Mr. Speaker, before that motion is put, I would like to say just a word, if I am in order.

The SPEAKER: The motion to table the matter is not debatable; it must be decided at once. All those in favor of laying this matter upon the table, will say aye; those opposed, will say no.

A viva voce vote being doubted,—

Mr. CARROLL: Mr. Speaker, I wish to make a short resume of this matter from a business man's standpoint. There is no man on the floor of this House who is more opposed to excessive and extravagant expenditures than I am, but I do want to leave here when we leave this Legislature, the impression that I am fair-

minded. Now I think every man in this House today, if he is fair-minded, will recognize the fact that the judges upon the bench of our supreme judicial court ought to get more salary than the engineer on the locomotive of the train which we ride upon. That is pretty near the position we are putting them in today. The judges of our supreme court have been obliged to devote a large part of their lives and a great deal of their money, or that of somebody else, to complete their education in order to fit themselves for this position, and when a judge of this court gets \$5000, in comparison with a man in business or a man in an official capacity in some of our industries, he is not being paid at all, because while he has been obtaining his education he has been paying out his money, while the other man has been getting an equal salary and has been a constant earner. I do not think it is fair to take a man who has spent so much of his time and so much of his energy to equip himself with an education and then ask him to work for \$5000 a year.

Mr. DODGE of Portland: Mr. Speaker, I hesitate about making any remarks upon the question which is now before the House. I am not a lawyer and I am not really qualified to speak upon this measure, but I would like to say a word simply in the capacity of a layman. I, too, can say with the other gentlemen who have spoken, that I am in favor of keeping down expenses. I do not believe anybody on the floor of this House is any more in favor of keeping down expenses than I am, but I do believe that this question of the salaries of the justices of our supreme judicial court is one that stands out by itself, and that it really has no relation to those hundred and one other bills that have been put in here for increases of salary. The proposition is to increase this salary from \$5000 to \$7500.

Let me call your attention, gentlemen, to the salaries that have been paid by this State to the judges of our supreme judicial court. Prior to 1901 they received \$3500; in 1901 this

was changed to \$4000; and in 1903 it was increased to \$5000 a year, where it has remained ever since.

Now, gentlemen, we have always had the highest type of men on the bench of the supreme judicial court of Maine, and I think we all want to pay enough money to the judges of our supreme judicial court so that we shall continue to command the services of the leading lawyers of our State. It is not merely to realize the ambitions of the embryonic lawyers; it is not that; we want to be able to pay enough so that we can obtain the services of the very best lawyers there are in this State. I do not think you can get them under existing conditions for \$5000 a year. I do not think there is anyone in our State who will regret more that this subject has to be debated here on the floor of this House than the justices of our supreme court themselves. I do not understand that this proposition emanated from them; it is from the desire to recognize ability, and I think in fairness to our justices that we ought to take this matter under very careful consideration, and that we should pay enough so that we can get, as I have said before, the very best lawyers of our State, as we always have had in times past.

The supreme judicial court of the State of Maine, stands pre-eminent among all the states of this Union, and the decisions which this court has handed down rank among the very best in our country. We want to continue that policy. We could not pay the justices of our supreme court adequately if we were to double or to treble their salaries, because I venture to say that many of these men could go into private practice and get very much more for their services than they are now receiving. That, however, is not the question. These men have to live and they have to pay their grocery bills just the same as everybody else; they have to raise their families, and this argument as to their ages being 60 or 65 years, has no effect whatever; we have to have strong and virile men, and in order to get them, we must pay an adequate salary.

Now, gentlemen, let us not look at this from a narrow standpoint, but look at it from a very broad standpoint and keep in mind that it does not have any particular bearing on the other salary increase bills which have been presented to this Legislature. I am as opposed as any other man to any general salary increase, and I will fight it to the finish, but I do believe this proposition merits your particular attention and stands out by itself alone.

Mr. CROXFORD of Newport: Mr. Speaker and gentlemen of the House, even though I myself was heartily in accord with increasing this salary, my constituents whom I represent are as heartily the other way. I have taken pains to find out how my constituents would have me vote upon this matter, and to a man they say "no," and as I say, providing I was in favor of this bill, how can I go back and confront them when I have disregarded what they have requested me to do. I am a representative from a class of towns, and to be a true representative, I must do as my constituency would require of me, and unless a man is a true representative of his people, whether State or National, he can never be a true representative.

I am frank to confess, gentlemen, that I believe that this salary business here today, in the raising of the salaries of the justices of our supreme court, is the key-stone to the arch, and if you let that key-stone down, the arch falls, and where will your salaries go when you allow or permit that to be done? Sitting here day after day, we have heard the clamor for increased salaries, and I ask you in all fairness, how are you going to act in regard to their requests? What are you going to say to them? They have as much right, and there is as much justice in their claims for increases as these particular gentlemen have. They are not provided with pensions, after a certain length of time, and they never will be. I do not know how it may be with other men, but I wish that I might myself be assured that I would have a pension when I

was incapacitated for work, but I have no such assurance, and I have no assurance of what my ability will be in future years to earn a livelihood; and if we, coming here as we have, pledged to the people that we would practice economy, I ask you if we are practicing economy? It has been said here that we have to go out and seek for these men to fill positions on the bench, but I will submit to you, gentlemen of the House, if you think that you have to do much seeking! I think there are as many aspirants as necessary for the position from time to time when there is a vacancy occurring.

Now, the sum total of the matter is this: What are you going to do with the salaries of these men who are clamoring for more salary, outside of the justices of the supreme judicial court, when they come here? You have opened up the doors, and the bars are down, and they are going to come through, and if you are pledged to economy, and if you want in 1922 to have a lot of nice propaganda you have got to go around and mince and soft pedal and tip-toe around and tell your people that you did this, that and the other, it is up to you to do it, but I will tell the truth. (Applause).

Mr. MURCHIE of Calais: Mr. Speaker, before his argument closes, it seems to me that it would not be improper for something to be said to the House about the reasons why the committee on salaries and fees has reported this bill in its present form. I am sorry the gentleman from Newport (Mr. Croxford) is going out of the House, but I will say that if he had such an urgent demand from his constituency not to permit the increase in salary referred to in this bill, that he was very careful not to come before the committee on salaries and fees and state that fact. This bill, like any other bill, was introduced into the Legislature and followed its normal course. It was referred to a committee, by that committee advertised and a full hearing held; and I want to say to this

House that before that committee no man, woman or child from the State of Maine appeared in opposition to the bill, not to oppose any increase, but not even to oppose the salary of \$8000 to the justices of this court. The committee cut the salary from \$8000 down to \$7500 and they made that cut not because they understood there was any widespread feeling in the State of Maine against an \$8000 salary, but because it seemed to them that \$7500 was a proper salary for the State of Maine to pay for that position.

We had before us in considering the measure a report showing the salaries of justices of courts all over this country, and showing the cost of courts in the several states of this Union, and in order that the gentlemen of this House may be fully informed, I want to read a few figures from these reports in order that they may understand the situation in other states before voting upon this matter. The State of Maine stands forty-first in the total cost of the administration of justice in courts. The only states where the court cost was less than the Maine courts were New Hampshire, North Dakota, South Dakota, Delaware, Wyoming, Arizona and Nevada, every one of smaller population and with the exception of the two Dakotas, states of very noticeably smaller population than that of Maine.

Of these seven states, three now pay a larger salary than is paid to the supreme court justices of the State of Maine, and in one of those states, Wyoming, a bill is pending for an increase to \$7500. Three states in the Union, smaller in size than the State of Maine, namely, Rhode Island, Montana and New Mexico, with a court cost very much greater than that of Maine, pay a salary of \$8000, \$7500 and \$6000 respectively.

It seemed to the committee, and it still seems to me, and I think to the other members of the committee that the people of the State of Maine, were not so penurious that they would want economy carried to a point

where the State of Maine should pay her justices any great amount less than is paid in states of similar size and similar conditions. I do not think the gentleman from Perham (Mr. Bragdon) intended in his statement about the resignations being equivalent to strikes, to intimate that there was any threat of strike of resignation from the bench of the supreme judicial court of Maine.

As the gentleman from Carroll, Mr. Weatherbee, has said, the statement of the Chief Justice before the budget committee has been read into the legislative record, not in this body, but in the other branch, and all the members of the Legislature have had an opportunity to read it. I do not think it would be possible for any man at any time to make a more modest and dignified statement than was made by Chief Justice Cornish before the budget committee. Finally, I want to say just this, I had always supposed that the real essence of good orderly procedure was based in the confidence of the Legislature in its committees. The committee on Salaries and Fees has considered this measure carefully and well. No member of the Legislature before the committee in open session or privately in the corridors of the State House, so far as I know, ever approached a member of the committee on Salaries and Fees and told him anything about opposition either on his part or on the part of his constituents; and I hope, Mr. Speaker, that the House may show its confidence, not alone in this committee, but in committees generally, by voting down the motion which is before the House, and subsequently giving the bill a passage in concurrence.

Mr. BRAGDON: Mr. Speaker, the gentleman from Portland, Mr. Rounds, questioned the accuracy of a statement made by me, and I think before this vote is taken, he will prefer to stand corrected on this matter.

Mr. ROUNDS: Mr. Speaker, looking over the budget, I will say that I took the wrong line, and it was in reference to clerks that I

took the statement instead of justices.

Mr. BUZZELL of Belfast: Mr. Speaker, I regret at this time to feel that I must take part in the discussion before this House on this question. I wish to say to the gentlemen of this House that I believe we are getting in wrong, and that there is a mistake, and that a mistake was made at the beginning of this Legislature; it was made over the action of a committee. I believe that the committee were honest in their endeavors to do what was right, but I believe that many of the members of this House have incorrectly construed the action of that committee. I have reference to the bill providing for an increase in the pay of jurors; the committee on legal affairs reported "ought not to pass" on this measure.

I want to say at this time to the gentlemen of this House, that there are more than one committee of lawyers in this Legislature. There is a committee on Judiciary, and there is a committee on Legal Affairs, and there are lawyers on other committees. Do not feel, my friends, that this is a question of laymen against lawyers in this House. The lawyers in this House want to work with you, and you should want to work with them. Now, as I have said, if you have got that feeling, it is a mistaken feeling. That bill was reported back to the committee on legal affairs, and they have been talked with by other members of this House, and they, as I understand it, and I get it from some of them, reported this bill in here now as "ought to pass." Now this is not as a lever, my friends, for the purpose of getting the pay of the justices increased, however much you may think so, and however much you may feel that some have been inconsistent.

Now, gentlemen, in regard to that other bill, I feel that the pay of jurors should be increased at least \$1.00 per day, and that is not sufficient, I firmly believe. It was the feeling of the Legal Affairs committee, because of the fact that this

was a bill that came over from the last Legislature, and having no one appear before the committee either as proponents or opponents, that they wished to let the matter rest there, as I understand it, and for that reason it was reported in that way, "ought not to pass." It should pass, and I for one want to go on record as saying that this has no connection with this other bill relative to the salary of the justices of our supreme court. I for one am willing to let each bill come into this House and be decided upon its own merits.

It has been said here this morning that we must consider the salaries as a whole. Is that fair? I have presented bills for an increase in the salaries of about all the officers of my county, and some of them have approached me and felt that they have not availed themselves of a glorious opportunity. Our county delegation has taken care of that; that is a question of county concern, while on the other hand, the salaries of the justices is a question of the whole State and all the citizens of the State.

Now, what are the facts? Is this bill going to be decided because of a feeling which may exist between the laymen and the lawyers? I am sure I do not want to approach it from that point of view; I want to approach it from the point of view of a lawyer practicing in the courts of this State, and not because of any personal feelings or because of any attitude towards the court for a moment, but simply because I believe the justices are entitled to an increase in their salaries just the same as I believe that some other men have asked and are entitled to an increase in their salaries; and I am going to vote when the proper time comes for an increase in their salaries, even if I am the only man in this House who votes for the measure. Now I will say that no one in my locality has approached me, and there are no burning fires of indignation in my county against an increase in the pay of the justices of our supreme judicial court.

Now, what are the facts?

As it has been said here the three coordinate branches of government of this State are the Legislative, the Executive, and the Judicial. We come first, my friends in the legislative, and you all know what our part in this great drama is. The next is the executive, and we all know what his part is, and then we come to the judicial department of the government. The judges who have assumed office, put on the robes of their high office, in a way are shut out from the world. People cannot and do not approach them as they did before they took their oath of office, and we should see to it that there be no question of where their expenses, or where their pay shall come from. We should see to it that they had sufficient pay so that as they work along upon their work they may not feel that the fleeting hours of the latter part of their lives are going by and that they are not properly taken care of in the way of pay. Now that is the way I feel about it. What if we should have to raise the salaries of the judges as is proposed and as this committee has recommended? What would we be doing? They are now getting \$5000 a year, \$40,000 all told besides their expenses. If this bill should pass as recommended by the committee, they would be getting \$60,000, an increase of \$20,000. I cannot for my life see why any of us need feel greatly concerned about that. We spend \$20,000 in some other proposition with the slightest concern. We spend hundreds of thousands of dollars by way of other appropriations, and in fact millions, without much concern, and here to my astonishment we are making a fight on the judges' salaries as proposed. I believe that it is a condition this House has worked into because some of you, my friends, feel that you were not treated right on your bill proposing an increase in pay for the jurors. Have you not got a mistaken idea of the Legal Affairs committee of the lawyers on that committee? Now there are only ten on the Legal Affairs committee, but there are many more lawyers than that in this House. They simply took that action because they believed it was right and then they put the

proposition up to the House for us to act upon as our judgment dictated. Our good judgment dictated to recommit the matter to them and now they have reported it back here. I for one am perfectly willing to consider each proposition on its own merits, but is \$7500 a year out of the way as a salary for a supreme court judge in the State of Maine? Is that out of the way? That is the question. We are living, my friends, and I wish to emphasize this, in different times today than we were a few years ago. Who stands between us? Law and order. Who are the men who grace the bench and pass out in their dignified way their rulings that govern us from day to day? We are a country that is growing very fast. Far different conditions occur today than existed twenty-five years ago. In 1903 the salary of judges was \$5000. How much does \$5000 buy to-day as compared with that time? Now it is all right to talk about a decrease in the cost of living. It is all right to say that in a short time we are going to get along without expending any money whatever, hardly; but I fail to see any great difference in my grocery bill. I fail to see any great difference or decrease in other bills that I have to pay, and I think that is true of the judges. I hope, my friends, that you will not consider this bill as I feel it is being considered here. It is not a question of laymen against lawyers; it is a question of what is right; and I want to go on record that I favor an increase in the salaries of the judges of this State to the extent of \$7500—not an increase of that but to that total. That is not because I am a lawyer but because I feel that they ought to have it, and I am in favor of their having it.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen: Realizing that the time is rapidly moving along, and that you have all heard this discussed at considerable length, I shall refrain from adding anything particular to the length of time, and perhaps nothing to the argument; but I have patiently listened here to the presentation in order to ascertain what the real argument against a unanimous budget report, supple-



mented by a unanimous committee report, could be for such unprecedented opposition, and I am frank to say that I am entirely disinterested on the proposition from any angle of it, except the angle of a representative and a servant of the people. I do not get the force of the last speaker's suggestion or inference that there could be any friction between lawyers and laymen in this regard or that a lawyer would have any particular or peculiar interest in this measure. It is not so. It might seemingly be so. Certainly, it would not be particularly and peculiarly and selfishly a matter that would interest a lawyer that this measure should pass, because the Constitution of this State has wisely provided that no member of the Legislature shall be eligible to appointment to any position the emoluments of which have been increased during his term of office; so in a certain sense the lawyer of ambition for judicial service, if he would look at it from a selfish angle, personal motives would impel him to opposition. I do not believe that any man approaches this from a selfish angle. I am sure that my friend and associate from Aroostook (Mr. Bragdon) is looking at this thing just exactly in the spirit of a desire that the best interests of the State of Maine shall be upheld; but none of us have a monopoly upon excellence of judgment any more than upon excellence of motive and desire for economy. Economy is an attractive term that does not always mean that which it is literally defined to be by the dictionary. The gentleman from Aroostook (Mr. Bragdon) who eloquently opposed this proposition of an increase, by his very argument—if you will permit an attorney to meet him in argument—should have caused the unanimous action of this House to defeat his motion. Now every man here, whether he believes in that increase or not, aside from the gentlemen from Aroostook (Mr. Bragdon), must have noted that the premise of his argument was that he himself believed that the salaries should be increased, and parenthetically, he suggested perhaps one thousand dollars a year, and he address-

es to that premise that he has given to this House in good faith his own judgment that the salary should be increased perhaps one thousand dollars a year by the legislative motion to indefinitely postpone and kill the whole proposition. Now, gentlemen, I know that he intends the fair thing and when he says one thousand dollars a year increase, he establishes at once a working basis that there should be some increase; and that I assume is the attitude of his constituents that there should be some increase. Then it comes to the question of relativity,—how much increase; and you have the committee report, supplementing the budget report, and corroborated by the statement of House Chairman Murchie that not a word in opposition to this proposition was advanced, but that the committee of its own motion reduced the budget recommendation five hundred dollars per year per justice; so it is only a question of individual judgment or the judgment of the committee. So much for that.

All discussion it seems to me has been more or less aside from the question. Now I impugn the motives of no man nor do I wish my own to be questioned, and I will not favor here and now, nor after I go from these halls, anything which leads directly or indirectly to the creation of that condition which we in this country need to avert, to wit, a disposition of class consciousness. Class consciousness, gentlemen, has preceeded the chaos and confusion that the Old World now trembles under, and class conscienceness which is the stone upon which the socialistic edifice is builded has no room, according to my views in a republic of free men, and I do not care whether the class consciousness comes from the agitation of the I. W. W. man, from the agitation of the non-partisan league man, or from the agitation of a particular group of laymen against lawyers. We are not here either as laymen or as lawyers but we are here as the bondmen, servants and representatives of the people of the State of Maine, and you gentlemen

are now serving for the first time in a judicial capacity upon judges. I pray you, gentlemen, let the plane of this discussion, and let the act of your judgment by vote measure up to the precedent of judicial procedure, judicial consideration, and judicial decision, which the Bench has given us.

Now, further, are the salaries meet for the position. I assume that is the primary question. If the salaries are sufficient, that is the end of the matter. The gentleman from Aroostook (Mr. Bragdon) says they are not; I agree with him. He says that one thousand dollars a year is enough increase; I disagree with him. The committee has recommended an increase of twenty-five hundred dollars a year. I agree with the committee; I acquiesce. How are we going to determine individually? Now this is a committee of the whole, and I do not know any better way of determining whether those salaries are sufficient than by comparison; and when you talk of economy and of the alarm of the people, I regret, gentlemen, that there was one note struck here. This is no time for the interjection of partisanship. This is no place, by direction or indirection, to urge partisan procedure, and I, personally, do not like that note.

Now let us see how your constituents are affected by judicial expense in Maine,—and I presume we can get no better authority on that subject than the Census reports. Now in the whole United States the expenditure for court per capita was 14 cents for the last year—14 cents and a slight fraction. In New England, with its 7,400,000 population, the per capita expense to the people of New England was 26 cents, 12 cents more than the general average of the whole country. Now let us analyze New England—14 cents for the nation, 26 cents for New England—and let us see how the people of Maine are groaning under this burden.

In Connecticut the expense of the Supreme Court was three cents per capita and all other courts 49 cents per capita, or 52 cents.

In Rhode Island, 10 cents for the Supreme Court, 53 cents for other courts, 63 cents for all courts per capita.

Massachusetts, two cents expense for the Supreme Court, 15 cents for other courts, 17 cents for all courts.

Vermont — little Vermont — with whom I presume we are able to compare from a fiscal and from a financial angle, 11 cents for the Supreme Court, 71.541 cents for other courts, a total of 82 cents per capita.

New Hampshire, six cents for the Supreme Court, 11 cents for the other courts, 17 cents per capita.

So we have them running from 82 cents per capita in Vermont to 17 per capita in Massachusetts and New Hampshire, and then we turn to Maine, the last of the New England states, to see how we are groaning under the burden. Maine's Supreme Court, nine cents per capita, other courts (because the Supreme Court does the work of other courts) two cents per capita, 11 cents, the smallest in New England and the smallest in the country.

Now are your people groaning under that? Do you think they are going to rebuke you for an increase which amounts to \$20,000 a year, less than it will cost you to build one mile of State-aid highway, and not use the cost-plus system either?

Now compare the salaries themselves: In the state of Pennsylvania and New Jersey \$14,000, way out of consideration, \$13700 in New York, \$12,000 in Massachusetts, \$10,000 in Illinois, \$9,000 in Connecticut, \$8,500 in Wisconsin and Ohio, \$8,000 in Rhode Island, California, West Virginia and Louisiana, \$7,500 in Montana, Missouri, Delaware, Nebraska and Minnesota, \$7,000 in Michigan, Georgia and Washington, \$6,800 in Maryland, \$6,500 in Alabama, Texas and Mississippi, \$6,000 in Indiana, Iowa, Nevada, New Mexico, Oklahoma and Kansas, \$5,500 in North Dakota and Tennessee, \$5,350 in North Carolina, \$5,200 in Virginia and Oregon, \$5,000 in New Hampshire, Maine, Arizona, Colorado, Idaho, Kentucky, Utah and Wyom-

ing. Now, with the exception of New Hampshire, the State of Maine pays its Supreme Court the smallest salary of any state east of the Mississippi.

Now, gentlemen, just a word and then I am done. It is not a case for comparison. Now what about the court itself, what about the work. The basic law upon which rests the fundamental twelve tablets of the Romans was "salus populi suprema lex"—"The safety of the people is the supreme law." Now you want a Bench that not only will function as it has, but will continue to meet conditions; and I call your minds back, gentlemen, to the opening day of this auspicious and unusual legislative session. I call your minds back there to the day when the late Chief Executive was inaugurated. The Chief Executive and the former Chief Executives were here, with the august senators in front, and poised right between the two, the Justices of our Supreme Court. It was an auspicious, suggestive, visible lesson in government in this very unusual and auspicious period. We had the Executive, the Legislative, and between the two to preserve the even poise, to give force to the mandates that you make under the direction of the Executive, those laws which you pass which are to safeguard the people and are the supreme law. Now you see the uncertainty of things. That Chief Executive who was with us then is a memory. That Bench that was there that day is awaiting your decision. They are not here as seekers. What is the right and the honest and the fair and judicial treatment? Now I will tell you as I see it. I believe that the best interests of all the people are to preserve a Judiciary and to insure a Judiciary that not only will administer justice but will administer it in such a way that the people are satisfied that it is justice; and you are unwittingly doing one of two things in not making the salary or compensation meet to the position. There is no escape from it. You are either, as the years go on, to create—I do not mean im-

mediately, and I address the argument in all good faith—you are either going to create a Judiciary that from the natural element of necessity will not reflect the best minds from a legal standpoint in your State, because lawyers are men, and productive necessity and economic necessity rule an attorney the same as any other man, and you are either circumscribing that Bench to men who do not represent the best legal minds, or you are facing the proposition of a Bench composed of men advanced in years who accept the appointment after the interests of active legal life have passed, men who are in a financial position of independence, independent either one of two ways, either independent from accident or independent by acquisition; and, if they are independent by accident, I say that we have not got to the stage of the old judicial system of countries that have gone to decay where the judiciary is solely a rich man's prerogative. If those men are independent by financial acquisition when they have reached that age, I tell you that no man, however honest he may be, can disregard the environment of years, and when there arise propositions of far reaching moment affecting not only the present, but posterity, when the decision upon those propositions turns as by a hair, a judge is human, and not swayed by a corrupt, venal or improper consideration; not for a minute do I mean that, but he cannot disassociate the years of his environment that have brought him to that point. You either will make a Judiciary in the years to come that will not meet the conditions of what the people demand in the shape of best judgments, or you will make a rich man's retreat. Now I do not believe that that is desired, and I do not believe that your people desire it. I do not believe that the fathers of the boys in the State of Maine desire it. I believe that the legal profession is still a great and learned profession, and I do not believe that you want by any ill-considered action to stamp your approval upon a policy which means other than that the very highest

judicial minds shall attain to this position in this State, nor do I believe that that can be done on a salary of \$5,000 a year. What is the attraction to the young man to enter that profession as contrasted with commerce, with industry, with exploitation, with the adventures of finance? There are men right in this House I can see whose incomes from their own work are far in excess of \$7,500 a year. I want this court treated today in that judicial and judicious way that the court merits, and I shall hope that you gentlemen will give to the committee report that calm consideration which it surely merits and which it absolutely demands. (Applause).

Mr. HINCKLEY of South Portland: Mr. Speaker, I realize that the hour is getting late, but I do want to say just a few words to this fine body of men, everyone of whom I know wants to do the right thing as he sees it and as he understands it; and I know that you will pardon me if I say at this time that I have never yet from the floor of this House spoken from a selfish motive. I have never yet spoken in this House unless I was sincere in the matters, and I never will. My oath of office will not permit me to do it. This is a serious matter. The attorneys are, it is true, in favor of the proposition. Attorneys are not always wrong, attorneys are not always selfish; and you men know in all fairness that when a great crisis or emergency arises in your town that there is no man whose aid is more quickly sought or who responds more readily and gives of his time in that emergency than does the attorney. I wish that every member of this House understood and appreciated this matter as the attorney appreciates it. I believe gentlemen, that if you understood the matter, if you appreciated the situation, if you understood what the supreme court of this State really is, and what it really means to you, there would be a unanimous vote here this morning. I believe that if your constituents over the State understood this matter that

they likewise would be unanimous, because when the people of the State of Maine understand a proposition, their judgment is always good.

The supreme court of the State of Maine for more than one hundred years has been passing upon the laws that this Legislature has been enacting. The Constitution of the State of Maine is the bulwark of the State, and every law that is passed by this body is sooner or later passed upon by the great supreme court in the State of Maine. They are obliged not only to take our Statute law, but to go back to the laws that have come down in the opinions of the justices of the past from Massachusetts, back into England and back to the old Roman law. We have all been proud of the supreme court of the State of Maine, and the opinions and decisions of this court are held in as high esteem and as high regard as the opinions of any court in this world.

Now, gentlemen, what is the supreme court? It is that body of men that has in its hands your property, my property, every dollar of property in the entire State. It is that great body of men that stands between your rights and my rights. It is that body of men that protects life itself; and in these days, gentlemen, when the world is so upset, when unrest is apparent everywhere, when anxiety is in the breast of every thinking human being, is it not time to retain a court of the highest caliber to stand between us and the laws which we have made? And, gentlemen, think of it from a monetary standpoint. After thinking what it is, be honest with yourselves and realize this, that this great supreme court that has your very future and the future of every person here and in this State in its hands, is getting in salaries and total expenses each year less than what it costs to build one mile of highway. It is a shame and a disgrace, and I cannot conceive of any man saying that his constituents are opposed to it when an increase is being asked here of \$20,000 a year that will build less than half a mile of highway in

the State, as did the thousand patriotic business men, and they gave their time at \$1.00 a year. Do you begrudge that to these men, these men who responded to the call, and very few lawyers when the call comes,—not for salaries that is not it, but they respond as did the thousands of patriotic business men during the great war that we have just passed through,—they responded and they gave their time at \$1.00 a year, and these men responded. Now, gentlemen, are you not willing to pay these men enough so that they can maintain the dignity of their position? Are you not going to pay them enough so that they can live in that dignity and manner that you require? Are you not going to pay them enough so that they can educate their children in the manner that is expected of them, and required of them? I cannot conceive of it. Men, do not be fools by thinking that your constituents are against it. Your constituents, the people of the entire State of Maine, are against extravagance. They are against a general increase in salaries. I am opposed to it and you will find before you get through here that I am sincere in this; but, men, these judges of the supreme court for 17 years have received this same salary. Every man knows they are entitled to more; there cannot be any argument against it. You know that they cannot live and keep up appearances as they should on that. The doors are closed and that is not always understood. The doors of their offices are closed when they go on the Bench. They cannot take retainers, they cannot give advice. They are there to administer your rights and my rights and to protect them all the way through.

I certainly hope that this House will be big and broad and do the right thing in this matter and vote against this proposition to indefinitely postpone, and then pass this matter along and enact it into law, as you men know you should do. (Applause).

Mr. BREWSTER of Portland: Mr. Speaker, I feel that the House will perhaps agree that the committee on Legal Affairs is entitled to three or

four minutes of your time inasmuch as the gentleman from Perham, Mr. Bragdon, has intimated that we have performed a political somersault, and even Mr. Buzzell of Belfast could not characterize it much better than a rather late repentance. As a consequence, I think it is fair to the committee and to the different members of the committee that their action should be plainly understood. I do not see that it has any special relation to the matter under consideration, but apparently it has operated in the minds of some of the members that in some way the salaries of our justices and our action in relation thereto was to make it with the action of the committee on Legal Affairs in relation to the fees of jurors. Mind you, it was not what the fees should be but what the Legal Affairs made a report upon. It has for, I think, some 500 years at least been a matter of record that there is more or less opposition against the lawyers. One certain Mr. Watts started a rebellion in England and his first proposition was "Let's kill the lawyers," and from that time as the years have gone on there has been more or less criticism of both the Bench and Bar which we all run into from time to time. I want to tell you just one story which illustrates the only reply that we have been able to make to that criticism of the profession to which I am proud to belong. David Harum told us: "You shall have an honest hoss race when you have an honest human race," and so I have always said you will have all honest lawyers when you have all honest clients. The average of human nature does not differ within the profession and without. I hold no brief for myself or my profession, but I do say that we simply average as well as others. Many times I have seen attorneys resist the importunities of their clients; perhaps you have seen them yield. But, coming back to the Legal Affairs, lawyers have faults like other men, and so when this bill came into the Legal Affairs committee it took its course. In the first place you all know that there seems to be a sense of pressure in our business for all of us. We all have a great many people pressing upon us with one thing and another and matters do not

always get the consideration to which they are entitled. Every one of us has been obliged to dismiss some proposition that came before you without giving it the time that it needed. Secondly, this bill came over from the last Legislature as has been said, and I wish you would all turn over in your minds that proposition and see if you can discover within your recollection of legislative affairs a bill referred from a previous Legislature about which anything has ever been done. I have no recollection of one. It is a common and a polite way of disposing of a matter. So that came to us in that way. In the next place the hearing was duly advertised and held. No one appeared at the time it was called. I believe, as the result of a page being sent out, the gentleman from Perham, Mr. Bragdon, appeared before the committee that afternoon and spoke in favor of the bill, but not with the eloquence which we have seen here today; not with the earnestness which we know he possesses. In fact, the only proposition which sticks in my mind which he presented was that he attended as a juror a term of court in Caribou last year, I believe, and that it cost him \$26 dollars a week, if I remember correctly, for his board; and that is one of the reasons that he mentioned. The committee discussed the matter. Some of the members of the committee felt that something should be done; others felt that if there was no reason for action two years ago, when the peak of prices had nearly been reached, there was no reason for action at this time when matters were very much changed. However, I do not think it received in committee the consideration to which it was entitled. The report came in here and the minute it struck this House, we knew something had happened. It was very evident that there was a substantial feeling on the part of the members of this House that something should be done on that matter. It may seem that the desire of individual members of this Legislature does not bear upon the desirability of legislation. We all know, however, as a matter of fact that it does and that we all consider it. I do not know why this was referred to Legal Affairs. A lawyer is peculiarly

disqualified from considering this proposition from an academic standpoint. A lawyer takes the judicial standpoint. First, where did the bill come from? What were the conditions then? Secondly, what is the evidence before him, and there was very little evidence presented and the matter got a more brief consideration than it deserved, and it was evident after the committee saw the sense of this House that they had to reconsider their action; and, remember, that that was at a time when there was no motion on the part of any one that there was to be any issue whatever of the salaries of the justices. The matter was certainly settled in the minds of the committee at that time, and two or three attorneys in this House, not members of the committee, immediately advanced that view. So I would not want you to think that all lawyers even in this House were in the same class of doing an injustice on that proposition. So it was the unanimous opinion of the committee shortly after that that it should go back and be sent in with the rest. The matter simply was tabled without anyone taking any special concern regarding it. That is the whole awful story and I will not take any more of your time; but I felt that the committee on Legal Affairs was entitled to that statement in the record, of the poor, bald truth however unpleasant it may seem; and I will simply close by saying that all that I have said in my judgment has nothing whatever to do with the proposition before the House, (Laughter and applause), so when you gentlemen come to vote I hope you will vote from the question of the salaries of the Justices of the Supreme Judicial Court. I thank you. (Applause).

Mr. McILHERON of Lewiston: Mr. Speaker and gentlemen of the House: I have listened very attentively to the discussion before the House and I believe that you should vote on this matter as individuals representing your own community. You are sent here by the people and vote on this question for the people. We may appear to be in legal slavery here in the House, but we do not want to drive

our constituents into legal slavery. We form our own judgment by our own observation; and, talking about lawyers, they should be eliminated from this question altogether. I brought a matter before the Judiciary committee composed of ten lawyers. Nobody appeared against it, but they brought in a report that it ought not to pass, and you all know what that bill was. It was a law that was in conflict with the divine law, but they brought in a report ought not to pass. Now, I think that this matter that is before the House at the present time of increasing the judges' salaries should not be considered. A chain is just as strong as its weakest link and that State may be compared in the same manner. It is just as strong as its weakest citizen. I know men who are bringing up large families whose pay has been cut fifty per cent. within the last six months. Are we having a lot of eloquence in behalf of those men who have got the great responsibility before God of providing for large families, and do we hear great oratory and great pleas for them! Do you hear men come in here and tell about the men who go out in the virgin forest, with the brawn and muscle, and produce wealth for this State? Do we hear any great eloquence in their behalf? Do we hear any great eloquence for the men who go into the shops and the mills and produce the wealth that the people of the Supreme Bench also enjoy,—some of the luxuries that they produce? We do not hear any great eloquence for them. Gentlemen, vote justly; vote fairly because the tax will come from those poor people to pay the increased salaries, if you increase the salaries of the judges. Let us not imagine that there is such a halo of justice surrounding the Supreme Bench. I want to give credit where credit is due. I have come in contact with men who disgrace the offices that they should adorn, and I will not stand here and vote to take money out of the poor man's pocket and enrich the man that is enriched with such a beautiful mind, and that we

have got to throw a halo around and look up to him as though it was a divine right that we were giving adoration to. Gentlemen, I hope you will vote understandingly on this question and that Mr. Bragdon's motion will prevail.

Mr. WOODRUFF of Brunswick: Mr. Speaker, I do not wish unnecessarily to prolong this discussion. I was convinced before I heard the eloquence of this morning that the salaries of the justices of the supreme court ought to be increased; but there are other salaries that ought equally to be increased. Economy has been spoken of here as an elastic term; and whatever way we may define it, there is something that is more important than economy. Fairness and justice and the vital welfare of the State of Maine are more important than dollars and cents. I advocate a thorough discussion of this question on the ground that was brought forward by the gentleman from Perham, Mr. Bragdon. I think the whole question of salaries ought to be taken into full and fair consideration, sufficient study being given to it so that the whole range of salaries can be properly adjusted; and on that ground I object to the immediate passage of this bill to increase the salaries of the justices of the supreme court.

Mr. PERKINS of Orono: Mr. Speaker, I think it is time that every man in this House should know just how he is going to vote, and I move for the question.

The SPEAKER: The previous question is called for. All those who are in favor of ordering the previous question will rise.

A sufficient number having arisen the previous question was ordered.

The SPEAKER: A sufficient number having arisen, the previous question is ordered and the question is on the motion of the gentleman from Perham, Mr. Bragdon, to indefinitely postpone the bill. The yeas and nays have been asked for. Those who are in favor of voting by means of the yeas and nays will rise.

A sufficient number having arisen, the yeas and nays were ordered.

The SPEAKER: The members of the House will assume their seats as required by the rules and answer to the call by the Clerk. The question shall the bill be indefinitely postponed? A yea vote is against the bill; a nay vote is in favor of it.

Mr. BRAGDON of Perham: Mr. Speaker, I am afraid that the members do not yet understand.

The SPEAKER: I have no doubt the gentleman is correct. The Chair will state it again. The question is not a yea and nay vote on the bill, the question is a yea and nay vote on the motion to indefinitely postpone. A yea vote indefinitely postpones, and is against the bill; a nay vote does not indefinitely postpone and is not against the bill. The Clerk will call the roll.

YEA—Adams, Audibert, Austin, Barney, Bean, Belmore, Belliveau, Blanchard, Boothby, Bragdon of Perham, Brewster of Orland, Chalmers, Chamberlain, Chandler, Chase, Cherry, Conant, Crabtree, Crafts, Croxford, Daigle, Dain, Davis, Downing, Downs, Doyle, Dunning, Elmore, Emery, Finnell, Gagne, Gipson, Harriman, Hayes, Heal, Jordan, Kimball, Larrabee, Leighton, Lowe, Main, Mason, Masse, McGlaufflin, McIlherson, Moody, Myrick, Nadeau, Newcomb of Scarborough, Newcomb of Newburg, Nickerson, O'Connell, Oram, Patterson, Peabody, Peaselee, Pennell, Perkins, Phillips of Cridlington, Reed, Roberts of Vinahaven, Roberts of Lyman, Rogers of Rockland, Sawyer, Smith of Waterboro, Smith of Ludlow, Snipe, Spear of Limestone, Spear of Rockport, Story, Twombly, Varney of Windham, Weatherbee, Weeks of Dresden, Wentworth, Wight, Williams, Winter, Witham, Wood, Woodruff—83.

NAY—Baker, Barnes, Barwise, Bragdon of Westbrook, Brewster of Portland, Buzzell, Carroll, Carney, Case, Chadbourne, Clarke, Cordwell, Cole, Cram, Dodge, Eastman, Farnsworth, Gardiner, Gerrish, Granville, Hammond, Hinkley, Hodgkins, Holley, Houghton, Hunton, Landers, Luques, Maher, Maxwell, Murchie, Murray, Owen, Phillips of Bar Harbor, Plummer, Ricker, Rounds, Small, Smith of Skowhegan, Tilden, Thomas of Chesterville, Thomas of South Portland, Towne, Trefethen, Varney of Jonesboro, Viles, Wadsworth, Warren, Weeks of Fairfield, Willard, Wilson, Wing—50.

ABSENT—Atherton, Bartlett, Bean, Bennett, Bragdon of Franklin, Brown, Burns, Fagan, Forbes, Hussey, Karswell, Morneau, Poore, Porter, Rogers of Jonesport, Savage, Teague, Washburn, Wiseman—18.

Mr. CARNEY of Newcastle: Mr.

Speaker, I wish to change my vote from no to ycs.

Mr. MURCHIE of Calais: I wish to change my vote from no to yes.

The SPEAKER: One hundred and thirty-three having voted, 83 in the affirmative of the proposition and 50 in the negative, the motion to indefinitely postpone prevails.

Mr. MURCHIE of Calais. Mr. Speaker, I move that we reconsider the vote whereby we voted to indefinitely postpone this measure, and I want to say one word in explanation before the vote is taken. I understood from the opening statement made by the gentleman from Perham, Mr. Bragdon, that those who are opposed to the bill recognize that the salary is insufficient, and that some increase should be made — perhaps not at this session, but in any event by a recess committee reporting to a special session of this Legislature if one is held. If this bill is reported "ought not to pass" or is indefinitely postponed, I understand that that will bar action not only at the present session, but at any special session of this Legislature; and I make the motion of reconsideration in order that the matter may be recommended to the committee on Salaries and Fees, and that that committee may have an opportunity to get what was not granted to them at the hearing, a very fair idea of the sense of the Legislature as to what the salaries should be.

Mr. BRAGDON of Perham: Mr. Speaker, I am willing to do everything that is fair in this matter, but it seems to me that the result can be accomplished in another way. No doubt the Senate will refuse to concur in our action and the Conference committee will be appointed, and I think that the matter can be arranged at that time as well as any other. Therefore, I hope that the motion to reconsider will not prevail.

The SPEAKER: Mr. Murchie of Calais moves that the House now reconsider its action whereby the bill was indefinitely postponed. Those in favor will say, aye, contrary minded no.



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

---

On motion by Mr. Buzzell of Belfast it was voted to take from the table, report of the committee on towns on Bill "An Act relating to Kendall's Mills Village Corporation," which was tabled by that gentleman, February 28, pending acceptance of

the report of the committee, and the report of the committee was "ought to pass;" and on further motion by the same gentleman, the report was accepted.

---

On motion by Mr. Thomas of So. Portland,

Adjourned until 10 o'clock tomorrow morning.