

# 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."

**SENATE**

Thursday, February 24, 1921.

Senate called to order by the President pro tempore.

Prayer by Rev. M. W. Folsom of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

**House Bills in First Reading**

H. 117. An Act to amend Chapter 349 of the Private and Special Laws of 1905, entitled "An Act relating to pensioning members of the police department of the City of Bangor."

H. 112. An Act to amend Section 3 of Chapter 16 of the Revised Statutes, relating to schoolhouse lots acquired by condemnation.

H. 99. An Act to amend Section 14 of Chapter 2 of the Revised Statutes, relating to notice of proceedings for relinquishment to the United States of the title to certain lands.

H. 100. An Act authorizing the Maine General Hospital to increase the number of directors to twenty-four.

From the House: An Act to amend Chapter 118, Section 18, of the Revised Statutes, relating to the fees of jurors.

In the House this bill was recommended to the committee on legal affairs, which had reported it "ought not to pass."

In the Senate, on motion by Mr. Thombs of Penobscot, the bill was recommended to the committee in concurrence.

**Message from the Head of a Department**

STATE OF MAINE

Office of the Secretary of State

Augusta, Feb. 21, 1921.

To the President of the Senate and Speaker of the House of Representatives,

Gentlemen:

In accordance with the requirements of Section 4, Chapter 1 of the

Revised Statutes, I have the honor to notify you that the Public Acts, a list of the titles of which is hereto appended, have been approved by the Governor.

Very respectfully,  
Your Obedient Servant,  
FRANK W. BALL,  
Secretary of State.

On motion by Mr. Eaton of Oxford, placed on file.

The list follows:

An Act to amend Section 24 of Chapter 67 of the Revised Statutes, relating to certification of copies of Wills by Registers of Probate to Registers of Deeds. (Feb. 10.)

An Act to amend Sections 1 and 3 of Chapter 116 of the Revised Statutes, relating to Duties payable by public officers. (Feb. 16.)

An Act to provide for the distribution of moneys received from the White Mountain Forest Reserve under an act of Congress of May 23, 1908. (Feb. 18.)

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

**Agriculture**

By Mr. Tuttle of Aroostook: An Act to authorize the Commissioner of Agriculture to certify the quality and condition of fruits, vegetables, dairy and other perishable farm products.

**Inland Fisheries and Game**

By Mr. Sargent of Hancock: An Act for the better protection of smelts.

By Mr. Baxter of Sagadahoc: An Act to amend Chapter 145, Section 30, of the Revised Statutes, relating to the duties of hospital trustees.

**Judiciary and Military Affairs**

By Mr. Morrill of Cumberland: An Act prohibiting sports on Memorial Day.

**Salaries and Fees**

By Mr. Sargent of Hancock: An Act to amend Section 10 of Chapter 293 of the Public Laws of 1917 relating to the Per Diem of Sea and Shore Fisheries Wardens.

### Orders

On motion by Mr. Farrington of Kennebec, it was

Ordered, that the committee on engrossed bills be requested to return S. D. 59, entitled "An Act to amend Section 76 of Chapter 82 of the Revised Statutes, relative to the price of Maine reports," for further consideration.

Mr. FARRINGTON: Mr. President, if the bill referred to in the order is in the hands of the Chair, I move that it lie on the table.

The motion was agreed to and the bill was tabled.

On motion by Mr. Thombs of Penobscot, it was

Ordered, that the Governor be requested to return two bills: An Act to amend Section 3 of Chapter 99 of the Private and Special Laws of 1915, creating the office of corporation counsel for the City of Portland, and also, An Act amending Section 4 of Chapter 13 of the Revised Statutes, relating to vacancies in the office of county treasurer, to the Senate for further consideration.

On further motion by the same senator the action of yesterday was reconsidered whereby these two bills were passed to be enacted, and the bills were then tabled.

On motion by Mr. Holt of Hancock, it was

Ordered, that 3000 additional copies of S. D. 63, entitled, An Act to amend Chapter 45, Section 35, of the Revised Statutes, relating to the legal size of lobsters and method of measurement, be printed for the use of the Legislature.

### Bills in First Reading

S. 79. Resolve in favor of Manzie I. Rogers for building highways in the town of Searsport.

### Reports of Committees

Mr. Thompson from the committee on library, on Resolve providing for the purchase of certain volumes of the documentary history of Maine, reported that the same be referred to the next Legislature.

Mr. Allen from the committee on taxation, on An Act relating to taxa-

tion of street railroads during years 1921, 1922 and 1923, (Senate Doc. No. 25), reported that the same ought not to pass.

Mr. Hall from the committee on pensions, on Resolve providing for a State pension for Mrs. Lizzie K. York of Monroe, reported that the same ought not to pass.

Mr. Sprague from the committee on inland fisheries and game, on An Act additional to Chapter 33 of the Revised Statutes, relating to the protection of deer, reported same ought not to pass.

The same senator from the same committee, on An Act to amend Section 116 of Chapter 4 of the Revised Statutes, relating to dogs found hunting or chasing moose, caribou or deer during the closed season, reported same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Allen from the committee on education, on An Act to amend Section 146 of Chapter 16 of the Revised Statutes, as amended, relating to the appropriation for maintenance of normal and training schools, reported that the same ought to pass.

Mr. Thompson from the committee on library, on Resolve providing for the purchase of reports of the Centennial celebration of the Maine State Bar Association, reported that the same ought to pass.

Mr. Hall from the committee on State pension in favor of Mary S. Hillman, reported that the same ought to pass.

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

### Passed to Be Engrossed

S. 73. An Act to authorize the construction of a weir in the town of Jonesport.

S. 74. An Act to authorize the construction of a weir in tide-waters of what was formerly Muscle Ridge Plantation, Dix Island.

S. 75. An Act, to amend Sec. 15, Chap. 58, R. S., relating to street railroads.

H. 60. An Act to regulate the laws of fishing in the waters around Monhegan Island.

H. 125. Resolve for the purchase of pensions, on Resolve providing a History of Grand Lake Stream.

H. 126. An Act to extend the charter of the Eastern Maine Railroad.

H. 127. An Act additional to Chap. 33, R. S., prohibiting hunting in the town of Fairfield. (Tabled pending second reading on motion by Mr. Farrington of Kennebec).

H. 128. An Act to amend Chapter 40, Private and Special Laws 1911, relating to improvement of Fall Brook in the towns of Bingham and Brighton.

H. 130. An Act to amend Section 10 of Chapter 182, Private Laws 1919, relative to inmates escaping from the Reformatory for Men.

H. 131. Resolve to pay for one-half the cost of an international bridge between Madawaska, Maine, and Edmundston, New Brunswick. (Tabled on motion by Mr. Adams of Kennebec pending second reading.)

H. 138. An Act to revive, renew and extend the charter of the Lubec and Machias Railway Co.

H. 139. An Act to permit the town of Southport to obtain a supply of pure water.

H. 140. An Act to amend an act entitled "An Act to incorporate the Knox Woolen Company."

H. 141. An Act to amend Section 2, 7 and 13 of Chapter 180 of the Private and Special Laws of 1869, as amended by Sections 1, 2 and 3 of Chapter 5 of the Private and Special Laws of 1899, relating to annual meetings of Protestant Episcopal Churches for the diocese of Maine.

H. 142. Resolve in favor of the Northern Oxford Fish and Game Association.

(Tabled on motion by Mr. Adams of Kennebec pending second reading).

H. 143. An Act to amend Section 1 of Chapter 62, Revised Statutes, relating to the Improved Order of Red Men.

H. 144. An Act to extend the charter of the Quebec Extension Railway Company.

H. 146. An Act to amend Chapter 211, Private and Special Laws 1911, relating to the Congregational Conference and Missionary Society of Maine.

H. 147. An Act to amend an Act granting a charter to the Alumni Association of Bates College.

#### Passed to Be Enacted

An Act to amend Section 16 of Chapter 20 of the Revised Statutes, relating to inspection of records of poisons sold by druggists.

An Act to amend Section 66 of the Revised Statutes, as amended by Chapter 122 of the Public Laws of 1919, increasing the school age limit.

#### Emergency Measure

An Act to amend Section 61 of Chapter 8 of the Revised Statutes, as amended by Chapter 104 of the Public Laws of 1919, relating to the Maine Forestry District taxes.

This bill carrying the emergency clause required for its passage the two-thirds vote of the members of the Senate. Twenty-nine senators voting in the affirmative and none in the negative the bill was passed to be enacted.

#### Orders of the Day

Mr. Morrill of Cumberland introduced the following order and moved its passage:

Ordered, that the Board of State Assessors be requested to procure and submit to the Legislature 300 copies of a detailed statement of the increase in wild land values, and any taxes received by the State resulting from the special appropriations for cruising wild lands from 1908 to 1920.

Mr. MORRILL: Mr. President and Fellow Senators: I have had this question under consideration, the valuation of wild lands, and I need more information than I have on the subject, and I presume every senator in this assembly and the members of the House would like to know more about this matter, and how the money is to be obtained. And that is what is asked for in this order. In order to have

more information on the subject I will read you a letter in explanation of the matter.

"February 23, 1921.

Hon. Matthew C. Morrill,  
Augusta, Maine.

Dear Senator: In answer to your letter of February 18 we are pleased to submit the enclosed detailed statement from this department showing the total amount of money appropriated since 1905 for exploring wild lands, and the biennial increase in taxes resulting therefrom. Also, showing the total additional amount received from the date last stated.

Respectfully yours,

(Signed)

C. S. STETSON,  
J. J. DEARBORN,  
W. F. DRESSER."

Now, Mr. President, I will say this much: There has been considerable talk made about the orders introduced and the bills for printing. I have this morning called on the highway department, or the man that does their printing, to see what 300 copies of the present paper presented to you would cost. He says it will cost ten dollars. Then I went to the State printer, and if printed in the usual form he said it would be twenty dollars, perhaps a little more, perhaps a little less. So you will see what it would cost.

I have no further explanation to make in the matter.

The pending question being the passage of the order introduced by Mr. Morrill, it was given a passage.

On motion by Mr. Spencer of York, the rules were suspended and that senator presented An Act to amend Section 18 of Chapter 118 of the Revised Statutes, relating to the fees payable to registers of deed.

On further motion by the same senator the bill was referred to the committee on salaries and fees and sent down for concurrence.

On motion by Mr. Folsom of Somerset, H. D. 20, An Act to amend the charter of the Kennebec Log Driving Company, as amended, was taken from the table.

On further motion by the same senator under suspension of the rules the action whereby this bill was passed to

be engrossed was reconsidered. And on further motion by the same senator the bill was recommitted to the committee on legal affairs.

Sent down for concurrence.

On motion by Mr. Folsom of Somerset, H. D. 19, An Act to authorize the sale of the property and assets of the Moose River Log Driving Company, was taken from the table.

On further motion by the same senator under suspension of the rules the action whereby the bill was passed to be engrossed was reconsidered. On further motion by the same senator the bill was recommitted to the committee on legal affairs.

Sent down for concurrence.

Mr. MORISON of Penobscot: Mr. President, I move that we take from the table Senate Document No. 54, "An Act to amend Section 5 of Chapter 117 of the Revised Statutes, as amended by Chapter 170 of the Public Laws of 1917, relating to the salaries of Justices of the Supreme Judicial Court."

The motion was agreed to.

Mr. MORISON: Mr. President, I offer Senate amendment A and move its passage.

Mr. FARRINGTON of Kennebec: Mr. President, may I inquire what the status of the matter is? According to the calendar the report has not yet been accepted.

The PRESIDENT pro tempore: The pending question is the acceptance of the report of the committee on bills in the second hearing.

Mr. MORISON: Mr. President, I move that the report of the committee on bills in the second reading be accepted.

The motion was agreed to.

Mr. MORISON: And would it now be in order to present the amendment?

The PRESIDENT pro tempore: Now the bill is in order for its second reading.

Mr. FARRINGTON: Mr. President, I yield to the Senator from Penobscot if he wishes to address himself to the amendment.



Mr. MORISON: I would reply to the Senator that I do not.

Mr. FARRINGTON: Will the Chair read the amendment?

The PRESIDENT pro tempore: The Senator from Penobscot, offers the following amendment: "Amend Senate Document No. 54, entitled "An Act to amend Section 5 of Chapter 117 of the Revised Statutes, as amended by Chapter 170 of the Public Laws of 1917, relating to the salaries of Justices of the Supreme Judicial Court" by striking out in the second and third lines of Section 5 the words "seventy-five hundred" and inserting in the place thereof the words "six thousand."

Mr. FARRINGTON: Mr. President, I understand that the question before the Senate is the adoption of the amendment. The bill which was originally introduced carried \$8000 salary for the justices which was an increase from \$5000, the old salary in effect since 1903.

At the budget hearings held in the State House, at the request of the budget committee the Chief Justice of our Court appeared and spoke before that committee, and before I finish what I have to say I want to read to the Senate what he said. The budget committee recommended \$8000 as requested, and the committee on salaries and fees reported unanimously \$7500, which is the amount covered in the bill. Nobody appeared, if I recollect, in opposition to the bill before the committee.

Now I know, Mr. President and Senators, that we are confronted at this session of the Legislature with many demands for money in the way of salaries and in other matters, and I know and approve of the feeling of the members of the Legislature that there must be a policy of retrenchment where it is wise to do so. But where we have one of our branches, the judicial branch of the government, which is one of the very bulwarks of the safety and of the rights of the people of this State, I believe that we should pause before we decide to retrench there. Now those of the

Senate who are lawyers can understand the situation. Those who are not, if they would but apply the principles of business to this matter and say, What would I do if I wanted some one to stand between my rights, my business rights and the world about me, would I employ the man I could get at the lowest price, or would I pay a price which would attract men who would be the men that I want for those positions? Now ever since 1903 this salary has been \$5000. I know personally that we are likely to lose from our Bench men who cannot afford to remain there at the present salary. Now supposing you wiped your slate clean and had not a judge left upon your Bench today, do you, any of you men, I do not care whether you favor this amendment or not in your hearts just at this moment, but just think of this, if you had a clean slate and had to start all over again, would you expect to attract to the Bench of Maine at \$5000 the type of men that you want to stand between you and your property rights? I do not think so, if you will just let that get right down inside of your heart and let that weigh even against this need of retrenchment. It is good business.

I want to read to you what Justice Cornish said before that committee on the budget, and the Senators should not forget that it is an embarrassing thing for the Court of this State. They are not men who can come here and ask Senators and Representatives to vote for them. It is not in keeping with the dignity of their office, and they realize the fact. It is only through those who believe in this that they can at all reach the ears of the Legislature. But I do want to read this, being a large portion of what Justice Cornish stated before the budget committee.

"We cannot go down to the Legislature and ask for things because we are placed in a little different position than any other department. We cannot place ourselves under obligations and cannot place ourselves in a position where we may be criticised. I have never been in

the State House during a session of Legislature. We have no means of asking for these things which others have a right to ask for and it is perfectly proper that they should. Some good soul last session thought it would be fine to have heads of departments salaries increased ten per cent. It went through and for about twenty-four hours I thought I was head of a department. I found I was not. My salary remained the same. We could not be here and had no one to speak for us. I appreciate your courtesy in asking me to come here today before this committee.

"There is the question of salaries. It is a delicate subject and I feel embarrassed. I do feel it is my duty to do it and hope you won't think I am transgressing grounds of modesty or justice in asking increase of salaries of supreme judges from \$5000 to \$8000 a year."

I remember that the budget committee on salaries and fees unanimously, without a single soul appearing before that committee in opposition, reported \$7500.

"It does seem with the living expenses as high as they are that \$8000 for members of the highest court is not excessive. I call attention to one fact, that when a judge takes the bench he locks the door in his office and all income from business ceases. A judge locks the door, says good bye to clients and devotes himself entirely to the service of the State."

Mr. President and members of the Senate, do not forget that. Do not forget that these men are, as I stated before, standing between you and me and the rights of property against those things which above all things today are abroad in the land, call it Bolshevism, call it whatever you want to call it,—the State, the judicial department of this State is the thing we have got to look to, and, gentlemen, let us not begin our policy of retrenchment there—plenty of room for that—let us not begin there.

He goes on to say: "The State ought to command and have in service the best legal men upon which to place the duties and responsibili-

ties which rest upon the members of the supreme court and superior court. It is fair and just and right that this salary should be increased from \$5000 to \$8000. In making this figure I did not figure with the idea of jacking it up to be cut down to \$6000 or \$7000 or \$7500 but placed it at the very figure I think they ought to have. Superior court judges now receive \$4000 in Cumberland and Penobscot counties, Kennebec \$3700, Androscoggin \$3500. We have no superior court system such as other states have. This work falls upon eight supreme judges and superior justices in four counties. Taking the salaries of judges fifty years ago, supreme judges from 1872 to 1903 received \$3000; from 1903 to 1921, for past eighteen years, have remained unchanged, \$5000. I think you will agree that \$8000 today is not as good for purchasing purposes as \$5000 during the years 1903 to 1914. That amount has remained unchanged. It is a serious matter to us and we ask you to give it careful consideration.—Eight Supreme Judges would mean \$64,000 a year."

That is on the basis of \$8000. Of course the bill before you is a \$7500 proposition. And the Justice made this statement:

"Salaries of Supreme Judges would be \$64,000, just the cost of two miles of State road." The Justice showed he didn't know what State road cost because you can't build some of our roads any two miles for \$64,000, but the analogy is there. "If explained to the people," he goes on, they would not rebel at action in granting increase.—I do not believe the State would be doing an injustice to any one in granting what we ask."

Now I did not ask Justice Cornish whether he wanted me to read that or not, but I read it because I believe it is right I should read it, that you might know what he said to the budget committee, that you might know how he went about this matter.

Mr. President and fellow Senators, I hope that the motion to adopt this amendment will not be carried. I do not believe that the people of the

State of Maine expect this great judicial department of ours to be cut down to a \$6000 salary when a committee report has unanimously carried \$7500. I do not believe that the people of this State expect us here in our policy of retrenchment to strike at the very vitals of things and I feel if this bill is not passed that we are striking at the very vitals. I think this matter stands in a position apart from any other salaried position coming before this Legislature, and I do not think we should lose sight of that fact,—stands off by itself just as that court stands off by itself as a great department of State, and I hope that when the vote is taken it will be against the motion to adopt.

Mr. GILLIN of Penobscot: Mr. President and honored members of the Senate, I do not think it is necessary for me to go into detail, after the masterful presentation of the reasons why you should accept the order and adopt what the committee has awarded to the Justices of the Supreme Court, after listening, as I said before, to its analysis by the distinguished Senator who has just spoken. I feel, however, like saying that I wish to endorse everything which he has said, and I also wish to say a few words along another line.

In the State as in the Nation, there are three departments, the legislative, the executive, and the judicial. The Senate and the House may pass laws, the Executive department can endorse them, but the people of the great State of Maine have always left it within the power of the Court to say whether or not those laws are applicable to the people's rights, and during a hundred years the members of the great profession who have adorned the bench of your State have held sacred that trust which the people have reposed in them, at a salary which is a mere minimum for men of their capacity and ability to earn in the great profession which they adorned before they went upon the bench. Carrying it a step further, when the founders of this Government, which has existed for 144 years created three departments, they es-

tablished over this department the reign of law and order and placed in the hands of the justices of the Supreme Court of the Nation the right to safeguard the rights and privileges of the people of the Nation, and in 144 years they have been true to that great trust.

They are separate, they are distinct and they are apart. Mr. President and Senators, from every other department of the State and of the nation. I need not tell you, gentlemen, that you have men upon the bench of the supreme court of your State who could earn in a year in the practice of their profession five times the salary which they are receiving, and I believe that the gentlemen who represent the business interests of the State in this Senate ought to look into that. They are safeguarding your life, your liberty and your property, and when you die they are protecting your loved ones, the idols of your household. They do not work any eight hours a day. They work from early in the morning till late into the night on great questions which affect the rights of the whole people in your State. And if you are living under a reign of law and order, if when you rest your head upon your pillow at night you know you will wake under a reign of law and order, it is because you have got a supreme court with justices sitting upon your bench who are continuing the decisions of one of the greatest courts in all New England. That is the reason, and you gentlemen who have read the papers have seen the history of justices of your court in other states sacrificing their lives against what my distinguished brother said was Bolshevism, to enforce law and order in the interest, not of lawyers but of the people and the people's rights.

In conclusion, Mr. President and fellow Senators, the salary which you are going to give them as given by the committee and unanimously passed is but a drop in the bucket, a single drop in the bucket in comparison with the great services which a great court is rendering to a splendid people within this State, and I hope and trust, fellow Senators, that the business men in this Senate will in the interests of the business world, in the interests of

the business community in which we live, in the interests of law and order as against Bolshevism—if you want to use the term, as my distinguished brother has said—that they will give to the supreme court of the State of Maine at least enough to live respectably on during a year while they are rendering their service in the interests of all the people in the interest of law and order.

Mr. President and Senators, I thank you.

Mr. COBB of Kennebec: Mr. President and gentlemen of the Senate: I was hoping that I was going to have an opportunity to speak before these orators had their turn because I feel what I may say may be simple to so many of you, but I want to speak what I have had on my mind ever since I was at the hearing when Judge Cornish presented and read the paper that has been read here by our brother today. I want to speak on it for two reasons: Because of the fact that I feel that many people by what they have said of the State, feel that we senators and representatives are going to run this State into bankruptcy because of the amount of money we are expending, and some people in the House and Senate have said we were going to cut everything to the bone. But I feel, gentlemen, that we should cut where we should, but give to the deserving. And so I feel that if we begin to cut today we may cut down through, and I feel today that \$7500 is none too much for a justice of the supreme court.

The second reason is that the hobby of my life has been that we should give premium to ability, quality and preparedness. Now when any of my friends get into a dispute and they go to the law, I want a man there to decide that is of the aptest mind; I want a man there that is the fairest of mind; I want a man there that is the highest in his profession and is prepared and knows the law. It seems to me that it would stimulate any one who is studying law. If the salary is high we should get the very best in the profession to be Supreme judges, and the best is none too good. It would pay the young lawyer from the beginning of his practice to give the

most and the best in him to prepare himself that he might be a Supreme Judge in the State of Maine. It seems to me a man who gets into that high position, that we are not paying him any too much, where he has got to know the law, where he has got to present it fairly, and to have the aptness of mind—why, a man in that position, gentlemen. I do not know as he could get five times the salary, but it seems as though he could get far more than \$7500 or \$8000. So I feel very heartily in favor of giving \$8000 and by no means adopting the amendment.

Mr. SPRAGUE of Piscataquis: Mr. President, I will not weary this body with any extended remarks of my own, but I feel that I should be derelict in my duty to my constituents, I believe that I should misrepresent public sentiment in the county that I have the honor to represent, would be derelict in my duty as a Senator of the State, if I did not enter my humble protest against this amendment.

Now it chanced that I belong to—I am a member of a committee here that has been obliged to study the report of this budget committee. Of course it is only advisory, it is only suggestive; but it is advisory and they took a great deal of pains, they made a very careful investigation of conditions in this State. I for one have changed my entire view of the so-called budget system since I have had occasion to investigate it because of my duty on one committee of this Legislature. And I believe that no one can study that budget committee and have any idea of the conditions in the State and claim that they have in any way been too liberal, that they have in any way been excessive in their estimates. They have been extremely conservative, too much so, in my opinion, in some things.

Now they took this matter before them. They are laymen. I believe there is not a lawyer on that committee, but I am not certain,—but they are generally laymen, they are business men, they were men of ability, and they gave this matter very serious and careful consideration, and they concluded it was for the best in-

terests of the State that the justices should receive that \$7500. I believe in standing by their judgment, if for no other reason. Now, as it has been said, we not only have this spirit of what we call Bolshevism, but we also sometimes have the spirit of selfishness on the part of business interests in this State the same as all other States, and our Supreme Court is our safeguard; it is what stands between us and the interests—it is what stands between all parties—I don't mean the interests in the popular term, but I mean selfish interests which sometimes rise up in any State, in our own not to any great extent—I am not trying to make a socialistic speech, I am far from that, but we do have them sometimes. That is human nature, and it could not be otherwise in a State composed of human beings. The Supreme Court metes out justice and fairness between man and man and between interest and interest. Now we need the very best, the highest ability that we can find in the ranks of the legal profession to preserve, to safeguard the interests of the most humble citizen in this State. That is what we need. In our day we have seen some great men in that Court and it has had a high position. Our Supreme Court has always had a very creditable, high and honorable reputation and position in all other States. The decisions of the Supreme Court of Maine stand high in the annals of legal lore, legal literature. There isn't any question about that. We have had such men in our own day as John Appleton, as John A. Peters, as Emery, and as Whitehouse who is now living. Now it is our duty to act in such a way, to legislate in such a way, that we can keep up that high standard, and I tell you you cannot do it if you make any mistake in this regard. Nothing but a fair, reasonable salary will attract those men and hold the class of men that we need, that our safety as citizens demands. Conditions have changed very much since 1903 when this was established. It costs a great deal more to employ the highest talent in the State today than it

did then. It seems to me that on the principles of any sort of logic or common sense that should appeal to the layman as well as the lawyer, that it is necessary to at least do what we are requested to. And we should not forget, Mr. President, that the State of Maine is far behind all other States in this Union with scarcely an exception in the salaries that they pay their judges. Now there isn't any question about that. With these few remarks I submit the matter.

Mr. THOMBS of Penobscot: Mr. President, fellow Senators: At this time I feel that perhaps it may not be necessary to add to what has so aptly and eloquently been said regarding the matter under consideration but like my distinguished colleague from Piscataquis who preceded me, I feel a bit reluctant to sit by and not attempt to give the Senate an expression of my opinion on this matter.

So far as I am aware this is the first time that this Senate at this session has been called upon to consider the matter of salaries, the increase in salaries of State officials. The gentlemen who have preceded me have well said that there is multitude of bills in this Legislature asking for increases in salary. Why, gentlemen of the Senate, sitting here from day to day and hearing these requests read, it strikes me that there is not an office holder in the State of Maine whose salary is paid by the State who has forgotten to send in his request. Sometime during this session, and the time may not be far distant, it is going to be necessary for us to take some position with respect to this wholesale request for raising salaries, and I hear various opinions expressed as to what that attitude should be. Some say everybody is underpaid and they ought to be granted an increase. Others say nobody should be granted an increase at this time. Gentlemen of the Senate, I am taking a position between these two extremes. I am taking the position that every single man, office holder in the State of Maine, who draws his salary from the State

treasury, has a right to come to his employer through the agency of this Legislature and talk over the question of salary. That is just exactly what would happen, gentlemen, in any business corporation in this State. If a man, an employee feels that his wage is not commensurate with the service he is rendering, he goes to the head, or to his employer, and sits down with him and they frankly talk the matter over. And gentlemen, that is just what I say, that every one of these men have a right to do. They have a right to come to the State of Maine through the agency of this Legislature and sit down with us and talk the matter over. It is unnecessary for me, after having expressed my view in this wise, to repeat what the gentlemen have said about present status of the matter so far as it has been passed upon by these agencies of the Legislature, the budget committee and the committee on salaries and fees. I for one place a great deal of faith and credit upon a committee report. In the hurry and stress of a legislative session none of us have the time to devote to a careful scrutiny of all the things coming before the Legislature, and must necessarily, and we have a right to place a great deal of faith and credit upon our committee reports.

Now gentlemen, it seems to me there is still another side to this matter that I may briefly call your attention to, which has already been touched upon by the gentlemen who have preceded me. If I were able I would add to what they have already said with regard to the reputation which the Supreme Court of the State of Maine has established in the world of legal literature and law. A Court old, grounded in the fundamental principles of the common law unlike many other States which work under a code system; one of those States which has given to the States to the west of us the foundation of their judicial system. There is not a lawyer in the State of Maine, there is not a scholar in the State of Maine, or any other man who has given any con-

sideration to this matter of the standing of our Court in comparison with Courts of the United States and of the world, who will not say that we stand in an enviable position. Gentlemen, I doubt not that those eminent gentlemen who have constituted our Court these many years, giving us freely of their time and their great ability, legal and physical, have done so at a great pecuniary sacrifice. Not because I belong to the legal profession, but I believe, gentlemen of the Senate, that I am well within the bounds of truth when I say to you that there is not a profession or a class of men in our State who are willing to give more freely of their time, talents and strength than the legal profession.

I want to remind you of one other phase of this situation. I think in the heart of every lawyer worthy the name there is the ambition from the time he pursues his law studies to some time round out his career by a judicial place. It is a worthy ambition, truly. In the course of events, it does not ordinarily fall to the young man. He is lacking perhaps in legal knowledge; he is lacking in experience, which he can only get with the advancing years. So it works out that usually the gentlemen who are called to the bench in our State have reached an advanced period in their working life. And, gentlemen of the Senate, I believe that this thing is true about the legal profession, that the latter part of their working life is more valuable to them. Many is the young man who is put to his wits end to tide him across the first few years of his practice. In middle life he usually is not so fortunate as to enjoy a lucrative practice. His ability and the respect that he commands among his fellow men come only along toward the latter part of his working days. And, gentlemen, it seems to me that when you call to the bench a man at that period of his life, you are most certainly asking him to give up the most valuable part of his lifetime, and if he has not up to that time—and usually he does not, I think—if he has not amassed a competency, and if you are going to take the last years

of his working lifetime, and ask him to devote those to the service of the State, I want to ask you, unless he is adequately paid, are you fair and just with him?

Gentlemen of this Senate, it seems to me that there is no room for argument. A court worthy of the confidence of the people of the State of Maine, those public servants, as the preceding gentlemen have said, who toil unceasingly and uncomplainingly, merely asking now for a living wage, asking it in a dignified manner, willing so far as they are able to come before this Legislature and tell you honestly and frankly the situation. Gentlemen, I hope before you vote to disturb the recommendation of this committee on salaries and fees that you will carefully consider what has been said here this forenoon regarding the matter. I believe if you do that, I believe if you stop to think just what your action is, you will feel that this dignified request of the court backed up by the recommendation of the committee on salaries and fees, is worthy of your confidence and your vote this morning.

Mr. FOLSOM of Somerset: Mr. President, the merits of this question have been so thoroughly discussed that I feel sure nothing I could say would add to the force of the arguments, but as chairman of the committee that reported this bill I wish to make just a few remarks at this time upon the subject.

The committee has certainly had an able defense if their action in any way was wrong. I want to say that we gave this matter very thorough consideration, and that we did not in announcing our decision upon this matter intend to commit that committee, or to in any way aid in committing this Legislature to a policy of extravagant increase in salaries.

We considered this matter as one that would be taken up apart, as was suggested by the distinguished senator from Kennebec. The judges, when they accept a position upon the supreme bench, are isolated, they have to govern their actions somewhat differently from the ordinary man; they have to remain impartial. But aside and beyond all that I am going to say to you gentlemen here, who are not perhaps

familiar with the amount of work that our supreme court has to do, that there are no harder worked men today in the State of Maine, than our supreme court justices.

We considered the salaries paid to men who are doing similar work in other states, and I for one felt that it would be a discredit to the State of Maine to continue to pay the judges of our supreme court a less salary than is paid in other states, where the work is similar.

In addition to that we considered the fact that this is a large state, and there are certain things which our justices are compelled to do which are not done in other states, and which makes their work a great deal harder.

I hope, senators, that the amendment will not be adopted.

Mr. MORRILL of Cumberland: Mr. President, if ever I felt my insignificance and lack of education to express to you my views on this subject, it is now after listening to the eloquence of the gentlemen who have preceded me, who are qualified to present this matter to you in the most eloquent language, and I have enjoyed their eloquence. But I cannot endorse their sentiment at this time.

I know that it is a serious thing to set aside the decision of a committee, but at the same time here is one subject that we have to consider. But before I proceed to consider that I would say this: I have nothing, no grudge against any member of the bench. They are, most all of them, personal friends of mine. I have been connected with them in business ways and they are honorable gentlemen and I wish that the conditions of this State were such that we could give them a raise in salary, and give other officers as they come along a raise in salary perhaps that they might be entitled to. But we have already gone over this subject, the conditions that exist in this State at the present time. There is no industry in the State that I know of that is flourishing; no wholesale manufacturer that can increase the wages of his employees. There is no retail trader in the country that is making any profits at the present time. Do

not forget the fact that we are all agreed on these subjects. As I am uneducated it takes me longer to tell you what I think about this subject. Now I am going to say that I am in favor of this amendment. I wish that we were able to pay the whole salary called for in the bill. We will call it that they live on a fixed income, the judges live on a fixed income, and when prices rise they have to pay the rise; when they fall of course they are entitled with the rest of the citizens to the fall. Now we have lots of citizens who have passed their earning days, who have been making a big hole in their income, as well as judges, and if that income has not been sufficient to carry them out to the end of life they have no half salary on which to fall back. Of course we have all of us considered that fact, and were I educated I could go on and give you more views on this. But I am opposed to this increase in salary based on the present financial condition of the State and I was in hopes that the judges of this State would be willing to sacrifice and suffer with the rest of her people. We are approaching a time and it looks as if we were approaching it now. You take the farmers, their cattle are cut in the middle, the best half of them carried off; and the tax does not remain the same, it will be increased. Now if there was an article in the warrant for every town meeting in this State to increase the judges' salaries in this State, what do you think the verdict would be? There isn't the least mite of doubt, Senators, in your mind what that verdict would be, not the least in the world. There would be a majority against it so large that it wouldn't be worth while to consider the minority or to report it. I am heartily

in favor at this time of this amendment and for these reasons. Now I was opposed to the increase of any salaries in this State. You can increase a large salary better than you can a small one. When the jurors came in here and asked for money enough—or a bill was introduced to pay them a reasonable price, it was reported "ought not to pass." Is there no place left for the average citizen?

Now public sentiment is of slow growth but when it is full grown it proceeds with a clearness of purpose to clean the thing up. I am not a Bolshevik, anything of the kind. I claim to be just an average uneducated citizen of the State of Maine. Therefore I claim the right to say a word to you on this subject. Much as I regret, on account of my associations with the justices who are personal friends of mine—much as I regret to oppose it, it swings open, swings the door mighty wide, and where you have got to put your hand into the common man's pocket to pay this bill—he is the average citizen of Maine and the average citizen will not wish to increase the amount of taxes that they have paid in the past and will be obliged to pay in the future. I am heartily in favor of the amendment.

The PRESIDENT pro tempore: Is the Senate ready for the question? The pending question is on the amendment offered by the senator from Cumberland, Senator Morrill.

A viva voce vote being taken the amendment was lost.

On motion by Mr. Farrington of Kennebec the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Eaton of Oxford,  
Adjourned until tomorrow morning at 10 o'clock.