

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1921

**ERRATA:**

**The following errata are  
inserted because one or more pages  
in this session day have errors  
noticed and corrected here.**

## ERRATA

Page 154, column	1, line 17, for Chapter "199" read "198."
" 163, "	2, after order by Mr. Winter, read "Tabled on motion of Mr. Buzzell of Belfast."
" 174, "	1, line 8, for "Lewiston" read "Rockland."
" 194, "	1, " 24, for "Sewall" read "Newall."
" 197, "	2, " 50, for "insurance" read "issuance."
" 267, "	2, " second Act referred to Inland Fisheries and Game was referred to Judiciary Committee.
" 305, "	1, " 42, for "Boys" read "Girls."
" 305, "	1, " 45, "H. 169" should read "H. 165."
" 511, "	2, " 2, for "H. 106" read "H. 160."
" 586, "	1, " 13, for "St. Albans" read "St. Agatha."
" 591, "	2, " 23, for "1919" read "1909."
" 602, "	2, " 12, for "enacted" read "engrossed."
" 617, "	1, " 46, for "322" read "332."
" 650, "	2, " 31, for "H. 336" read "H. 366."
" 662, "	2, " 26, for "Barrington" read "Harrington."
" 692, "	2, " 35, for "H. 236" read "H. 336."
" 694, "	1, " 2, for "S. 154" read "S. 155."
" 716, "	2, " 3, for "Mr. Perham" read "Mr. Bragdon of Perham."
" 772, "	1, " 24, for "same" read "Committee on Appropriations and Financial Affairs."
" 869, "	1, " 50, insert "Finally passed."
" 902, "	1, " 24, for "Clark" read "Barton."
" 902, "	1, " 40, for "S. 185" read "S. 184."
" 928, "	1, " 51, for "343" read "243."
" 949, "	1, " 43, for "Merton's" read "Martin's."
" 954, "	1, " 44, insert "ought not to pass."
" 958, "	2, " 20, for "179" read "181."
" 958, "	2, " 28, for "178" read "179."
" 967, "	2, " 49, for "S. D. 198" read "S. D. 180."
" 981, "	2, " 10, for "\$300" read "\$300,000."
" 1000, "	2, " 47, for "Portland" read "Biddeford."
" 1005, "	2, " 42, for "salaries" read "selection."
" 1142, "	1, " 40, for "H. D. 465" read "H. D. 456."
" 1169, "	2, " 2, for "Fogg" read "Forbes."
" 1191, "	2, lines 3 and 11, for "engrossed" read "enacted."
" 1191, "	2, line 20, for "finally passed" read "passed to be enacted."
" 1191, "	2, lines 31, 40, 48, for "engrossed" read "finally passed."
" 1211, "	2, " 12 and 13, "National Guard" should read "Nash and Viles."
" 1280, "	1, line 14, for "bald" read "bomb."
" 1321, "	1, " 35, for "lighting Long and Big Lakes" read "Lewy, Long and Big Lakes."
" 1373, "	2, " 42, for "Arthur B. Forbes" read "Arthur E. Forbes."
" 1376, "	2, " 14, for "S. D. 161" read "S. D. 167."
" 1409, "	2, " 36, for "Chapter 178" read "Chapter 238."

## HOUSE

Wednesday, March 23, 1921.

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

Prayer by the Rev. Mr. Irving of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

### Senate Bills on First Reading

Senate 144: An Act authorizing the Commissioner of Agriculture to provide inspection as to quality and condition of fruits, vegetables, dairy and other perishable farm products, and to furnish statements relative thereto.

Senate 143: Resolve in favor of Stephen Blaisdell for materials furnished in the construction of the Central School Building for the Maine State School for Girls.

Senate 137: An Act to amend Section 32 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 174 of the Public Laws of 1919, relating to pollution of waters of the State by sawdust and other mill waste.

Senate 141: Resolve extending the provisions of Chapter 163 of the Resolves of 1919 in regard to the collateral inheritance tax and probate laws of the State of Maine.

Senate 48: An Act to incorporate the Dixfield Water District.

Senate 135: An Act to increase the State pension to the blind.

Senate 134: An Act to make uniform the fees of deputy sheriffs in attendance upon supreme judicial and superior courts.

Senate 140: An Act to amend Chapter 293 of the Public Laws of 1917, relating to the powers of the Commissioner of Sea and Shore Fisheries.

From the Senate: Majority report of the committee on judiciary reporting "ought to pass" on Resolve in

favor of the Austin W. Jones Company, Veazie, Maine, reimbursing for property destroyed by fire. Report signed by the following members.

Messrs. Gillin of Penobscot  
Parent of Androscoggin  
of the Senate

Messrs. Maher of Augusta  
Buzzell of Belfast  
Cole of Eliot  
Murchie of Calais

of the House

Minority report of the same committee, on the same bill, reporting same in a new draft, under title of "Resolve authorizing Austin W. Jones Company to bring a suit at law against the State of Maine," and that "it ought to pass." Report signed by the following members.

Messrs. Farrington of Kennebec  
of the Senate

Messrs. Hinckley of So. Portland  
Gardiner of Gardiner  
Wing of Auburn

of the House

Came from the Senate majority report accepted.

Mr. WING of Auburn: Mr. Speaker, I move that we adopt the minority report.

The SPEAKER: This is the resolve authorizing the Austin W. Jones Company to bring a suit at law against the State of Maine. The question comes on the acceptance of either report, the majority report, signed by six members of the committee on judiciary, ought to pass, as printed; the minority report, signed by four members of the committee, ought to pass in new draft; and the gentleman from Auburn, Mr. Wing, moves that the minority report, ought to pass in the new draft, be accepted.

Mr. WING: Mr. Speaker and gentlemen of the House: If you will turn to your Senate Documents and look at Senate No. 14, you will see the measure that is before the House, and I call your attention to the statement of facts appended thereto. Now when a divided report comes into the House, it is but right that the differences between the two reports should be fairly stated so that the House may judge of the merits of either

report. I felt myself unable to join with my colleagues in the majority report, which was a report in favor of the resolve; and it is for you gentlemen to determine which of the two reports is the better procedure and the proper thing to do. This is a case where you must not allow your sympathies to run away with your judgment, because there are certain principles involved here which have a very far-reaching effect. You will observe that this resolve calls for the payment of a sum of money which was a loss sustained by two men as the result of buildings being burned by an unfortunate insane man. This man had been committed to the hospital at Bangor. He was paroled on the 24th day of April, and during his parole he ran amuck, so to speak. He committed an assault upon two women, and he said that he burned the buildings of the Austin W. Jones Company. Now I have no fault to find with the amount which the Austin W. Jones Company says is due them, but I do call your attention to the fact that on their loss there was paid by the insurance company the amount of \$4,400. You will see by the figures at the bottom of the statement of facts that the insurance company paid \$4,400 on this loss.

As the matter was presented, or as it presents itself to my mind, I felt if this resolve passed, that if the insurance company had paid on account of this trespass, it likewise had a claim against the State of Maine for the money that it had advanced and paid as the result of this unfortunate act. I also felt that others who suffered from the acts of this man would present claims.

Now this matter was heard twice, all *ex parte* the first time, no one appearing in opposition. Afterwards it transpired that the trustees of the Insane Hospital wished to be heard in the matter, and they presented the superintendent of the institution who paroled this man. As the matter turned in my mind I began to feel that there was a principle involved here which required more than the hearing which was given it in this Legislature and by your committee.

I think matters of this kind should be determined upon principles at law in a court, where either side may cross examine witnesses, where the witnesses themselves may be under oath, and where neither side is subjected to the influence of interested friends; and I felt that, unfortunate as was this loss to the Austin W. Jones Company, they should seek redress for their wrong in a court. Now I have nothing but sympathy for the unfortunate men who have suffered this loss, but if the state of Maine is to operate highways, is to take charge of unfortunate insane and feeble minded, does it at the same time become an insurer for every act of an insane person while in its custody, and does it become an insurer for every act of its servant while in the prosecution of public business? It seems to me that as the state goes on taking over these various activities, there will grow up as between the state and an individual a system of law which will take care of the rights of the individual as against the state. So I felt that the proper thing to do was to allow this company to present its claim in a court, and I trust that the House will agree with me. I have no desire to undertake persuasion to the position which I take, although of course I would feel flattered if the House should agree with me that it was a sound one.

The SPEAKER: I am sure that the House is very desirous of having no uncertainty about the situation. If you care to look at your printed papers, you will discover that Senate No. 14 is the original resolve, and if the Chair understands the papers before it, the report of the majority is that the original resolve should pass. If you will look again at Senate Document No. 132, you will observe what the Chair will rule is a printed error in the title thereof wherein the printer gives you to understand that Senate Document No. 132 is the majority report; but the Chair understands that it is the minority report, and there can be no question about it. The minority report presents an entirely new draft, the proposition which the gentleman

from Auburn (Mr. Wing) has just been discussing. The Chair recognizes the gentleman from Orono, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and members of the Eightieth Legislature: As a common farmer and a neighbor to the Austin W. Jones Company of Veazie, I wish to speak here this morning in behalf of what seems to me to be a very just and legitimate claim. I will be as brief as I can, but I sincerely feel that the members of this House should know something about this matter before they pass upon it; so I will briefly endeavor to review the facts concerned in the case of this poor, unfortunate man from the time he was committed to the state institution at Bangor until the time he committed these deeds.

On the 14th day of February, 1920, George Stanchfield presented himself to Orman B. Fernandez, sheriff of Penobscot County, and told him that he was a traitor both to God and to his country and that he desired to be committed to the Penitentiary at Atlanta, Georgia. Although Sheriff Fernandez is not a mind reader, he readily saw that this man was not right, and he arranged for him to return the following day. When Mr. Stanchfield returned upon the following morning, the sheriff had Dr. Milliken in attendance to make a thorough examination of the man in regard to his mental state. Dr. Milliken made a very thorough examination of Stanchfield and declared him dangerously insane. Immediately Fernandez called up Peter Davis of Veazie, Chairman of the Board of Selectmen of that town, and asked him if he would like to have Stanchfield committed to the Bangor institution for the Insane upon a temporary commitment. Davis immediately told him yes and he was committed to the institution. John Farrar, deputy sheriff and a police officer, transported him there in an automobile. Mr. Farrar has had considerable experience with insane people in a Massachusetts institution, and he considered this man to be so dangerous that he put him in irons and they

carried him to the hospital in irons and delivered him to the caretakers of that institution in irons, telling them that they considered him a very dangerous man. In the course of a day or so, at the request of the selectmen of Veazie, Dr. Starrett made another examination of the man and he thoroughly agreed with Dr. Milliken that he was a dangerously insane man. Then Dr. Hammond of the staff made an examination. Those three men said that he was dangerously insane and Dr. Hedin concurred with them in saying that he was insane, and later Dr. Tyson said that he considered him dangerously insane. Until April 2nd there was no very noticeable change in the condition of this man Stanchfield, but upon April 24th he escaped from that institution, went down to the river, borrowed a boat, rowed across the river, hid in the woods through the day, and that night, gentlemen, he swam across the river in the vicinity of the Veazie dam and returned to his home. The next morning he was returned to the institution by his mother, and my heart goes out in sympathy to that poor, unfortunate woman who has had to be subjected to the newspaper notoriety that is involved in this case. I have known these people all my life, and it is a very unfortunate occurrence to me; but, gentlemen, the next morning she returned this insane man to the institution and told Dr. Hedin that he had swam across the Penobscot river the night before and asked that he be paroled. If you look over the chart in regard to father, mother, sisters and brothers, the grandmother and great grandmother, you will find that perhaps they are not just what they ought to be. Some of his people have been inmates of that or other institutions, and his mother, gentlemen, did what any mother would have done at the request of her son,—she asked that he be paroled from that institution. Immediately Dr. Hedin released him in the custody of his mother, and the only guaranty that he had was her statement that she would look after him to the best of her ability. Immediately the selectmen of Veazie got in communica-

tion with the hospital authorities and they said that they did not think that George Stanchfield was a fit person to be at large, and whoever answered the telephone said that they considered him just a little bit foolish. Well, this man that was just a little bit foolish commenced to go around the town making neighborly calls and saying that he guessed he would make way with the Greenleaf girl, his one time sweetheart. He said that there were certain buildings in that community that should be burned because the people had refused him jobs, and upon May 10th, in the middle of the night, the people of that locality were awakened by flames shooting up into the sky. The next morning it was found that this man had endeavored to shoot his sweetheart, that he went to the bedroom window, put a shot gun in through that window and fired two charges of shot, one taking effect in her cheek, and the other one shooting off the lobe of her ear. Then he went up to the Austin W. Jones Company buildings, where in the barns reposed one of the finest herds of thoroughbred Holstein cattle in the state of Maine. To those buildings he touched a match. Then he went across the fields to Mr. Prouty's and touched a match to Mr. Prouty's house, but by this time his matches had become wet and he could not go any further in his destruction of buildings.

The Jones boys have done as much for the agricultural interests of Penobscot county and of the state of Maine at large as any two men in that part of the state could have done or would have done, and when they come before this Legislature asking that we reimburse them to the extent of ninety dollars a head for thoroughbred Holstein cows, all record breakers, I think that we do not need any more conclusive evidence in regard to the fairness of these boys. Their barn had cost \$3,500, five, seven or eight years ago when labor was cheaper than it is at the present time, and when lumber was far cheaper. Their valuations have been very conservative. Peter H. Davis of Veazie, a breeder of Holstein cattle, and Mr. McIntire, one of the executives of the

grange, thought that their estimates were very, very low.

Now, gentlemen, we come to the question of whether or not we are going to shoulder the responsibility of reimbursing these young men for their loss, or whether we are going to turn them over to a jury of twelve men. I feel, gentlemen, that the poor, unfortunate family of this young man have been subjected to enough humiliation in this case. I feel, gentlemen, that the family of that young man are not responsible for his acts, but I do feel that Dr. Hedin, the physician in charge of the Bangor State Hospital, was responsible for him, because I do not believe that he was justified in paroling this man. I do not believe there is another doctor at the head of any institution in the whole United States who would have turned this man loose upon his return to that institution, but, rather, he would have put him to bed, given him a warm bath and let him be quiet for a day or two. He certainly would not have turned him loose in the custody of a mother mentally unfit.

Now, gentlemen, I believe in retrenchment and economy, but I believe that economy, when it reaches a certain stage, becomes extravagance, and I believe that when retrenchment reaches a certain stage it becomes repudiation. Gentlemen, I believe we should pay these men for the loss they have sustained, because, gentlemen, it is a loss to them and it is a loss to Penobscot county at large. It will be argued here today, gentlemen, that we are letting down the bars. I believe that if the State owes any more of just such legitimate claims as the Austin W. Jones Company claim that we had better let down the bars, if that is what you call it, and pay our honest bills. We have no scruples over five or ten thousand dollars to form some new commission, but we do have scruples over raising five or ten thousand dollars in some instances to pay our just and legitimate claims, and we do have some scruples at some times about raising twelve or fifteen dollars a month to pay some poor, unfortunate widow a pension claim.



Gentlemen, I think it comes down to this one point: Is the Austin W. Jones Company responsible for the conduct of this poor man, or are the officials of this institution, who allowed him to go at large, responsible? Now, gentlemen, I believe that that is the issue. I am not going to take any more of your time than I consider absolutely necessary, but there is just one thing more, and I would like to read you a sample of his conversation a few days before he was released from the institution and then I will rest where I am, and you can judge for yourselves whether or not he was a fit man to be at large. The following is a sample of the conversation of George Stanchfield:

"If a hundred men were to stand up to shoot me, I'd drop the handkerchief as a signal. The other day I thought I was dying, and was glad of it. I smoked a cigarette and got so weak that I fell to my knees on the floor, got a cold all over, cold as ice. Just look at my ear, can you see any blood through it. I haven't a friend in the world. When I saw that they were after me I did everything I could to help them out. If any one said "kill the President," I'd repeat it after them, "kill him." I would repeat everything they said. Why when I went into the Brotherhood I cheated those boys and they have had to spend a lot of money following me. The Government must be back of it for what I did. A man followed me and I heard him say, "There is a fellow that ought to be on the other side of the Rockies," and I thought he was after me. This is what you get for not leading a Christian life, and those foolish letters of mine, that I wrote to that girl, they are being published all over the State and maybe all over the United States. They send them by telephone or wireless. I saw them coming, when I was in Portland, dot, dash, dot, that's the way they come. I never can make anything out of my life after this—"

Now, gentlemen, that is the conversation of that man. A few days before that he wrote a letter to Woodrow Wilson, President of the United States, asking that he be committed to the penitentiary at Atlanta,

Georgia. I believe we could not pick out any more intelligent body to determine this case than the ten men of the Judiciary Committee, and six of them said we should pay this directly, and four said give them a chance to sue the State. Gentlemen, I am heartily in favor of adopting the majority report, and I sincerely hope that the motion of the gentleman from Auburn will not prevail.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the report of the minority, ought to pass in a new draft—

Mr. HINCKLEY of So. Portland: Mr. Speaker, I feel it is only proper that I should ask just a few moments time of the House to say a word in regard to this matter. It is a matter of far-reaching importance, because it not only involves this case, but it involves this State at the present time in other matters and it involves the State in future years as establishing a policy that has never been previously established in the State.

Just a word in regard to our State hospital. Up to four years ago, an unfortunate who had been committed to any one of our State hospitals must remain there the rest of his or her days, unless the hospital authorities were ready to say that that person was cured, and discharged that person from their custody. Many people of the State of Maine realized that there were many who had been committed to those institutions who had not been cured, who were still insane, and who could very properly be released in the custody of those who were close and near to them. Having that in mind, this Legislature in its wisdom four years ago passed a law providing for a parole of these unfortunates from hospitals, and gave the authorities of our insane hospitals the right if in their judgment they believed it would be proper and reasonably safe to have one of those patients return to his home,—the right to do it without discharging them. I do not believe that there is a member of this House who will not concur with me in the conclusion that that was one of the fairest and one of the most humane laws ever enacted by this Legislature. Now

acting under that parole law, the hospital authorities took up case after case, and during the last four years there has been an average of one hundred inmates of the Augusta hospital and one hundred inmates of the Bangor hospital released under parole,—not as cured, not discharged, but sent to their homes to be cared for as best they could by those who had that peculiar, personal, intimate relation with them. That is the history of this parole law. Now, Mr. Speaker and gentlemen, this is simply one of the hundreds of cases that during the last four years these hospital authorities have released; and I say to you, Mr. Speaker, that if this Legislature says that the State is responsible for the act of any person who is paroled from those hospitals, I say to you that it is only fair and right, and I should expect the hospital trustees to simply shut the gates and say that they will not allow anybody to go out on parole until they know they are cured and can discharge them. You would expect that as the inevitable result. Now does this Legislature want to go back to those days when these people were confined within the four walls of those institutions and not permitted to go back to their homes temporarily? Do you want to go back to it, gentlemen? That is what it means and nothing else. Now here is a man who surrendered himself and was committed here. That is true. The evidence before the Judiciary Committee showed that that man, although he was evidently not right in his mind, had never shown any signs of violence either before he was committed or during the time of his commitment. There is not a word of evidence to that effect, and the doctors of that institutions believed at that time, as they believed in these hundreds of other cases, that it was safe to permit this young man to go to his home with his mother. Is the State going to insure in a case of that kind? Was it negligence on the part of the hospital authorities to allow him to go home? It seems to me, gentlemen, when you have in mind that they have released hundreds during this time, and this is the only case where one fellow went to pieces

and evidently became violent and committed damage, that it is a most dangerous thing for you to say that they were negligent. We are so constituted that it is impossible for the greatest expert on mental diseases to tell when you or I or any other person may become mentally unbalanced and may commit some overt act causing damage to the community. That is one of the things that we must take our chances on as citizens of this State. The State does not insure. The State throws its great arm around all of the unfortunates of this State, and as the mother of all the people of the State says we will care and will do for them as best we can. That is what the State is doing. Now I as one member of that committee who listened to the evidence believed, and I think we all believed, that sufficient evidence had not been produced to warrant the conclusion that these hospital authorities were negligent. It is unfortunate that after he was released that he did become violent and did do this damage. It would have been unfortunate if he had done it before, but no one would have questioned or raised the proposition that the State should pay damage had he committed this before he had been committed to the asylum and paroled. Now that is the situation. We did not believe there was sufficient evidence to warrant us finding negligence. Not only this case was as issue involving \$10,600, but my colleague from Orono (Mr. Perkins) has told you that Stanchfield shot a girl. She should be paid, if the Jones Company is paid, for her damages. Another set of buildings was burned, and they will be in here. They are entitled to it if the Jones Company is entitled to it. The insurance company paid on account of the act of this man, and if the owner of the building is entitled to reimbursement, so is the insurance company as a legal proposition. Now if the hospital authorities were negligent, that is one thing; but a court of law is the place to establish that and we believe that we were fair, we believe we were generous, we believe we were right, we believe we were best protecting the interests of this

State whom we are here to serve by giving these people the right under the law at the present time to bring a suit against the State; but we say to them you charge that the hospital authorities were negligent. If that is true, we will give you the right to go into a court at law and bring your action there, and if you can prove in a court at law that the hospital authorities were negligent, then you have a right to recover. If you cannot go there, you have no right to recover and you should not recover, but you must take the same chances that every other citizen in this State takes when dealing or coming in contact with the unfortunates. That is the position of the four members who signed that report, and it seems to me it is a sound principle and a fair proposition.

Now just one more word to correct an error, and I know that my colleague from Orono (Mr. Perkins) did not intend to make it. He called my attention to the fact that there was so many Holsteins, thoroughbred, registered cows, and, to show the fairness of these men in their claim they made, he called my attention to the fact that they only asked for \$90 apiece for these cattle. That, indeed, would be reasonable and fair; but instead of \$90 apiece, you will find by turning to Senate Bill 14, the statement of facts, that 27 of the aforesaid cows were burned and destroyed, and they are charging to the State and asking to recover \$3,650 for 27 cows, or a fraction over \$320 a cow instead of \$90. Now that is some difference. I am not discussing the value of these cows, but I just want to correct this error.

Now this is the situation and it is for this House to say whether it wants to establish here today a policy that will mean that the State is committed not only to pay this, but to pay the other bills,—pay for the girl who was shot, pay the insurance company—not only that but establish a policy that the State shall pay for all damage committed by any one of the hundreds of unfortunates who are out on parole and of the thousands who will be out in years to come.

Mr. BARWISE of Bangor: Mr. Speaker, I merely want to say just a word about sending this case to a court. It cannot be possible that the gentlemen who signed this minority report believed that the State as a matter of law is liable for the negligence of one of its trustees or doctors in an institution. In an ordinary case of a charitable corporation which on principle would be very very much more liable, it has been held in this State not to be liable for the negligence of one of its servants. The rather celebrated case of the Portland Eye and Ear Infirmary a few years ago established that fact for this State. If the Portland Eye and Ear Infirmary, being a charitable corporation, is not liable for the blunder of one of its doctors in taking out the wrong eye, in taking out the good eye, so that the man was left totally blind, the State of Maine is not liable for one of the blunders of one of its physicians. Saying that the Jones brothers can take their case into court is the merest subterfuge. They can take it in, but they will never get anything out. The State is in no way liable. If the State officials use good judgment in selecting these doctors, they are not liable for the acts of the doctors. Now I live in the region of this Jones brothers' farm, and I know that they have done a great deal for the agricultural interests of Penobscot county. They are interested in the publication of the little paper on thoroughbred stock that all the farmers around Maine take, and they have done a great deal toward building up the habit among the farmers of raising thoroughbred cattle. This was one of the model farms of eastern Maine, and unless we do something now—we are not legally bound and I do not contend we are—but it seems to me we are morally bound to do something in this case, and unless we do it here, they will not get any relief at all, because the State is not liable in the courts.

The SPEAKER: Is the House ready for the question?

Mr. BUZZELL of Belfast: Mr. Speak-

er, we accept report after report in this House without a murmur, and for fear that there are some things about this resolve that we do not all understand, I feel it my duty to say just a word. This is a court of claims, and we are proceeding on this resolve as the declaration. Austin W. Jones Company ask that the sum of \$10,600 be appropriated to pay them for property lost at the hands of a poor, unfortunate man by the name of George Stanchfield who was let loose upon the public of the State of Maine when he should not have been let loose. Now, briefly, gentlemen of the House, those are the facts. How do we get into action in this House this morning? It is upon the acceptance of a report which came from the Senate with the majority report accepted. The Senate accepted the report as signed by Senator Gillin of Penobscot, Senator Parent of Androskoggin, Representative Maher of Augusta, Cole of Eliot, Murchie of Calais, and myself, and in this body the motion was made that the minority report be accepted. I believe if the members of the House were apprised of those facts that you might all know just what action has been taken up to this time.

This resolve speaks of Austin W. Jones Company. I had the pleasure of sitting upon the committee that heard this case fully discussed, and I was very much interested in the case because many questions were asked by the gentleman from South Portland, Mr. Hinckley, and the many questions that he asked certainly gave all the members of our committee a great deal of information. I know none of these boys; I have no personal interest in the case, and I simply wish for them to be treated fairly and to be treated as they should be treated at this time by us. Let us not "pass the buck;" let us stand right up and be men. We are a court of claims and it is for us to say whether the minority of this committee shall have their decision allowed and say that these boys shall have the right to sue the State of Maine. Do you, as representatives of the people of the State of Maine, desire to give a right to certain individuals or corporations to sue

the State? Do you want to admit that 12 men from any county of this State will constitute a board with any better intelligence, or with any better grey matter in the tops of their heads are better able to pass upon the equity of any claim than we are? It is a reflection, gentlemen of the House. We seriously considered this proposition. We had a long committee hearing, and the case was handled admirably both by the proponents and by the opponents, a wonderful hearing in many respects.

Now, gentlemen, let me give you a little of the history in connection with that hearing. The hearing was advertised, proponents appeared with both barrels of their gun loaded, and they fired the facts at us, and when the opponents were called upon they were very conspicuous by reason of their absence, although one of the trustees of this hospital was there. Later they appeared in some form or other and indicated their desire to appear before us, a most remarkable procedure, rather out of the ordinary, and finally we reopened the case and allowed them to come in; and it did seem to me, as a member of that committee, that if I ever listened to what seemed to me to be nothing more or less than a confession and avoidance, that was what I heard at that time.

It would be impossible for me to agree with the gentleman from South Portland, Mr. Hinckley, upon this proposition. Here are two boys who have gone through college; they have an objective in view; they fortify themselves with all the information and intelligence they can get along these lines, and they go at scientific farming, great farming, wonderful future, beautiful days ahead of them, and then a madman is turned loose upon them. I believe it—I believe it was through the negligence of that superintendent of this institution that that man was turned loose. Now, let us not be deceived on this proposition that we are opening up here. The distinguished gentleman from South Portland, Mr. Hinckley, goes outside of this case, distinguished lawyer that he is, and he talks about another case. If he were sitting upon the bench,

would he want to go outside of the case that he was trying, or would he limit himself right to the facts and to the figures and to the witnesses in his case, or would he think how his decision or the conclusion arrived at by the jury might affect some other case, some girl's case as compared with the case of blooded stock? I say we have nothing to do with that; we do not care anything about the other buildings that have burned; we do not care anything about what the young lady does; we do not care to go into love affairs; we are at this time simply considering what is fair and just to Austin W Jones Company. However many boys there may be in that corporation, what have they done that we should consider other cases in this Legislature or allow them to influence us? They simply come here to this court of claims at this time and say, we think it is fair. Talk has been made to the effect that this man was not violent. As I remember the testimony in this case, the sheriff, one of the selectmen, and a turnkey, or somebody else, at the very outset of the proposition, handcuffed him and took him up there to this insane asylum. He was not violent! Three or four men handcuffed the man and took him to this institution, and then they say he was not violent. I wonder why they handcuffed him?

Now, gentlemen, you have heard what the facts are here in connection with his being in that institution, taken there on February 15th, escaped April 24th, after he had been committed just a few weeks or a few months, and the superintendent of that institution as a reward of merit, if you please, paroled him on the next day into the arms of his mother, who had been in a similar institution, if not the same one. And it was not negligence, they say. I do not see how any body or fair-minded men can conceive how it was anything else. The doctors all claimed that this man was suffering from dementia praecox paranoia, a type of incurable insanity as I understand it.

This case comes home to me very forcibly because within a few miles

of my home, another man escaped and came down and wended his way down into the town of Brooks and rapped at the door of a house that was occupied by an old lady. That old lady had a wonderful lot of cheer and she invited him in and fed him, and she went to the telephone and notified the officers and they came there and took him, and a short time before that somewhere up in the town of Hampden or Hermon, or up there somewhere, he had brutally taken a knife and cut a young girl to pieces.

Now, gentlemen, sympathy can be worked in two ways on this proposition. We are entitled to some protection ourselves, and when we appropriate money for institutions of this kind, to run our State's prison, while we show grief and sympathy with the poor unfortunates who are within, it does seem to me as though we place them there, not with any spirit that we want to get back at them for what they have done, but we simply wish for them to be taken care of that we might breathe this free air and live in this wonderful land of liberty that we all so much admire and think so well of. Can there be anything but negligence in this proposition, and if so, then these boys should be paid for what they have lost. Let us not be befuddled by the number of cows or how much these cows were worth. The esteemed gentleman from South Portland, Mr. Hinckley, knows that the value was estimated, and those figures were laid before us fairly and squarely, and the value of those cows was never disputed, not for a moment at the hearing, and here is a dash of the family history—mother, father, sister, brother, grandfather, aunt and uncle insane, and they paroled the boy, a strong, able boy suffering with this disease into the arms of his mother to be taken care of by her, and not negligence! What in the world is it but negligence? If the gentlemen who signed this minority report did not think that there was a fair opportunity for these boys to get justice in the court of the State of Maine, why did they sign the report? Do they wish to give us

to understand that they are willing for us to proceed, but not a burglar's chance to proceed in that direction. I, for one, am in favor of seeing these boys paid for the property they have lost. It is going to cost the State of Maine something to defend a case of that kind. Now they talk about cross-examining the witnesses! I have told you here once or twice that they were cross-examined some as they came in here before that committee. They were pursued, in my best judgment, and the gentleman from South Portland was in close pursuit. He was after all the facts and he got them, in my best judgment, and just as they were. We are not establishing a precedent. You would think from some of the conversation that you have heard here this morning that this was the first time that ever a resolve of this kind was entertained in this way. It has been my pleasure to be a member of this Legislature before, and we passed a resolve, if my memory serves me right, to look after the family of a man who was killed in some road operation here. I also have in mind another instance, but as long as my memory is a little foggy on that, I will say nothing more about it; but I think I am right when I say that we looked after a family in another instance.

I feel that we can safely come to this conclusion, that there was negligence; that these boys should be reimbursed; that they were in no way responsible for what occurred. Then it has been intimated here that they were uncertain about whether this man caused this loss or not. Why, the circumstances all point to it. The boy himself said that he did it. Oh, the little instance up there of shooting the girl who jilted him, and then the burning in close connection with that there in that neighborhood, and the other large set of buildings going. Oh, it all indicates that. Circumstantial evidence is the strongest evidence you possibly can have, and the lawyers of this House know it, and all the circumstances point in that direction. The question is up to us, gentlemen of this House. Let us not "pass the buck," but stand up and

be men and, if those men should be paid, pay them.

The question being on the motion of the gentleman from Auburn, Mr. Wing, that the minority report be accepted, the question was put by the Chair and the declaration made that the minority report was accepted.

Mr. BUZZELL: Doubted.

The SPEAKER: The vote is doubted. All those in favor of the motion of the gentleman from Auburn, Mr. Wing, will say aye, contrary minded, no.

A viva voce vote being taken, the Chair declared the motion to adopt the minority report as lost.

Mr. HINCKLEY of South Portland: I doubt the vote and call for a division of the House.

The SPEAKER: The gentleman from South Portland (Mr. Hinckley) calls for a division of the House. All those in favor of the motion of the gentleman from Auburn, Mr. Wing, that the minority report be accepted will rise and stand until counted, and the monitors will return the count.

A division being had,

Thirty voting in favor of the acceptance of the minority report, and 91 against its adoption, the motion was lost.

On motion by Mr. Perkins of Orono, it was voted to accept the majority report in concurrence with the Senate.

On motion by Mr. Wing of Auburn, the rules were suspended and the resolve was given its two several readings and passed to be engrossed.

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From the Senate: Report of the Committee on Claims on resolve in favor of the town of Island Falls for money paid to Levi H. May. This was read and accepted in the House March 10.

Comes from the Senate, the Resolve substituted for the report, and passed to be engrossed.

In the House, on motion by Mr.

Crabtree of Island Falls the rules were suspended and it was voted that the House reconsider its former action whereby it voted to accept the report of the committee, ought not to pass. On further motion by the same gentleman it was voted to concur with the Senate in the substitution of the resolve for the report and on further motion by the same gentleman the resolve had its first reading.

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

#### Inland Fisheries and Game

By Mr. Witham of Clinton: Remonstrance of N. M. Heikes and certain other citizens of Kennebec county against bill making Sunday open time for hunting in Kennebec county.

By Mr. McGlauffin of Pembroke: Remonstrance of certain citizens of Washington county against making Sunday open time for hunting in Washington county.

#### Judiciary and Military Affairs

By Mr. Maxwell of East Livermore: Petition of Wallace Harmon and certain others of Livermore Falls in favor of better observance of Memorial Day.

#### Legal Affairs and Labor

By Mr. Croxford of Newport: Remonstrances of J. H. Winchester and 12 others of Corinna; C. R. Clark and 41 others of Corinna; Lewis I. Bussey and 22 others of Dixmont and Fred J. Nutter and 29 others of Corinna against the 48 hour law.

#### Military Affairs

By Mr. Downing of Bangor: Petition of certain citizens of Penobscot county in favor of bill relating to State paying burial expenses of deceased soldiers and sailors.

On motion by Mr. Murchie of Calais the rules were suspended and that gentleman was given permission to introduce out of order, and without reference to a committee, Bill,

An Act to amend Section 1 of Chapter 34 of the Revised Statutes, providing for the appointment of a Commissioner of Agriculture to fill a vacancy.

On further motion by Mr. Murchie of Calais, the rules were suspended, the bill given its three several readings, passed to be engrossed, and sent up for concurrence.

On motion by Mr. Murchie of Calais the rules were suspended and that gentleman was given permission to introduce out of order, and without reference to a committee, Bill, An Act to amend Section 85 of Chapter 2 of the Revised Statutes as amended by Chapter 226 of the Public Laws of 1917, relating to the State Contingent Fund.

The SPEAKER: This bill merely prescribed or provides that the date when money from the treasury destined to the Contingent Fund shall become part of the Contingent Fund shall conform to the new dates accepted by the Legislature in changing the fiscal year of the State.

On further motion by Mr. Murchie of Calais, the rules were suspended, the bill given its three several readings, passed to be engrossed, and sent up for concurrence.

#### Communication from Department of State

To the Clerk of the House of Representatives of the Eightieth Legislature of the State of Maine:

Pursuant to the joint order of the Senate and House of Representatives of the Eightieth Legislature, I have the honor to transmit herewith a list of the legislative counsel and legislative agents registered in the office of the secretary of State, in accordance with Chapter 100 of the Public Laws of 1919. This list comprises all such counsel and agents who have registered from March 16th, 1921, to March 22nd, 1921, both dates inclusive.

Respectfully submitted,  
(Signed) FRANK W. BALL,  
Secretary of State.

On motion by Mr. Buzzell of Belfast, it was voted that the reading of the list herewith appended be dispensed with; and on further motion by the same gentlemen it was voted that the list as appended be made a part of the journal of the proceedings of the day, the communication being ordered placed on file.

**JASPER H. HONE**, of Presque Isle, employed to act as legislative counsel and legislative agent by the Libby Theatre of Fort Fairfield, Ouellette Theatre of Van Buren, Presque Isle Opera House of Presque Isle, Dream Theatre of Houlton and the Powers Theatre of Caribou. The purpose of employment is "To oppose moving picture censorship." Employed March 13, 1921. Date when employment ceases is given as indefinite. Notification of employment filed March 16, 1921.

**DANA S. WILLIAMS**, of Lewiston, employed to act as legislative counsel by Maine & N. H. Theatre Company, William F. Carrigan, assistant treasurer, Lewiston, Maine. The purpose of employment is "Legislative counsel to oppose Senate Bill No. 95 creating a board of censors in moving picture films." Employed March 16, 1921. Employment ceases upon adjournment of the Legislature. Notification of employment filed March 16, 1921.

**BENJAMIN W. BLANCHARD**, of Bangor, employed to act as Legislative Counsel and Legislative Agent by the management and owners of the Bijou and Park Theatres of Bangor and the Strand and New Central Theatres of Old Town. The purpose of employment is "To appear before legislative committee of the Eightieth Legislature in opposition to bill purporting to create a board of censors for moving pictures." Employed March 15, 1921. Employment ceases March 17, 1921. Notification of employment filed March 16, 1921.

**J. ALBERT BRACKETT**, of 602 Baristers Hall, Boston, Mass., employed to act as Legislative Agent and Legislative Counsel by Black New England Theatres, Inc. The purpose

of employment is "To appear before legislative committees of the Eightieth Legislature in opposition to a bill there pending purporting to create a board of censors of moving pictures." Employed March 16th, 1921. Employment ceases March 17th, 1921. Notification of employment filed March 16, 1921.

**EMERY G. WILSON**, of Portland, employed to act as Legislative Counsel and Legislative Agent by Portland Theatre Managers' Association. The purpose of employment is "To appear in opposition to bill providing censorship and regulation of moving pictures." Employed March 15, 1921. Employment ceases when bill is finally disposed of. Notification of employment filed March 16, 1921.

**THOMAS LEIGH**, of Augusta, employed to act as Legislative Counsel and Legislative Agent by Maine & New Hampshire Theatres Company of Lewiston. The purpose of employment is "To oppose before committees of Judiciary and Appropriations an Act creating a board of censors to pass upon moving picture films offered for public exhibition in Maine." Employed March 15th, 1921. Employment ceases at disposition of Act referred to by the Legislature. Notification of employment filed March 16, 1921.

**CYRUS N. BLANCHARD**, of Wilton, employed to act as Legislative Counsel and Legislative Agent by W. B. Darton of Portland. The purpose of employment is "To act for W. B. Darton for any matters that may come before the Legislature that may directly concern him." Employed March 15, 1921. Employment ceases at end of legislative session. Notification of employment filed March 16, 1921.

**OSCAR H. DUNBAR**, of Machias, employed to act as Legislative Counsel and Legislative Agent by Alfred S. Black, 142 Berkley street, Boston, Mass. The purpose of employment is "Relating to Act to Provide State Censorship of Motion Pictures." Employed March 17, 1921. Employment ceases when subject matter



is disposed of. Notification of employment filed March 17, 1921.

**WILLIAM S. LINNELL**, of Portland, employed to act as Legislative Counsel and Legislative Agent by Burnham & Morrill Company of Portland. The purpose of employment is "To act for and represent Burnham & Morrill Company in all matters directly or indirectly affecting said Burnham & Morrill Company that may be presented to the Legislature of 1921. Employed as regular attorney, specially employed for above purpose March 15, 1921. Employment ceases upon final adjournment of Legislature of 1921. Notification of employment filed March 17, 1921.

**MYER W. EPSTEIN**, of Bangor, employed to act as Legislative Counsel by Graphic Theatres, Inc., of Bangor, Park Theatre of Dexter, Chic Theatre of Milo and New Star Theatre of Dover. The purpose of employment is "To act in matter concerning bill now before the Legislature in regard to Moving Picture Censorship." Employed March 21, 1921. Employment ceases at close of Legislative session. Notification of employment filed March 21, 1921.

**RAYMOND FELLOWS**, of Bangor, employed to act as Legislative Counsel by inhabitants of Sangerville. The purpose of employment is "To appear before committee at hearing on act authorizing Town of Sangerville to reimburse selectmen." Employed March 21, 1921. Employment ceases on report of committee. Notification of employment filed March 22, 1921.

**JOHN P. DEERING**, of Saco, employed to act as Legislative Counsel by Chamber of Commerce of Biddeford and Saco. The purpose of employment is "To represent employer at hearing on amendment to Constitution in regard to State Income Tax." Employed March 21, 1921. Employment ceases when work is accomplished. Notification of employment filed March 22, 1921.

**H. B. BRANN**, of Augusta, employed to act as Legislative Counsel by Maine State Federation of Labor. The purpose of employment is "Labor Legislation." Employed March 22, 1921. Employment ceases at close of Legislative session. Notification of employment filed March 22, 1921.

**WALTER M. SANBORN**, of Augusta, employed to act as Legislative Counsel by employees of Augusta State Hospital. The purpose of employment is "To appear at Committee Hearings." Employed March 20, 1921. Employment ceases March 31, 1921. Notification filed March 22, 1921.

**J. S. WILLIAMS**, of Guilford, employed to act as Legislative Counsel by town of Sangerville. The purpose of employment is "To act in matter relative to bill now before Legislature." Employed March 22, 1921. Employment ceases at close of Legislative session. Notification of employment filed March 22, 1921.

#### Reports of Committees

Mr. Chandler from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act to provide for local inspection of slaughter houses and their products."

Mr. JORDAN of Cumberland: Mr. Speaker, I move that the bill be substituted for the report, and I yield to the gentleman from So. Portland, Mr. Hinckley.

(On motion by Mr. Hinckley of So. Portland the matter was tabled, pending acceptance of the report, and specially assigned for Thursday of this week.)

Mr. Chandler from the committee on agriculture reported "ought not to pass" on Bill "An Act to regulate the practice and business of horse shoeing providing for the issuance of licenses providing for the appointment of examiners and defining their duties defining certain misdemeanors and providing penalties therefor."

Mr. Conant from the Committee on Agriculture on Bill "An Act to amend Section 3, Chapter 130 of the Revised Statutes relating to the sale of milk" reported same in a new draft under

title of "An Act in addition to Chapter 130 of the Revised Statutes relating to the sale of milk" and that it "Ought to pass."

Mr. Morneau from the Committee on Library reported "Ought to pass" on Bill "An Act to amend Section 13 of Chapter 117 of the Revised Statutes relating to the duties of the Secretary of the Senate."

Mr. Cram from the Committee on Public Utilities reported the same on Bill "An Act to amend Sections 1 and 4 of Chapter 81 of the Private and Special Laws of 1915 relating to Winthrop Water Company."

Mr. Murchie from the Committee on Salaries and Fees on Bill "An Act to amend Section 11 of Chapter 117 of the Revised Statutes relating to the salaries of stenographers of Cumberland and Kennebec Superior Courts as amended by Chapter 249 of the Public Laws of 1917 and as further amended by Chapter 198 of the Public Laws of 1919" reported same in a new draft under same title and that it "Ought to pass."

Mr. Rounds from the Committee on Salaries and Fees and Public Health jointly on Bill "An Act relating to the State Department of Health" reported same in a new draft under title of "An Act amending certain sections of Chapter 197 of the Public Laws of 1917 and Chapter 172 of the Public Laws of 1919, and Chapter 19 of the Revised Statutes, relating to the State Department of Health," and that it "Ought to pass."

Reports were read and accepted and the bills and resolves ordered printed under the joint rules.

#### First Reading of Printed Bills and Resolve

House 357: An Act to amend Section 10 of Chapter 46 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1919 relating to the weight and sale of coal.

House 358: An Act to provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of Congress assembled entitled "An Act to provide for the promotion of vocational rehabilitations of persons disabled in industry

and otherwise and their return to civil employment," and to provide for the administration of the same.

House 359: An Act to amend Section 130 of Chapter 16 of the Revised Statutes as amended relating to the appropriation of industrial education.

House 360: An Act to amend Section 82 of Chapter 16 of the Revised Statutes, relating to free high schools.

House 362: An Act to amend Sections 85 and 86 of Chapter 16 of the Revised Statutes, as amended by Chapter 229 of the Public Laws of 1917, Chapter 96 of the Public Laws of 1919 and Chapter 103 of the Public Laws of 1919, providing for an increase in the amount of tuition to be paid by towns for secondary school pupils and in the amount of State aid for the same.

House 363: An Act to create the Belgrade Lakes Village Corporation.

House 364: An Act to amend the law relating to profiteering.

House 365: An Act to amend Section 1 of Chapter 91 of the Private and Special Laws of 1919, relating to the use of trawls and nets within certain waters.

House 336 An Act to amend so much of the paragraph of Chapter 82, Section 51 of the Revised Statutes, as relates to the holding of trial terms of the Supreme Judicial Court for the county of Sagadahoc.

House 361: Resolve to reimburse the town of Oakfield for two-thirds secondary school tuition.

#### Passed to Be Engrossed

Senate 118: An Act to amend Chapter 37 of the Private and Special Laws of 1917 entitled "An Act to provide a police commission for the city of Lewiston to promote the efficiency of the Police Department thereof" as amended.

House 244: An Act to authorize the proprietors of Portsmouth Bridge to discontinue the public use of its bridges and to sell its property and franchises to and merge the same with the Boston and Maine Railroad.

Senate 102: An Act authorizing the Orono Pulp and Paper Company to erect and maintain booms and piers

at and near Bunker Landing on the Passadumkeag River, all in the county of Penobscot.

#### Passed to Be Enacted

An Act to incorporate the Monmouth Water and Sewer District.

An Act to amend Section 37 of Chapter 24 of the Revised Statutes, relating to the appropriation for the abolishment of grade crossings.

An Act to prevent the manufacture and exhibition of moving picture film involving in its preparation intentional and deliberate cruelty to animals.

An Act to amend Section 4 of Chapter 167 of the Private and Special Laws of 1907, incorporating the Allagash Improvement Company.

(Tabled by Mr. Weeks of Fairfield, pending passage to be enacted).

An Act to repeal the Act creating the office of Live Stock Sanitary Commissioner and to transfer the duties of said office to the Commissioner of Agriculture.

An Act to amend Section 20 of Chapter 144 of the Revised Statutes, as amended by Chapters 130 and 232 of the Public Laws of 1917, relating to the age of commitment to the State School for Girls.

An Act relating to the records of instruments affecting or conveying title to real estate in the county of Knox and now recorded in other counties.

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

#### Finally Passed

Resolve making an appropriation for co-operative agricultural work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

Resolve providing a State Pension for Caroline Springer.

Resolve authorizing the Land Agent to sell a parcel of land not exceeding two acres from one of the Public Lots in West Fork Plantation, Somerset County.

Resolve appropriating money for continuance of White Pine Blister Rust Control.

Resolve in favor of Wilson J. Holway, of The Forks Plantation, Somerset County, Maine, for Bobcat bounty.

#### Orders of the Day

Mr. WINTER of Auburn: Mr. Speaker, I move that we now reconsider the vote whereby the House voted yesterday to refer the bill relating to taxation of steam railroads to the committee on Taxation.

The SPEAKER: The Chair will state that this measure is found as House Doc. No. 370, introduced yesterday out of order and the question is on the motion of the gentleman from Auburn, Mr. Winter, that the vote be reconsidered whereby the House yesterday referred this measure to the committee on Taxation.

The motion was agreed to.

Mr. Winter then moved that the bill be laid upon the table.

The SPEAKER: Those in favor of the motion will say yes—

Mr. BUZZELL of Belfast: Mr. Speaker—

The SPEAKER: The question is not debatable. Those opposed will say no. The Speaker thereupon declared the motion lost.

Mr. Winter then doubted the vote.

The SPEAKER: The gentleman from Auburn, Mr. Winter, doubts the vote. The members in the Chamber will take their seats. The Chair will state the parliamentary situation. During the session of yesterday, out of order, a bill was introduced which is now printed and which is upon the desks of the members as House Doc. No. 370. The Chair is informed, however, that it has not been distributed, although the Chair has a copy. It is a printed bill, being House Doc. No. 370. The question is on the motion of the gentleman from Auburn, Mr. Winter.

Mr. MAHER of Augusta: Mr. Speaker, may we have the bill read by the Clerk?

Thereupon the Clerk read the entire bill, the title of which is Bill, An Act to amend Section 27 of Chapter 9 of the Revised Statutes, as amended by Chapter 42 of the Pub-

lic Laws of 1917, relating to taxation of steam railroads.

Mr. MAHER: Mr. Speaker, I rise for a question of information. May I ask where the original bill is?

The SPEAKER: The original bill which was referred by the House yesterday to the committee on Taxation and 500 copies ordered printed—Until the delivery of those copies, the bill is in the possession of the Clerk of the House.

Mr. HINCKLEY of South Portland: Mr. Speaker, I rise to a point of order, and I would suggest that if I understood the reading of the bill

The SPEAKER: The Chair will request the gentleman from South Portland, Mr. Hinckley, to specify his point of order.

Mr. HINCKLEY: Mr. Speaker, my point of order is this, that the same subject matter is covered in House Doc. No. 21 that has already been passed upon by this House.

The SPEAKER: The Chair will be obliged to overrule the point of order and require a vote upon the question. A motion to table a bill is not debatable—

Mr. COLE of Eliot: May I ask the gentleman to assign a day for the consideration of this matter?

The SPEAKER: If the gentleman from Eliot, Mr. Cole, will allow the Chair to conclude his statement, a thorough understanding of the matter will more rapidly be arrived at. The motion of the gentleman from Auburn, Mr. Winter, was to lay the matter upon the table, and that motion was declared by the Chair to be lost, whereupon the gentleman from Auburn, Mr. Winter, wholly within his rights asks for a division, doubting the decision of the Chair. All those who are in favor of laying this matter upon the table will rise and stand in their place until counted.

A division being had, 60 voted in the affirmative, and none opposed.

So the motion prevailed and the bill was tabled.

The SPEAKER: The gentleman from Auburn, Mr. Winter, is inquired

of, through the Chair, whether he will assign a day for the consideration of this measure.

Mr. WINTER: One week from today, Mr. Speaker.

The SPEAKER: The Chair will state that the matter is upon the table and can be taken from the table by a majority vote of the House at any time.

Mr. COLE: Mr. Speaker, I move that we take from the table the bill that we have just laid upon the table, and I will say that I make that motion in order that I may speak upon it.

Them otion was agreed to.

Mr. COLE: Mr. Speaker, I simply wan to make a statement of my position relative to this matter, not that I have any interest in the bill whatever. It was handed to me yesterday by one of the committee appointed by the Governor at the request of the railroads to hear whatever evidence they might have, and submit it to the Legislature. All the governors of New England appointed like committees, and those committees have met at Boston, individually or collectively, and have held their meeting, and that committee is very anxious to lay their findings before this Legislature. They come before this Legislature, so I am told by the member who handed me the bill, with no feeling one way or the other except to put before the Legislature certain facts in their possession. This whole matter must be finally disposed of by the Legislature, and if in its wisdom it sees fit to do it without a hearing, or without the receipt of those facts, they had better do it now by indefinite postponement; but if it honestly wishes to learn anything concerning the question, there is absolutely no reason why this bill should lay upon the table until a week from now, and the Legislature be in possession of no more facts. We have a committee appointed to receive those facts and submit its report to this Legislature.

Now it seems to me unwise, Mr. Speaker, to lay any bill upon the

table for a week if we intend to do anything with it, and if we do not intend to do anything with it then why should we not indefinitely postpone it this morning.

Mr. WINTER: Mr. Speaker, it seems to me from the remarks of the gentleman from Eliot, Mr. Cole, that this bill is not sponsored by the Governor's committee; it also seems to me, if my memory serves me right, that the Governor's committee was not created to consider the matter of taxation. I have no objection to the bill being taken from the table and being indefinitely postponed today. The matter has been thoroughly threshed out and the information is in the hands of the Legislature; we have a stenographic report covering some 82 pages of the hearing, and the time is rapidly approaching when we shall need to go home, and this whole matter of railroad legislation is thoroughly understood by the members of this House, and my only reason for placing this upon the table was so that every member of this House might have an opportunity to examine into it.

The SPEAKER: Does the gentleman from Auburn, Mr. Winter, make a motion?

Mr. WINTER: May I speak upon the motion to take from the table?

The SPEAKER: The bill is already taken from the table. The Chair will entertain a motion, but the gentleman must confine himself within the rule.

Mr. WINTER: I am willing, Mr. Speaker, that it should be taken from the table now.

The SPEAKER: The bill is already taken from the table.

Mr. WINTER: Mr. Speaker, I move that it be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Winter, moves for the indefinite postponement of this measure and the Chair will again state the parliamentary situation as he understands it. The bill was introduced in the House, and it was referred by the House to the com-

mittee on Taxation, and it goes thereafter as soon as delivered from the printer, the House having ordered printing, to the Senate; it has not yet reached the Senate. The gentleman from Auburn, Mr. Winter, now moves that the bill be indefinitely postponed.

Mr. COLE: Mr. Speaker, perhaps a few more words of explanation on my part might assist the members in a clearer understanding of the matter.

The SPEAKER: If the gentleman from Eliot, Mr. Cole, will speak loud enough so that we can all hear him, his words will be appreciated.

Mr. COLE: If the gentlemen of the House will keep quiet, the gentleman from Eliot will endeavor to be heard.

The SPEAKER: The Chair assures the gentleman from Eliot, that we will all keep quiet except the gentleman from Eliot, and he must speak louder.

Mr. COLE: The member of the committee who handed me this bill said that it was the judgment of the committee that something ought to be done and that the burden should be divided into four parts in their judgment, and that was what they wished to submit to this Legislature, and I give it to you for your consideration. This burden, as this gentleman said, should be divided, first, among the rate-payers, that is, those who transport the different commodities; secondly, the general public; third, the stockholders, who are now losing their dividends; and fourth, by the traveling public, those who travel on the roads, by a slight raise in rates or by a decrease in taxation, that the roads were facing a crisis temporarily, and that they were facing receivership, and that this could be taken care of by some slight relief on the part of the Legislature.

Now, as I have said before, I am simply conveying this message from five honorable gentlemen appointed by the Governor on account of their standing, one of them being the chairman of our Public Utilities Committee who was supposed to know and who was supposed to act

for the people of the State of Maine, and it was from the chairman of that committee that I took the message. The Legislature can act as it pleases, and I have no particular interest in the matter.

The question being on the indefinite postponement of the bill,

A viva voce vote being taken,

The motion was agreed to, and the bill was indefinitely postponed.

Mr. LUQUES of Kennebunkport: Mr. Speaker, in order to correct a misunderstanding, I move that the action of the House whereby the majority and minority reports of the Committee on Sea and Shore Fisheries, on Senate Doc. No. 63, was re-committed to the Committee on Sea and Shore Fisheries in non-concurrence, be reconsidered, and that the minority report under the new draft as it came from the Senate be re-committed to the same committee in concurrence.

The SPEAKER: The gentleman from Kennebunkport, Mr. Luques, moves that the vote of the House yesterday be reconsidered whereby the two reports of the Committee on Sea and Shore Fisheries on Bill, An Act to amend Chapter 45, Section 35, of the Revised Statutes, relating to the legal size of lobsters and the method of measurement, were re-committed to the Committee on Sea and Shore Fisheries in non-concurrence with the Senate. In the Senate, the minority report "ought to pass" in new draft was re-committed to the Committee on Sea and Shore Fisheries; in the House, the bill and the two reports were committed to the Committee on Sea and Shore Fisheries in non-concurrence. The Chair assumes that if this motion is considered, the gentleman from Kennebunkport, Mr. Luques, intends to take action in concurrence with the Senate.

Mr. BAKER of Steuben: Mr. Speaker, it seems a very simple thing to take this action. The action as reported to the House was that they accepted the minority report for a nine-inch law for York county. Our position here I think was correct. After advertising a hearing on this

bill, our action here yesterday was to recommit this bill to the committee for a further hearing. Some little time ago this matter came up and I warned the committee, or I told them it was my opinion that it would cause confusion to have the matter left as it is now. I feel that the action of House was perfectly just, and I called the attention of the gentleman from Kennebunkport, Mr. Luques, to the fact that I felt that the action of the House was correct, and that the Senate should recede from their position and concur with the action of the House. I have no disposition to be at all aggressive in this matter, but this situation was plainly stated by me before the committee, and was plainly stated to the gentleman from Kennebunkport, Mr. Luques, be me, and I feel that our action makes the thing legal and fair, and that the Senate should have receded from their position and concurred with the action of the House, and I still maintain that position.

The question being on the motion of the gentleman from Kennebunkport, Mr. Luques, that the action of the House be reconsidered,

A viva voce vote being taken,

The motion was lost.

On motion by Mr. Landers of Eustis, the rules were suspended and that gentleman was granted permission to introduce out of order, Resolve in aid of navigation on Rangeley Lake, Mooselookmeguntook Lake and Cup-suptic Lake, in Franklin and Oxford counties.

On further motion by the same gentleman, the resolve then received its first and second readings, without reference to a committee.

On motion by Mr. Small of Brewer, the resolve was then tabled pending its passage to be engrossed.

On motion by Mr. Conant of Buckfield, Senate Doc. No. 92, Report of committee on ways and bridges on Bill, An Act to enable the town of Dixfield and Peru, in the county of Oxford, to free the Dixfield and Peru toll bridge to public travel, was taken from the table.

The SPEAKER: The report of the committee is "ought to pass" in new draft, and now the gentleman from Buckfield, Mr. Conant, moves the acceptance of the report. In the Senate this bill was amended by the adoption of Senate Amendment "A."

Senate Amendment was read by the clerk.

The question being on the adoption of Senate Amendment "A" in concurrence,

The amendment was adopted.

On further motion by Mr. Conant, the bill as amended received its first and second readings.

Mr. Conant then moved that the vote be reconsidered whereby Senate Amendment "A" was adopted.

The motion was agreed to.

Mr. Conant then offered House Amendment "A" to amend Section 2 by striking out in the fourth and fifth lines the words "the funds of the Maine State Highway Commission," and inserting in place thereof the words: "Any funds available for the purchase, maintenance and repair of bridges;" and by amending Section 6 by striking out the word "may" in the 14th line, and inserting in place thereof the word "shall," and by adding after the word "towns" in the 15th line the words "in accordance with this act."

The amendment was adopted, and the bill was then assigned for tomorrow morning for its third reading.

On motion by Mr. Rounds of Portland, the Report of the committee on Education, on Bill, An Act relating to payment of salaries to superintendents of schools, was taken from the table.

The SPEAKER: This measure appears on the calendar under "tabled and today assigned."

Mr. VARNEY of Windham: Mr. Speaker, it seems to me that this bill must have laid upon the table long enough to become tired by this time, and I will now yield to the gentleman from Portland, Mr. Cram.

The pending question being the ac-

ceptance of the report of the committee, reporting "ought not to pass."

Mr. Cram of Portland then moved that the report be accepted.

The motion was agreed to.

On motion by Mr. Rounds of Portland, report of the committee on Salaries and Fees on Bill, An Act relating to salaries of legislators, was taken from the table.

The pending question being the acceptance of the report of the committee, reporting "ought not to pass,"

On further motion by Mr. Rounds, the report was accepted.

On motion by Mr. Small of Brewer, Bill, An Act to repeal the law authorizing disbursement of forestry district funds by the forest commissioner, was taken from the table.

On further motion by the same gentleman, the bill was referred to the committee on State Lands and Forest Preservation.

On motion by Mr. Hunton of Oakland, House Doc. No. 351, Bill, An Act for the better enforcement of payment of poll taxes, was taken from the table.

The pending question being the third reading of the bill,

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

Mr. MAHER of Augusta: Mr. Speaker, merely for the purpose of finding out whether I understand the matter correctly or not, I assumed that everything upon the calendar came off the table automatically on Wednesday.

The SPEAKER: The gentleman from Augusta, Mr. Maher, understands correctly. Any matters that any of the members are particularly interested in, have precedence if the gentlemen wish to take them up at this time.

On motion by Mr. Cole of Eliot, House Doc. No. 255, Bill, An Act to incorporate the York county bar association, was taken from the table.

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

On further motion by Mr. Cole, under a suspension of the rules, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Cole then offered House Amendment "A" to amend by adding the word "thousand" after the word "hundred" in the first line of Section 5.

The question being on the adoption of House Amendment "A",

The amendment was adopted.

The bill was then passed to be engrossed as amended.

The SPEAKER: The Chair presents for consideration, House Doc. No. 86, Report of committee on Judiciary and Appropriations and Financial Affairs, on Bill relating to Maine Medical School.

The pending question being the acceptance of the report.

On motion by Mr. Gerrish of Lisbon, the bill was retabled and specially assigned for consideration tomorrow.

Mr. BREWSTER of Portland: I would like to inquire through the Chair of the gentleman from Lisbon, Mr. Gerrish, whether it would be agreeable to him to consider the matter next week, as I know that the gentleman from Portland, Mr. Dodge, is very much interested in this matter and he has not been able to be present here this week, being confined to his house by illness.

The SPEAKER: The gentleman from Lisbon, Mr. Gerrish, may answer the inquiry through the Chair.

No reply being made by the gentleman from Lisbon, Mr. Gerrish.

The SPEAKER: The bill is now tabled. In order for a special assignment until next week or next month, the Chair will rule that a motion must be made.

Mr. McIlheron of Lewiston then moved that the bill be taken from the table.

The motion was agreed to.

The same gentleman then moved

that the matter be specially assigned for consideration of Tuesday of next week.

The motion was agreed to.

The SPEAKER: The Chair presents for consideration, House Doc. No. 87, Report of committees on Judiciary and Appropriations and Financial Affairs on Resolve in favor of Maine Medical School.

On motion by Mr. Gerrish of Lisbon, the resolve was again tabled and specially assigned for consideration on Tuesday of next week.

The SPEAKER: The Chair presents for consideration Senate Doc. No. 112, Resolve reimbursing St. Mary's General Hospital, tabled by the Speaker, in the interest of the resolve to see that a fund is suggested from which this appropriation should come, according to suggestions previously made. If there is no motion to be made, the Chair will again table the resolve. If it is in proper form to go along, a motion should be made by some member. Of course it is safe to assume the House understands thoroughly about this question of having an appropriation mentioned in the resolve. That is not true of all resolves, and the legal friends of members in the House may be able to render some assistance upon this point.

On motion by Mr. McIlheron of Lewiston, the resolve was again laid upon the table.

The SPEAKER: The Chair presents for consideration, Senate Doc. No. 123, Bill, An Act requiring permit for the burning of slash, tabled pending its assignment for third reading on motion by the gentleman from Perham, Mr. Bragdon.

On motion by Mr. Bragdon, the bill was again laid upon the table.

The SPEAKER: The Chair presents for consideration, House Doc. No. 200, Bill, An Act relating to the protection of game birds, tabled on March 21st, by the Chair on the question of concurrence.



No motion being made, the bill was again tabled by the Speaker.

The SPEAKER: The Chair presents for consideration House Doc. No. 324, Bill, An Act relating to intentions of marriage, tabled pending its second reading on motion by the benedict from Caribou, Mr. Farnsworth.

On motion by Mr. Farnsworth, the bill was again tabled and specially assigned for consideration tomorrow.

The SPEAKER: The Chair presents for consideration House Doc. No. 344, Bill, An Act relating to municipal elections in the town of Houlton, tabled pending its assignment for third reading by the Chair.

No motion being made, the bill was again tabled by the Speaker.

The SPEAKER: The Chair presents for consideration, Senate Doc. No. 79, resolve in favor of Manzie I. Rogers, tabled pending its second reading on motion by the gentleman from North Anson, Mr. Holley.

Mr. MURRAY of Portland: Mr. Speaker, in behalf of the gentleman from North Anson, Mr. Holley, I offer House Amendment "A", to amend by adding the following words after the words "Waldo County," in the fifth line the words "from any funds available for new construction of highway."

The question being on the adoption of House Amendment "A",

The amendment was adopted.

The resolve was then passed to be engrossed as amended.

The SPEAKER: The Chair presents for consideration, House Doc. No. 223, Bill, An Act relating to York county issuing bonds, tabled pending its passage to be enacted, on motion by the gentleman from Eliot, Mr. Cole.

No motion being made, the bill was again tabled by the Speaker.

The SPEAKER: The Chair presents for consideration, House Doc. No. 340, Resolve in aid of navigation on

Schoodic Grand lake, tabled pending its second reading on motion by the gentleman from Brewer, Mr. Small. In the absence of the gentleman from Brewer, Mr. Small, this resolve is again laid upon the table.

The SPEAKER: The Chair presents for consideration, House Doc. No. 342, Resolve in aid of navigation on Moosehead lake, tabled pending its second reading on motion by the gentleman from Brewer, Mr. Small. In the absence of the gentleman from Brewer, Mr. Small, this resolve is again laid upon the table.

The SPEAKER: The Chair presents for consideration, House Doc. No. 339, Resolve in aid of navigation on Lewy, Long and Big Lakes, tabled pending its second reading on motion by the gentleman from Brewer, Mr. Small. In the absence of the gentleman from Brewer, Mr. Small, this resolve is again laid upon the table.

The SPEAKER: The Chair presents for consideration, House Doc. No. 337, Resolve for lighting the Narrows between Upper and Lower Richardson Lakes, tabled pending its second reading on motion by the gentleman from Brewer, Mr. Small. In the absence of the gentleman from Brewer, Mr. Small, this resolve is again laid upon the table.

The SPEAKER: The Chair presents for consideration, House Doc. No. 333, Bill, An Act relating to ice fishing on China Lake, tabled pending its passage to be engrossed, on motion by the gentleman from Fairfield, Mr. Weeks.

On motion by Mr. Weeks, the bill was again laid upon the table.

The SPEAKER: The Chair presents for consideration, House Doc. No. 355, Bill, An Act to incorporate the South Portland high school district, tabled pending its third reading, on motion by the gentleman from South Portland, Mr. Hinckley.

On motion by Mr. Hinckley, the bill was again laid upon the table.

The SPEAKER: The Chair presents for consideration House Doc. No. 349, Bill, An Act to establish game sanctuaries, tabled pending its third reading, on motion by the gentleman from Presque Isle, Mr. Wilson. In the absence of the gentleman from Presque Isle, Mr. Wilson, the bill was again tabled.

The SPEAKER: The Chair presents for consideration House Doc. No. 336, Bill, An Act relating to the disposition of money collected under Inland Fish and Game Laws, tabled pending its third reading, on motion by the gentleman from Portland, Mr. Brewster.

Mr. BREWSTER of Portland: Mr. Speaker, this is a bill coming from the Fish and Game Department, and an amendment is now being prepared by the commissioner, but it has not yet reached my hands, and I would appreciate it if this could be again tabled.

On motion by Mr. Brewster, this bill was again tabled.

The SPEAKER: The Chair presents for consideration, Report of the committee on salaries and fees on Bill, An Act relating to compensation of clerks of courts, tabled pending acceptance of the report, on motion of the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS of Portland: Mr. Speaker, as I understand it, there is another measure coming along relative to this same matter, and I would like to have this retabled until the other matter is presented for consideration.

The motion was agreed to, and the report was again laid upon the table.

The SPEAKER: The Chair presents for consideration, Report of Portland delegation on Bill, An Act relating to Portland Fire Department, tabled pending acceptance of the report, by the Chair.

The report was again laid upon the table.

The SPEAKER: At this time the Chair takes great pleasure in announcing that our colleague, Mr. George A. Savage of Mt. Desert, the regularly elected representative from that district, is in attendance in the House, and that member having duly qualified is entitled to seat numbered either 151 or 128, as he may choose and I am sure the House will give him a warm welcome, particularly because he served in the Legislature of 1919, and has been determined to be a member of this Legislature. (Applause.)

On motion by Mr. Myrick of Auburn,

Adjourned until tomorrow morning at 9 o'clock.