

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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SENATE

Thursday, March 17, 1921.

Senate called to order by Hon. Charles E. Gurney, President pro tempore.

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

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to legalize and make valid the doings of the town of Orono at a special meeting of voters of said town, held August 14, 1920.

In the House this bill was received under suspension of the rules, was read three times and passed to be engrossed without reference to a committee.

In the Senate, on motion by Mr. Thombs of Penobscot, the Bill was received under suspension of the rules, was read twice and passed to be engrossed.

From the House: An Act to incorporate the Monmouth Water and Sewer district.

This bill was passed to be engrossed in the Senate and sent down for concurrence.

The House adopted House Amendment A.

In the Senate, on motion by Mr. Thombs of Penobscot, the action was reconsidered whereby the bill was passed to be engrossed, and on further motion by the same senator House Amendment A was adopted in concurrence and the bill as amended was passed to be engrossed.

From the House: An Act to amend Section 15 of Chapter 58 of the Revised Statutes, relating to street railroads.

In the Senate this bill was passed to be engrossed. In the House it was indefinitely postponed.

Mr. EATON of Oxford: Mr. President, I move that the Senate concur with the House in the indefinite postponement of this bill.

Mr. THOMBS of Penobscot: Mr.

President, may I inquire as to the title of the bill?

(The title was read by the Chair.)

Mr. FARRINGTON of Kennebec: Mr. President, I move that the bill lie on the table for the present.

The motion was agreed to.

From the House: An Act to amend Section 15 of Chapter 117 of the Revised Statutes, relative to the salary of the secretary of State.

In the House, the committee on Salaries and Fees reported this bill ought not to pass.

Mr. SPRAGUE of Piscataquis: Mr. President, I move that the bill lie on the table.

The motion was agreed to.

Mr. FARRINGTON of Kennebec: Mr. President, I would like to inquire what the purpose of tabling this bill is.

Mr. SPRAGUE: Mr. President, I will do so very willingly. It is not for the purpose of increasing the salary; it is not for the purpose of anything except justice and fairness. Governor Baxter in his last message to us advocated or advised us, suggested, the equalization of salaries for the heads of departments.

My position is simply this; that it is not a square deal, it is not a fair thing, it is not right from any standpoint to pick out one and not raise it, and raise another one. Now take the Secretary of State, this very one under consideration, here is a bill pending before this Legislature, what they call the automobile bill, and it takes away perhaps considerable business from the Secretary of State. That may not pass; that section of the bill may not pass. No one now can tell just how to equalize that matter, and I say that this is wrong, this proceeding of sending these in by piece meals. All I want is to get them on the table so that we senators can confer with Governor Baxter and see just what is best. I want to cooperate with the Governor. He has made a suggestion in his message, and he made it in earnest, he didn't do it for fun in my opinion.

I do not see any way how we can

act on these resolves intelligently by this piece meal method. That is all the object I have.

From the House: An Act to amend Section 5 of Chapter 244 of the Public Laws of 1917, relative to the salary of the commissioner of inland fisheries and game.

In the House, the committee on salaries and fees reported this bill ought not to pass.

In the Senate, on motion by Mr. Sprague of Piscataquis, tabled.

From the House: An Act amending Section 41 of Chapter 117 of the Revised Statutes, relative to the salaries of sheriffs especially in regard to the salary of the sheriff of the county of Oxford.

In the House, the committee on salaries and fees reported this bill ought not to pass.

In the Senate, on motion by Mr. Eaton of Oxford, tabled pending acceptance of the report of the committee.

House Bills in First Reading

H. 250. An Act to repeal An Act creating the office of livestock sanitary commissioner, and to transfer the duties of said office to the commissioner of agriculture.

H. 170. Resolve reimbursing the county of Kennebec for money expended for pursuing an insane criminal escaping from the Augusta State Hospital.

H. 47. An Act to amend Section 4 of Chapter 167 of the Private and Special Laws of 1907, incorporating the Allagash Improvement Co.

H. 275. An Act to amend Section 20 of Chapter 144 of the Revised Statutes, as amended by Chapter 130 of the Public Laws of 1917 and Chapter 232 of the Public Laws of 1917, relating to the age of commitment to the State School for Girls.

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

Inland Fisheries and Game

By Mr. Sprague of Piscataquis: Resolve appropriating money for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the Commissioner of Inland Fisheries and Game, and other expenses incident to the administration of the department of Inland Fisheries and Game.

Judiciary

By Mr. Sprague of Piscataquis: Petition of Rev. A. W. Frye and 20 others of Dover-Foxcroft, approving of Senate Bill No. 95, creating a board for the purpose of censoring motion pictures.

Orders

On motion by Mr. Thombs, it was Ordered, that the use of the Senate Chamber be granted the committee on legal affairs for this afternoon, March 17.

Bills in First Reading

S. 124. An Act to incorporate the Telephone Workers' Credit Union of Maine.

S. 126. An Act to amend Section 10 of Chapter 117 of the Revised Statutes, as amended by Chapter 31 of the Public Laws of 1919, relating to the salaries of the reporters of the supreme judicial courts.

S. 127. An Act additional to and amendatory of Chapter 32 of the Revised Statutes, as amended by Chapter 185 of the Public Laws of 1919, relative to licensing public exhibitions and amusements.

S. 128. An Act to amend Section 31 of Chapter 117 of the Revised Statutes, increasing the salary of the commissioner of agriculture.

Mr. SPRAGUE of Piscataquis: Mr. President, if that is increasing the salaries I move that it lie on the table.

Mr. FARRINGTON of Kennebec: Mr. President, I hope the motion will not prevail.

Mr. SPRAGUE: Mr. President, I intend to vote for it but I think for reasons I have given —

Mr. FOLSOM of Somerset: Mr. President, I rise to a point of order.

The PRESIDENT: State your point of order.

Mr. FOLSOM: I wish to make the point that the motion is not debatable.

The PRESIDENT: The Chair sustains the point.

The question being on the motion to table the bill, a viva voce vote was had and the motion was lost.

The bill was then given its first reading and tomorrow assigned for its second reading.

Reports of Committees

Mr. Sargent from the Committee on Commerce, on Memorial to Congress relating to the adoption of the Metric System by the United States Congress (Senate Doc. No. 77), reported that the same ought not to pass.

Mr. Putnam from the Committee on Interior Waters, on An Act relating to appropriations for the aid of navigation on various lakes, rivers and thoroughfares in the State of Maine, reported that the same ought not to pass.

Mr. Gillin from Judiciary and Mr. Emerson from Appropriations and Financial Affairs, on An Act amendatory of and additional to Chapter 16 of the Private and Special Laws of Maine, 1820, and for the incorporation of the trustees of the Medical School of Maine (House Doc. No. 86), reported that the same ought not to pass.

The same Senators from the same Committees, Resolve in favor of the Medical School of Maine, established by Chapter 16 of the Private and Special Laws of Maine, 1820, as amended, (House Doc. No. 87), reported that the same ought not to pass.

Mr. Thombs from the Committee on Legal Affairs, on An Act to regulate the payments of appropriations for the care, treatment, support and education of persons in charitable or benevolent institutions not wholly owned or controlled by the State, (House Doc. No. 65), reported that the same ought not to pass.

The same Senator from the same Committee, on Resolve to provide for the Re-codification of the State Constitution, (Senate Doc. No. 10), reported that the same ought not to pass.

Mr. Hall from the Committee on Pensions, on Resolve granting a pension of \$25 a month to Vinnie E. Saunders of Prescott, reported that the same ought not to pass, as this claim has been taken care of under another resolve.

The same Senator from the same Committee, on An Act amending Chapter 93 of the Public Laws of 1913, as construed and amended by Chapter 2 of the Public Laws of 1915, relating to the retirement of veterans of the Civil War in the service of the State, reported that the same ought not to pass.

Mr. Folsom from the Committee on Public Utilities, on so much as relates to transportation, of the Inaugural Address of Governor Baxter, reported that the same be placed on file.

The same Senator from the Committee on Salaries and Fees, on An Act to amend the charter of the City of Calais increasing the salary of the Judge of the Calais Municipal Court, reported that the same ought not to pass.

The same Senator from the same Committee, on An Act to increase the salary of the Judge of Probate of Sagadahoc County, reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Putnam from the Committee on Interior Waters, on Resolve in aid of navigation on Sebec Lake in Piscataquis County, reported that the same ought to pass.

The same Senator from the same Committee, on Resolve making an appropriation in aid of navigation on Sebago Lake, Songo River, Bay of Naples, Chute's River and Long Lake in Cumberland County, reported that the same ought to pass.

Mr. Farrington from the Committee on Judiciary, on An Act to incorporate the Dixfield Water District

(Senate Doc. No. 48) reported that the same ought to pass.

Mr. Hall from the Committee on Pensions, on An Act to increase the State Pension to the Blind, reported that the same ought to pass.

Mr. Folsom from the Committee on Salaries and Fees, on An Act to make uniform the fees of deputy sheriffs in attendance upon Supreme Judicial and Superior Courts, reported that the same ought to pass.

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

Majority report of the committee on Sea and Shore Fisheries, ought not to pass, on An Act to amend Chapter 45, Section 35, of the Revised Statutes, relating to the legal size of lobsters and method of measurement.

(Signed) Messrs. Holt, Clarke, Newcomb, Oram, Harriman, Baker, Clement.

Minority report of the same committee, reporting a new draft under the title of An Act relating to the legal length of lobsters in the county of York and the waters thereof, and that it be referred to the committee on Sea and Shore Fisheries.

(Signed) Stevens, Luques.

Mr. STEVENS of York: Mr. President, I move that the minority report be accepted and the bill referred to the committee on Sea and Shore Fisheries.

Mr. THOMBS of Penobscot: Mr. President, I have noticed that Senator Holt, who signed the majority report, is absent, and I call the senator's attention to that fact.

On motion by Mr. Stevens, the Bill was then tabled.

Passed to Be Engrossed

S. Doc. No. 55: An Act to amend the charter of the city of Lewiston relating to the office of city clerk.

S. Doc. No. 115: An Act to abolish the Board of Public Works of the city of Lewiston and to provide for a Highway Commission.

S. Doc. No. 116: An Act to promote the efficiency of the fire department of the city of Lewiston.

S. Doc. No. 117: An Act to amend the charter of the city of Lewiston and to provide for a City Auditor.

S. Doc. No. 118: An Act to amend Chapter 37, Private and Special Laws of 1917, entitled "An Act to provide a Police Commission for the city of Lewiston and to promote the efficiency of the Police Department thereof," as amended.

S. Doc. No. 119: An Act to amend Chapter 8 of the Revised Statutes, as amended by Chapters 111 and 168 of the Public Laws of 1919, requiring a permit for the burning of blueberry land adjacent to forest growth. (Tabled on motion by Mr. Sargent of Hancock, pending second reading.)

S. Doc. No. 120: An Act to repeal the Act incorporating the town of Hurricane Isle.

S. Doc. No. 121: An Act to amend Chapter 294 of the Laws of 1917, relating to seizure and forfeiture of vehicles carrying intoxicating liquors intended for illegal sale.

S. Doc. No. 122: An Act to amend Chapter 127 of the Revised Statutes, prohibiting the manufacture of intoxicating liquors, so that said chapter will be in harmony with the Federal law.

H. Doc. No. 246: An Act to provide for a sinking fund for the war bonds and bonus bonds issued by the State of Maine.

H. Doc. No. 264: Resolve to reimburse the town of Milo for money advanced under the soldiers' dependent law.

H. Doc. No. 265: Resolve in favor of Alfred Williams Anthony for services and expenses of Police Commissioner of the city of Lewiston. (On motion by Mr. Parent of Androscoggin, tabled pending second reading.)

H. Doc. No. 268—Resolve in favor of the town of Milo.

H. Doc. No. 269—Resolve providing for payment for the care of Pearl Clark during the year 1919.

H. Doc. No. 271—An Act to amend Section 17, Chapter 60 and Section 11, Chapter 61, Revised Statutes, relating to the taking of land for public uses.

H. Doc. No. 272—An Act to amend Section 10, Chapter 93, Private and Special Laws 1878, to make the amount allowed the plaintiff for his writ in the municipal court of the town of Farmington uniform with other municipal courts in the State.

H. Doc. No. 274—An Act to amend Section 3, Chapter 144, Revised Statutes, as amended by Chapter 245, Public Laws 1919, relating to the age of commitment to the State School for Boys.

H. Doc. No. 276—Resolve to increase the pension granted to Harmon Varrell of York.

H. Doc. No. 277—Resolve providing a State pension for Caroline Springer.

H. Doc. No. 279—An Act extending the charter of the Salisbury Cove Water Company.

H. Doc. No. 280—An Act to extend the provisions of Chapter 214, P. and S. L. 1915, relating to the town of Lisbon.

H. Doc. No. 283—Resolve in favor of C. K. Hopkins of Camden, Me.

H. Doc. No. 284—An Act to incorporate the Hallowell Water District.

H. Doc. No. 285—An Act to amend Section 10, Chapter 25, Revised Statutes, as amended by Section 3, Chapter 258, Public Laws, 1917, providing for the deposit of surety bonds or certified checks with bids for State highway work.

Resolve in favor of town of Island Falls for money paid to Levi H. May.

Passed to Be Enacted

An Act to amend Section 18 of Chapter 130 of the Revised Statutes, relating to the disposal of fines imposed thereunder and personal property used for prizes in lotteries or devices of chance and the procedure of punishment.

From the House: Resolve appropriating money for the purchase of the history of **Grand Lake Stream**.

In the House, this Resolve was finally passed.

In the Senate, it was tabled on motion by Mr. Thombs of Penobscot, pending final passage.

The PRESIDENT: The following resolve was received in the House this morning under suspension of the rules, referred to the committee on Legal Affairs, and 2000 copies ordered printed and sent up for concurrence. It is a resolve proposing an amendment to the Constitution of Maine, so as to authorize the conservation, storage, control, and use of waters and the development, improvement, transmission, utilization, electrical interconnection, control and sale of water powers by the State, and the taxation of water powers, water privileges, and the hydro electrical energy generated therefrom.

(The secretary read the resolve.)

The resolve was then referred to the committee on Legal Affairs in concurrence.

Orders of the Day

Mr. GILLIN of Penobscot: Mr. President, I move that we take from the table Resolve in favor of Austin W. Jones Company.

The motion was agreed to.

The PRESIDENT: The Chair will state for the information of the Senate that the matter has been referred to the committee on Judiciary who made a divided report. The majority report "ought to pass" was signed by Messrs. Gillin and Parent on the part of the Senate, and by Messrs. Buzzell, Cole and Murchie on the part of the House. The minority report "ought not to pass" was signed by Messrs. Farrington on the part of the Senate and Hinckley, Gardiner and Wing on the part of the House. The pending question is the acceptance of either report.

Mr. GILLIN: Mr. President, might I ask the Secretary to read the resolve?

The PRESIDENT: Will the Senator from Penobscot kindly indicate whether he wishes both resolves, the new draft and the old draft.

Mr. GILLIN: No, just the new draft.

The PRESIDENT: The Secretary will read.

(Resolve read by the Secretary.)

Mr. GILLIN: May I ask, Mr. President, that the Secretary read the resolve to the Senate?

The PRESIDENT: The Secretary will now read the resolve.

(Resolve read by the Secretary.)

Mr. GILLIN: Mr. President and Honorable Members of the Senate: I not only beg your attention, but I beg your indulgence, as I place before you the reasons which induced a majority of the committee of the judiciary to sign the majority report.

I challenge your attention, gentlemen, as well as your indulgence. I purpose to proceed in presenting to you this cause in the same manner in which I would proceed before a court of last resort, for the reason, gentlemen, that you are a component part of the people's tribunal of justice which makes laws to protect them and deals out justice.

I beg your attention for a moment to the resolve which has been signed by a distinguished member of the Senate who is at a little distance **from me, the minority report**. In it there breathes forth that fairness which will ever characterize that distinguished member of your Senate and distinguished lawyer in whatever position the people of his State may place him. I claim, gentlemen, before I get through, that I shall show that the very resolve which is signed by the minority is an endorsement in its fairness of the position taken by the majority. Before I proceed with the facts, and I will proceed with them, gentlemen, as they were proceeded with before our committee,—I beg my learned colleague to pass this picture along that each member of the Senate may see the character of the herd of cows that was destroyed in a conflagration which we say the State through the grossest negligence of parties in charge of our institutions is liable for, liable for, gentlemen, in an equitable cause before a court of claims. I do not wish the members of the Senate to look at anything except the picture of this cow and pass it along, for I am going to

hurry, gentlemen, through what I have to say.

Let me say to you, Mr. President and gentlemen of the Senate, that two young men in the city of Bangor went through a college in your State to fit themselves to go into agriculture. And let me read the testimony of one of those young men as it was given before the Judiciary committee, and I also call the attention of my learned and distinguished brother Senator, if I am incorrect in anything that I read to this Senate, for him to correct it when he gets upon his feet. I wish to read to you, gentlemen, a summary of the testimony of Austin W. Jones.

Austin W. Jones testified that he was president and manager of the Austin W. Jones Company; that he was a graduate of the University of Maine, having taken the agricultural course; that the Austin W. Jones Company was a corporation, the stock of which was owned by himself, his brother and his father; that he had been farming about six or seven years; that the barn which Stanchfield burned had been built in 1915; that at that time it cost over \$3500, together with the three silos which were built of wood; that 70,000 feet of lumber was used in the construction of the building; that he was engaged in the raising of Holstein cattle—that is a picture of one of them which is being passed to the members of the Senate—and that at the date of the fire he had about—I call your attention to the number—70 pure bred Holsteins; that he lost in the fire 27 milch cows, all in the advanced registry of Holstein cattle; that these composed practically all his milch cows; that the stock which remained was mostly young stock; that the destruction of his milk herd has obliged him to purchase milk for his milk route even up to the present time; that all the stock which was destroyed by the fire was in the process of development. He then explained what he meant by "in process of development" by telling of the cow Avalon, stating that at the time she was purchased she produced nine pounds of butter in seven days; that at the time of

the fire through scientific feeding and handling and milking, the latter consisting of milking four times a day, she produced 27 pounds in seven days. He stated that the cow Avalon was only an example of what he had been able to do with the others through the process of development. I believe that is the one that the Senate is now looking at. He testified that the values as set forth in the first column of the schedule handed to the members of the Judiciary committee, and all the values of the cows, buildings and other property destroyed, were carried in the inventory of the Austin W. Jones Company; that the values as there stated were less than the true market value of the property destroyed, and were values which in his judgment the property would bring at forced sale. He said that Mr. W. M. Ryder was the field agent for the Holstien Association and was considered an expert on the value of Holstein cattle; that he had sent the names of the cattle destroyed, together with their records and pedigree, to Mr. Ryder for his valuation; that Mr. Ryder had examined his herd just prior to the fire, and that the second column of figures as set forth in the schedule before the Judiciary Committee were the values as placed on the cattle by Mr. Ryder.

Mr. President and gentlemen of the Senate, you are investigating and have under advisement a most important cause. I wish to have you follow the evidence which was presented to the Judiciary Committee in this cause. I hold no brief for the Austin W. Jones Company, or these two splendid young men who took a farm up in Veazie, three miles from my city, and developed it, and built upon it, and bred up these seventy head of cattle. If I held a brief for them, I would not be here. Gentlemen, I appeal to you as I proceed in this cause, to your sense of reason, because the great sculptor who made the statute of justice made it blind that it might not see its suitors, but could only hear. I appeal to no prejudices. I appeal to no sympathies, but I appeal to the Senators who are honored, and who honor the great people who sent them here as a com-

ponent part of the people's tribunal of justice in this all-important cause.

Situated above the city of Bangor is an insane hospital. I want to be fair and extremely fair, Mr. President and honorable members of the Senate. The Judiciary Committee gave to them a second hearing and brought into the House the men who are in charge of this insane institution above my city, and I say it in all fairness, that when we heard them testify there is no man on that committee but must have felt that it was not only negligence, but gross negligence, that brought about the destruction of property, and almost the lives of the citizens of a whole town. And I asked a question of the head of that institution, if within a few years another man was not turned loose on the body politic of the State of Maine, but just a few miles above my city who took a jack-knife and cut a young girl all to pieces? and he said "The report so discloses."

I am the man who placed him in your State prison here. I hold no brief for anybody, but I want the gentlemen of this Senate to drink in this evidence that I am going to read to you, which caused the majority of the Judiciary Committee to say that in equity and in fairness and in justice to the community in which we live, that this man should be reimbursed for the loss which he sustained by the negligence, and I characterize it forever through the fingers of the reporters who are going to put it in the books as being gross negligence, and whether it is or is not, leave for you to say, as I read to you the evidence on which we acted falling hot from the lips of the witnesses who testified, and I challenge any man to say that what I read to you is not the truth and all the truth and nothing but the truth. That is the reason, gentlemen, why I purpose to proceed in the same method in dealing with this tribunal of justice of the people that I would proceed before a court of last resort.

Let me read for you the testimony of the Sheriff of Penobscot county, a splendid gentleman. The sheriff testified that he had served one term as sheriff of the county of Penobscot and was on his second term. At the time

Stanchfield—that is the name of the man who did these injuries—first called at the jail office—honorable members of the Senate, please listen to every word I read—Fernandez was alone. Stanchfield stated that he had come to deliver himself up; that he knew the sheriff and federal officers had been after him and that he was not willing to go to Atlanta; that Stanchfield believed that he had been a traitor to his country and that officers and detectives had been following him.

The second time Stanchfield appeared at the jail office he told practically the same story, and the sheriff realized that this man was crazy and should be sent to the insane asylum. What I now particularly and especially call to the attention of every honorable senator who listens to me is this, that I am going to demonstrate to you beyond the power of any man to refute it, here or anywhere else, that there was not a single civilian who saw this man who did not know that he was stark crazy, and then I am going to prove to you that the men in authority at the insane asylum turned him loose upon the community with an insane mother, who had been in an insane asylum herself, as his guardian. See if I prove it to you.

The sheriff thereupon called up Peter Davis, first selectman of the town of Veazie, told him about Stanchfield and his delusions and asked if the selectmen would like to have him committed. Davis said that they would. The sheriff then made arrangements with Dr. Milliken to have him on hand at the jail the next day when Stanchfield called. The next day when Stanchfield called, Dr. Milliken examined him and pronounced him dangerously insane. And he was not an expert on mental diseases, who ought to have known that he was dangerously insane. And Stanchfield was taken to the Insane hospital by John Farrar, the turnkey. This was Sunday, February 15. The sheriff testified that in his opinion Stanchfield was dangerously insane. That is the testimony of a sheriff that every single

member of the judiciary committee listened to. He also testified that about midnight on May 10 he was called to Veazie—listen to this, honorable members of the Senate—to investigate the shooting of a Greenleaf girl and the burning of the Jones and Prouty buildings; that he investigated the whole affair and that all the evidence pointed to Stanchfield as the man who did these things, substantiating Stanchfield's admission later that he was the man who shot the Greenleaf girl and burned the Austin W. Jones Company buildings.

That is the testimony of the sheriff of Penobscot county. Wait till you listen to the balance of the testimony, and no man living can dispute that this is not the living truth, gentlemen. As Farrar's testimony corroborates the bringing of him to the insane asylum and corroborates the story of the sheriff which you have heard, in order to save time I will omit it and take the testimony of Dr. Milliken.

Dr. Milliken testified that he examined Stanchfield at the jail office; that in his opinion he was dangerously insane; that he sent him to the Insane hospital on an emergency commitment; that later, on request of the selectment of Veazie he signed regular commitment papers—mark you, gentlemen, on the request of the selectmen of Veazie, although this man was in the insane asylum.

Dr. Starrett, another physician who came before our committee, Dr. Starrett testified that on request of Peter H. Davis, first selectman of the town of Veazie, he examined Stanchfield at the Bangor Hospital for the Insane; that his examination was made in the presence of Dr. Hammond, an assistant attached to the hospital staff; that Dr. Hammond told him what he knew of the history of the case, Stanchfield's hallucinations, delusions and actions prior to his commitment, and that Dr. Starrett told Dr. Hammond that he knew Stanchfield as gathered from the people of Veazie and among other things that Stanchfield had threatened to shoot the Greenleaf girl and the people of Veazie were afraid of him. Mark that, honorable members of the

Senate, as I make it bear upon the angle which you will hear later; that the conclusion which he arrived at from the examination was that Stanchfield was dangerously insane and should be indefinitely confined and that Dr. Hammond agreed to this and stated that this was also his conclusion.

Mark you, gentlemen, these are two doctors in general practice, not men who are qualified to find out the vagaries of a human mind when reason is knocked from its pedestal. Mark that point, if you please, as I proceed. Now let me read the testimony of Davis. Frank Davis testified that he had been a newspaper man for some thirty years; that he had served one term as chief of police of Bangor; that he wrote up the story of the shooting of the Greenleaf girl and the burning of the Jones and Prouty buildings for the Bangor Daily News; that he had an interview with Dr. Hedin—that is the gentleman that I am going to show to you from his own testimony ought to have known that when this man was turned out into the streets of Veazie, from the testimony which follows, he was turning a madman out, a madman that the witnesses who didn't know anything about his mental delusions said was dangerously insane and a madman, two doctors, gentlemen of the Senate, whose duty was not to examine and hold such men in check. Was he a madman? Was he dangerously insane? Will any gentleman dare, when he hears this evidence, stand on his feet in any presence and say that he was not a madman, and say that he was not dangerously insane? They will not do it. They do not dare to do it. Mr. Davis had his notes with him at the hearing before the judiciary committee. He stated that the article in the Bangor Daily News of May 10th contained a copy. He gave this testimony just as you have heard it from the sheriff. Honorable members of the Senate, I ask your indulgence. I know you will grant it. It is your duty to hear it all before you pass upon this important question.

Now we will take the testimony of Mr. Davis, the first selectman of the

town of Veazie, to which I call your attention and beg that you will give it your most careful consideration. Mr. Davis testified that he had been a selectman of Veazie off and on about 30 years; that he has a farm adjoining that of the Austin W. Jones Company; that he had been engaged in farming for about 30 years and in raising Holstein cattle for about 10 years; that he now has a herd of about 70 head of cattle, 40 of which are pure bred Holsteins and he was well acquainted with the herd of the Austin W. Jones Company; had examined their herd on several occasions, and that the figures contained in the third column of the schedule in the hands of the members of the judiciary committee were made by him and were his estimate of the cash value of the cattle destroyed; that they had a speculative value because the manner in which the Austin Jones Company was developing them and the care given them left no question in his mind that one or more of the cows of the Austin Jones Company would be found worth more than the value given to the whole lot. He explained what it meant to develop a herd and what it meant to a Holstein breeder to have his mature cows destroyed as the cows of the Austin Jones Company were; that the herd of the Austin Jones Company was considered by experts to be one of the best herds in the State; that he was familiar with the development work which was being done by the Austin Jones Company, the feeding and night milking and all; that \$3500 was too low a value for the barn and silos. That is the first selectman who had asked the Sheriff to commit Stanchfield to the insane asylum on a 15 day commitment and had later had him regularly committed and had supposed that he was taken care of. Please, gentlemen, pay attention to that.

Now Mr. McIntire, an expert, testifies as to the value. There will not be any question about that, so I will skip it.

Now listen to this gentleman, Mr. Drinkwine, who testified that he was third selectman of the town of Veazie.

zie—particularly pay attention to the date—that on Saturday, this 25th day of April he heard that Stanchfield had escaped from the Bangor State Hospital. Let me add, on the 24th day of April he did escape from the Bangor State Hospital, he claimed to have swam across the Penobscot river, he went to his home and brought back to our insane asylum his insane mother with him—and that is not in dispute, that she had been insane and incarcerated in the insane asylum of your State—and on the 25th day of April, Hedin and the superintendents of your Hospital and mine and the people of the State, turned this man loose upon the community against the protests of three selectmen of the town of Veazie, to murder the inhabitants of the State, to destroy their property and to try to burn a whole town, a madman that on cross-examination before the Committee the second time Hedin admitted was a madman. Is there any man on that committee that wanted him turned loose to murder his daughter and burn his buildings, when the head of that insane asylum, on a question that I asked him myself, admitted that he was a madman? I am not giving you the technical definitions of the medical profession but I make my statements as a man who always hopes to speak the truth that his testimony on cross-examination intimated that he ought to have known that this man was stark mad. But I am going to punch that in so hard that no man that breathes can get away from it, by the testimony of every witness, the testimony of which I have read to you; they all told you that from their investigation they knew he was a mad man.

Let anybody dispute that after you have heard it read to you from the testimony that fell hot from the lips of those civilians—let them dare to do it, gentlemen, before any tribunal.

Now listen to this, the third selectman that on Saturday the 24th day of April, who heard that Stanchfield had escaped from the Bangor State Hospital—that is the testimony before our committee—this is the testimony before this component part of

the people's tribunal of justice—we are standing with both feet on a cause of equity, I believe, in a court of claims, and as I stated before, they little expected that the man who is standing here and pleading their cause would do so, for had the young men, splendid young men, had their will I would not be here, but I belong to the great profession of the law in which there are no hired men, to the great profession that when the Father of your country presided over the convention that drafted your constitution, he put into their hands the last word to safeguard the rights of all the people, and in a sense of fairness and justice, gentlemen, I am pleading the cause of those who by their votes attempted not to let me come here—I stand here under the shadow of the statue of justice and listen to this evidence with closed eyes, letting the reasoning of their evidence fall upon the tablets of my memory, and in a spirit of fairness, gentlemen, I appeal to you, as I would appeal in your interest, to follow with me this evidence, and I will speak later relative to the minority report, which is fair and upright and honorable in the extreme. I admit it. It could not be anything else or the distinguished Senator whom we all love would never have signed it. But I will speak of it at the proper time.

That on Saturday the 24th day of April he heard that Stanchfield had escaped from the Bangor State hospital, and that he immediately called up the hospital and asked if this was so; that they told him it was and he asked what they were doing to catch him, and they said "nothing." Let that sink in, gentlemen. The third selectman of Veazie when this madman escaped, that everybody except the head of this institution under whose guidance he was placed knew was a madman, knew was dangerously insane, and to recover him back and put him into the institution that the selectmen of the town of Veazie had put him in, they were doing nothing in your interest, honorable members of the Senate, and in my interest living three miles away from the madman and the man whom everybody pro-

nounced to be dangerously insane, with the glaring example before their eyes that a man a few years before had come out of that insane asylum, whom they let out on parole, and caught a beautiful girl and cut her throat and mutilated her person in a manner that is unspeakable, and they admitted that before our Judiciary committee on the second trip—not that Hedin was then in charge—I am coming to that—but that somebody else was then in charge. In the interest of the parents of that beautiful dead girl, no matter what we do with the claim of Austin W. Jones Company, these two splendid young men, I am glad to be on my feet to condemn here such an infamous practice as has been developed before the Judiciary committee of this House and Senate. You can do what you like with it but it will not escape me until for all time in the report that comes from the pen of those reporters I speak to 750,000 people of the State of Maine, beautiful women and splendid men. Do what you like with it, but you cannot stop me from stating what I think about it, whether I am wrong or right.

Listen to the balance. They said they were doing nothing. Then he said, "Do you not consider him a dangerous man?" Listen to this. The person with whom he was talking said, "Wait a minute and I will see." "Wait a minute and I will see!" An official of the insane asylum situated three miles above my city, having under his charge a madman, a man that civilians had claimed was dangerously insane, when asked by the third selectman of Veazie about him and whether he was all right or wrong, said "Wait a minute and I will see." Murder though it had no tongue will speak with most miraculous clearness. A man was turned loose upon the community that he had had under his charge four weeks, a madman, an attempted murderer, and a destroyer of an entire village if he could, watching like the fiddling Nero while it burned, and this man says "Wait a minute and I will see."

Now let us see what he did see. It

is here. The person to whom he was talking replied after a minute or two "No, we consider him only a little foolish." What man on the Judiciary committee, what honorable member of this distinguished body, and you are a distinguished body because you represent a distinguished people, and your predecessors have distinguished you as many of you will distinguish those who follow you—I will never be here again in the interest of justice—I appeal to you, gentlemen—"No, we consider him only a little foolish," when the sheriff in your county told you he was a madman and dangerously insane, when two doctors of the city of Bangor who are not in the habit of testing the mental qualifications of any man and only saw him for a few moments said he was dangerously insane, when everybody who saw him said he was dangerously insane, when the three selectmen of Veazie who lived right alongside of this insane hospital and are men who are not experts committed him because they knew he was dangerously insane, and yet they may make all the minutes that they choose, gentlemen, they may make all the comments that they like, the record speaks and before our committee they came in the second time: that testimony came in to us hot from the lips of three as honorable members of your community as ever stood in a pair of shoes, not in dispute, and in the fairness that should mark these hired men that they call lawyers we gave them a second hearing and let them come in and present their cause a second time, and in that second presentation they tried to dispute that, that they didn't know who was called up. I am frank to say I do not believe it. And when that man—I am going to prove something to you now—when that man said "No, we consider him a little foolish," Drinkwater then said "We up here consider him a dangerous man and are afraid of him." That is the third selectman. Drinkwater stated that his warning was given in his capacity as one of the selectmen of the town of Veazie. It was the next day, April 25th, that

Stanchfield was returned to the hospital by his mother and paroled by Dr. Hedin. No, no, gentlemen, Stanchfield was not a little foolish. No matter whether you vote with the minority or the majority of the committee, you know who was a little foolish. You all know that Stanchfield was a madman. You all know that he was dangerously insane. But you know that the men who held the leash and power over him in that institution where madmen are kept and ought to be kept, were a little foolish—just a little foolish, gentlemen. Let them get away from that evidence if they can.

Gentlemen, let me tell you before tribunals of justice the rules have changed. Noise and hot air won't go. You have got to have the goods on your person. You have got to state your cause fairly. You have got to marshal your facts so that jury and court know that every word you utter you believe to be based upon the truth, the whole truth and nothing but the truth. Every lawyer knows that. Every civilian knows that. Therefore in the interests of two splendid young men, who took a college education to go up and buy an abandoned farm in the town of Veazie, and with their hands directed by their brains to make that farm rejoice and blossom as the rose, who started in and gave to the agricultural interests of the State of Maine seventy of the best bred Holstein cattle in your State, splendid men of State reputation, known to all the people in the State, came in before our committee and testified that the values given were not anywhere near what the value really was, that it was great loss to the whole people of the State of Maine to have this thing done.

And now, gentlemen, I come to the two reports, and in all sincerity from my heart I appeal to the distinguished senator and great lawyer as I give my idea of the position. I may be wrong. I believe, as I said before, that in the resolution which he helped to draw and which he signed you will find breathed a spirit of fairness, of honor and of truth, by which he will be ever branded everywhere. I do not

think we are far apart. Because in that resolve this distinguished senator and lawyer of your Senate has gone farther with his colleagues than I have ever seen men go before. It was because of the fairness of the men, whose fairness I respect so sincerely, that it pains me to disagree with them, and from whom I continuously take advice upon your judiciary committee.

They have given us the right to sue. We thank them for their fairness. They did not stop there. They have given us the common law rights of going up against the State of Maine as we would go up against another corporation or another individual, and any man arguing the cause which I represent who would not respect and honor that position taken by those splendid gentlemen, would be most unfair. But, gentlemen, I say to you, that when they did that they gave their entire cause away in my humble judgment, absolutely away, and the only thing that remains to be done under their ruling is to pronounce the benediction, dismiss the congregation and send them home. Under that minority report which they have signed what lawyer would not be able to prove not only negligence but gross negligence against the managers of this institution and put your State to the expense of a lengthy trial, and these young men whose property has been destroyed and confiscated by a madman turned loose upon the community, admittedly a madman, known to be such by everybody except the managers of our insane institution who say that he is a little foolish—therefore you give to these men through their counsel the right to go into a tribunal of justice, under the shadow of the principles of the great common law of the Anglo-Saxon speaking race that for two thousand years has stood the test of time, while religious rancour has shaken the templed heights of man's domain it still stands and is proclaimed by the justices of your court and by the jurors of your State, and forms under your constitution a component part of the people's tribunal of justice.

I am speaking in the interests of two young men,—thousands of men rushed forth from the precincts of your State on to the red field of battle, young men who were fighting, and feeding the fighters at the front,—who had established this splendid industry up there, young men who, when the armies of France, under the masterful Foch were fighting and retreating, carpeting the ground with their heroic dead and still retreating, and the British lion with the bloody froth dripping from his shining fangs was fighting but still retreating, till Haig cried out in the anguish of his soul "Our backs are at the wall, Britons, stand and die." Just then new sounds were heard coming from the rear, the rebel yell, the Yankee cheer, as onward they swept through Chateau Thierry, Belleau wood, the valley of the Meuse and the Argonne forest, and placed the standard of your Nation on the ramparts of its enemies, and the Kaiser was hurled from power.

In this cause of justice, on this evidence that I have taken pains to place before you, that I believe you cannot contradict, I ask from you in the interest of these young men, plain, simple justice—nothing more and nothing less. I ask it from you, gentlemen, because the evidence in this cause discloses this, that from an institution in which this man was placed, pronounced by everybody to be a madman and dangerously insane except by the people who had him under their control, they said he was a "little foolish." Now then, the supreme test comes, now I challenge the attention of every man who is listening to me. This is the kernel of wheat in the bushel of chaff. Listen to it.

You have heard the testimony. No one will dispute it. Who is right? Was the sheriff right? Were the three selectmen of Veazie right? Were Dr. Milliken and Dr. Starrett right? Was everybody who saw these men right, except Hedin and the men who had him under their control? I will prove it to you and you cannot get away from it. He demonstrated that he was a madman

because he took a gun on a beautiful girl twice. He demonstrated that he was a madman and dangerously insane because he tried to sit back, as Nero sat, and see a whole town burn. And, therefore, I say, gentlemen of the Senate, that on this evidence that is before you under the resolve which the gentlemen have signed as a minority report, that there is not a tribunal of justice before which this cause will come that will not render to these Jones boys plain, simple justice. Do not put them to that expense under the minority report of this committee, if you believe this evidence and if it cannot be contradicted. Do not put them to that expense and do not put your State to the expense of the great trial in this cause. I will not not represent them other than here, gentlemen, and so I am no hired man as I speak to you. I am a simple lawyer of a splendid and great profession to which it is an honor to belong, and on the principles of equity and of justice I am speaking to you, gentlemen, to give justice to these two boys because their cause is just, because their cause is equitable, because they are before a component part of the people's tribunal of justice.

I ask you gentlemen, on the evidence which I have outlined, and thanking you sincerely for your patient attention I commit the cause of your fellow citizens into your keeping. You will be responsible and you will do your duty, gentlemen, by agreeing with the majority or the minority, and again I thank you.

I move that the majority report be accepted.

Mr. FARRINGTON of Kennebec: Mr. President, fellow Senators: I would like very much to agree with my fellow Senator from Penobscot but I find myself unable to do so. There are two reports before this Senate, a majority report signed by six members, that the resolve which carries an appropriation of a little over \$10,000 should be passed by this Legislature; the other report a minority report which recommends the passage of a resolve which gives to this claimant corporation the right

to sue the State of Maine, and if my Brother Senator from Penobscot is certain that the facts would warrant before a jury a finding for the claimant corporation, then I shall expect him to vote for the acceptance of the minority report if the motion to accept the majority report is defeated.

Now Mr. President, if I were swayed by my sentiments and by my desire to do for the young men who are back of this corporation, I should have signed the minority report. This matter was up before the committee as an ex parte matter, as are most of these cases and no cross-examination was possible of the witnesses who appeared there. It developed that if the State was to be held responsible, it came down to the point of whether there was gross negligence or criminal negligence, and from the nature of the testimony that was brought in at the first hearing it seemed to the committee wise and fair that at a second hearing to be appointed the members of the Hospital staff and the Trustees of the insane hospital could come in and be heard.

They came and Dr. Hedin, the superintendent of the Bangor Hospital, was present and was subjected to a most grueling cross-examination. Now had I been, Mr. President, convinced after the hearing and the two days' time that were given that this man was known to be, and admitted to be by the Superintendent of that Hospital and by the Trustees to be a dangerous insane person, and that knowing this fact they permitted him to be at large, on parole, if I had believed all the things were true that have been stated by the Senator from Penobscot, I should have signed the minority report. But I was not convinced personally, and I believe the other four men who signed with me were not convinced that such was the case. We all believed that it was a fair thing, a just thing, to report in such a resolve as the minority report has recommended, so that these young men might come before a court in orderly fashion and show their case, because whatever we decide this

morning, whatever a court decides, whenever they may come before a court if it ever comes, it is coming down to the question of whether there was gross or criminal neglect on the part of the trustees of this institution.

Now gentlemen, let us think of this. The State of Maine has endorsed a parole policy for those who are in their custody. Personally I believe it is good law, and I believe that more than one person has been returned to society through the beneficial effect and results of this parole law. Now, gentlemen of the Senate, if in your sober judgment, uninfluenced by sentiment in this matter, you decide that this resolve shall be paid, it means that other claims, possibly arising out of the same matter, are coming before you. .

There are sure to be. The insurance company has already paid some insurance on this matter and that has been deducted from the amount claimed by the claimant corporation, and we are asked to pay the balance. The insurance company of course will come here to this Legislature. The young woman who was shot will come to this Legislature, and Mr. President and members of this Senate, if it is the opinion of this Legislature that there has been this gross neglect, this criminal neglect, they will not only come but they will be paid, and they should be paid if these are the facts. But I submit that on testimony coming before a committee, without opportunity for cross-examination, and with the natural local color, local prejudice that comes in through the avenue of witnesses no matter how honest and sincere they may be, that you are not getting the case down to the fundamentals upon which it should be heard and should be tried. And there is absolutely in my mind no other tribunal where that can be except the State courts of our State, and the draft of the resolve which the minority report recommends gives them full right to come into that court and to come in under the common law, without any of the embarrassing situations that would

arise if that permission were not given.

Now I have heard nothing in testimony that would convince me that the doctor, the superintendent of the Bangor Hospital was not within reasonable bounds of judgment when he allowed this man to go out on parole. And it has been said here that he was placed in the care of his mother, who had been a patient at that institution. I understand that it is true that she had been, but 20 years ago at a period of life when such commitments are not uncommon and where conditions often times with mothers are such that perhaps while not committed there is a physical condition which is known to all, needs no comment. And I understand that this mother had been there 20 years ago and the superintendent of this institution said that in his best judgment it was safe to turn this inmate over to his mother and he did so.

Mr. President, I do not want to take any issue with my fellow Senator from Penobscot, but I heard no testimony that convinced me that the superintendent of that hospital and the trustees were using anything except reasonable judgment in allowing this man to come out as he did. Now if they were using reasonable judgment, and it is purely a question of fact, if they were using reasonable judgment the State of Maine should not be liable for this. And you will find other cases coming in. I understand that in that same locality there was another set of buildings burned and that they are waiting to see what the Legislature does with this matter, and there will be other cases coming in. Now I want to make it clear to this Senate, absolutely clear to this Senate, that if in your judgment it is safe and wise to pass this resolve and by passing it say that the parole system shall no longer be in effect, and that this State is liable for every act committed by those out on parole. If they think it is wise under these conditions to wipe aside the parole law and to pass this resolve, I shall be satisfied, but I should feel it was not good judgment. I have not any personal interest in this at all.

I would not take the time of the Senate at this late hour to go into this, if I did not feel that I should explain my position as a minority signer.

I heard this case, it had a full hearing; I listened attentively to everything that was said, and my judgment was that there was too much of a question for me to sign a report ought to pass, when I was not convinced by the evidence.

I think the same is true of the other signers, that if there had been negligence on the part of the officers of the institution of a reprehensible nature, unless that does exist you cannot consistently and on your judgment vote to pass this resolve.

If I was to be led by my sympathies, I would vote for this resolve and say nothing. If it is true that they can prove what they claim they can prove, their rights will be protected in a court of law. I believe it is going too far for this Legislature to pass this resolve. Rather do I believe that they should take the matter in orderly fashion to a court of proper jurisdiction, and have a hearing there where all parties may be cross-examined and the matter can be determined, every detail of the question gone into absolutely as to whether there was this gross and criminal negligence or not.

It is not for us to say there was gross and criminal negligence. It is not my intention to say anything on that point. It is quite another thing to prove it, under the rules of evidence as they obtain in a court where such cases are tried.

And the minority signers feel that they have done ample justice by these young men by giving them this right to sue the State, just as individuals, in court and be fully protected if they have a just claim.

Mr. THOMBS of Penobscot: Mr. President, I desire to assure the Senate that I will be exceedingly brief, owing to the lateness of the hour and the patience with which the matter has been discussed.

I think I voice the sentiment of all the senators present except three when I say I am sorry that it was

not permitted to attend the hearing on the resolve under discussion. I am sure it would have been a privilege, and perhaps we could have voted with greater confidence than we are now called upon to vote. But in the hurry and hustle and work of the legislative session that privilege is inadequate.

I am going to take up this matter in one particular respect and angle only, and that is this: The majority report under consideration of necessity finds that there has been some negligence on the part of the constituted authorities of the State of Maine in charge of this institution. And based upon that they have said or recommended to us that recompense be made of a certain amount. Now, gentlemen, if you please, the minority report if it means anything to me it means this, that they, the signers of the minority report, are satisfied that there is some merit in the claim, or I know they would have recommended to us that the matter be rejected in toto. If that is true there is not so much difference after all, it only remains for you and I to decide, Mr. President and senators, whether we believe that the ends of justice have been met and will be fulfilled by the hearing already had. Gentlemen, what is the difference between this court and a court of common law? Does anyone in this Senate for a moment believe that we not only have the authority and the right, but that we have not the judgment to discuss and decide finally matters between the State and its citizens? Why, gentlemen, I only need remind you that this Legislature has authority to remove from office even the highest in the State. And should we hesitate when a matter has been fairly and fully brought to our attention to assume the responsibility of deciding here and now betwixt claimants? I for one am ready to assume the responsibility. You have already been reminded that there was a hearing advertised and attended. Do any of you believe that the trustees of this institution were not aware of this proposed hearing? Is it possible that when the management of the institution under their care is attacked that they did

not know it? And I say to you, gentlemen of the Senate, that if they did know it and did not take every possible precaution and care to see that they were represented and their side of the case fairly and fully presented, they were negligent again. But you have already heard that not only once was the matter heard, but a second opportunity was given, and every person in the State of Maine who reads the papers had a right to appear before that tribunal.

Is there any excuse for not deciding this matter on that ground? The trustees could have brought before the committee an attorney or the attorney-general, if they chose to do so, if they thought he would help their side. Now then, is there any excuse for making further costs to anybody and taking up the time of the court, at the expense of you and I, to litigate the matter farther? We have heard in this session and in this body discussion about the matter of jurors' pay, and some of my colleagues have said that we want to pay our jurymen adequately so that we may get the best service. I want to ask you gentlemen of this Senate if you believe, if this matter is sent to court, that you can possibly get together a more intelligent, fair body of men than the ten men who have already heard this matter? What then is to be gained by sending it to court? You are going to bind these parties down to the rules of evidence governing the conduct of civil matters. In this court here you are not bound on every side by the strict rules of evidence, but you are allowed to take into consideration the equities and the justice of the matter, and I say to you that you can get as full, as fair and complete a hearing as you could in any tribunal.

Now, fellow Senators, I am not going to be influenced in my position in this matter by the fact that there are other cases liable to follow this one. The Legislatures of Maine since 1820 have been dealing with matters as they came to them from time to time, and I am perfectly satisfied to leave to succeeding Legislatures the deci-

sions of such matters as may confront them.

To my mind neither does it matter that insurance has been paid these gentlemen and that they may be doubly compensated. Neither do I believe, gentlemen, that you are infringing upon the policy of the State adopted in its parole law. I believe in it, and I want to see it exercised and put into force in every proper case. Now, gentlemen, the situation is this; you have heard ably discussed here this morning the evidence that was brought before the judiciary committee; you have heard in detail the testimony of the various people who were familiar with the details, and you have heard from the distinguished Senator who has spoken in opposition, that at least one of those witnesses was put through a gruelling cross examination. Does he believe, or do you believe that that witness could contribute to the enlightenment of a jury one single iota of evidence that was not obtained before this committee? Gentlemen, it finally resolves itself into this question: how far are you as the highest tribunal in the State of Maine going to live up to the ethics and responsibilities which confront the citizens, individually, in the State of Maine?

If there was a man insane in your household, Mr. Senator, what would you do? You would secure him for the protection of your family, yourself and your neighbor, and you would use the highest precaution within your power to see that he did no damage to outside parties. Mr. Senator, are not the people who are obliged to live in the territory contiguous to our asylums, are they not fairly and reasonably entitled to the highest protection that they can have from those who are committed there?

Under our commitment law physicians, two of them, have to certify to the fact of insanity. The doctors then and there are charged with their opinions. In this particular case what is the situation? Here is a man who has been twice committed to the insane asylum. Is not that a significant fact, and don't you believe that you as senators ought to

hold your agent, your agents of the State of Maine in charge of such a man, to a high degree of responsibility when they are charged with that knowledge? And don't you believe, Senators, that when this lunatic, released and in ten or twelve days, if I remember correctly, after his release perpetrates the dreadful, the outrageous crime you heard described this morning, could you as fair, intelligent, honest men, believe that there was brought into this case and to the safety and care of this man that high degree of intelligence that ought to reside in the head of that institution?

Gentleman of the Senate, unless you say through the State of Maine to this management of our asylum that we expect and want you to use the highest degree of care for the protection of the public, you are allowing them to turn loose men of a dangerous class. I believe, gentlemen of the Senate, that upon the evidence that has been presented before the committee, the opportunity that they have had to present any defense possible, the fairness of the committee in its hearing, their desire to do even justice between the State and the claimants, I believe that it is possible, that it is probable and right, that they have reached a decision as nearly right as you could expect to be obtained in any court. Courts, standing for justice only approximate, exact justice, and I believe that this committee, which has so patiently heard this matter and delved into the facts, and now recommends to us a certain course is quite as competent, quite as careful, and has reached a decision quite in accord with the evidence of the facts, as though the matter were judged elsewhere.

Mr. MORRILL of Cumberland: Mr. President, I don't quite catch every word and when I vote I would like to vote intelligently. I rise for an inquiry, as to whether there was any doubt in the minds of this committee as to whether this man really burned those buildings?

The PRESIDENT: The Senate hears the inquiry of the Senator from Cumberland.

Mr. GILLIN: None whatever. I think it is admitted.

Mr. FARRINGTON: Mr. President, I understand the only evidence before the committee which had any bearing on it at all was the statement that the insane person had stated he did it. There was no further evidence.

Mr. MORRILL: Then your committee was satisfied that this man did do this trick?

Mr. FARRINGTON: I wish to be absolutely fair in my reply to you. My entire argument is based upon the assumption that he did do it.

Mr. MORRILL: And the value called for is \$10,000?

Mr. GILLIN: Yes.

Mr. MORRILL: Did any member of the committee think that was too much? Was that taken into consideration?

Mr. GILLIN: It was.

Mr. MORRILL: Is there any dispute about that.

Mr. GILLIN: None whatever.

Mr. MORRILL: Then did someone conclude that there was a blunder made? And if there was a blunder made who was responsible for it, and must the young men sustain the loss?

The question being on the adoption of the majority report that the bill ought to pass, a viva voce vote was taken and the majority report was adopted.

Mr. ALLEN of York: Mr. President, I hold in my hand a communication from the town of Sanford, and I wish to ask the consent of the Senate to have my distinguished colleague, Senator Spencer, read it.

I yield to Senator Spencer.

Mr. SPENCER of York: Mr. President, it gives me pleasure to comply with the request of my esteemed colleague, Senator Allen.

Whereas, our late Governor Frederick H. Parkhurst, has crossed the river that marks the unknown short,

Resolve: That it is fitting at this time that we should spread upon our records a tribute to his memory as a

token of respect for one whom we honored and loved.

He was able, dignified, and impartial in his rulings; warm hearted and genial in his friendship, and charitable to all. His great mind was above doing unjust acts.

For a short time he was our Governor, loyal and true, and his ready sympathy and gentle influence was felt by all who came in contact with him.

Resolved: That it is but a just tribute to the memory of the departed to say that we mourn for him who was in every way worthy of our respect and regard.

Resolved: That a copy of these resolutions be spread upon the records of the town of Sanford, that a copy be sent to the family, a copy given to Senator Harmon G. Allen to be read to the Maine Senate, and a copy given to Representative Hiram Willard to be read to the Maine House of Representatives.

Sanford, Maine, March 14, 1921.

ISAAC A. SMITH,
LUCIUS B. SWETT,
BELLE A. LEAVITT,
Committee on Resolutions.

Mr. ALLEN: Mr. President, I now move that this communication be spread upon the records.

Mr. GILLIN of Penobscot: Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT: The following emergency measure has been received from the House where it was read three times and passed to be engrossed under suspension of the rules: An Act to legalize and make valid the annual municipal election held in the city of Bangor on Monday, March 14, 1921.

Mr. GILLIN of Penobscot: Mr. President and honorable members of the Senate, I move that the rules be suspended that we receive this bill, give it its two several readings and pass it to be engrossed.

(The Secretary read the bill.)

The motion of Senator Gillin was adopted and the bill was read twice

under suspension of the rules and passed to be engrossed.

On motion by Mr. Parent of Androscoggin, H. D. No. 1, An Act additional and amendatory of Chapter 7 of the Revised Statutes, relating to elections, was taken from the table.

The same Senator then moved reconsideration of the action whereby this bill was passed to be engrossed.

The motion was agreed to, and the same Senator then offered Senate Amendment A and moved its adoption.

Senate Amendment A to House Document No. 1.

House Document No. 1 is hereby amended by inserting after the word "vote" in the seventh line of Section 133 the words "or by reason of physical incapacity."

Section 134 of this same document is amended by inserting in Section 134 after the word "because" and before the word "I" the words "of physical incapacity."

A viva voce vote was had and the Chair being in doubt a rising vote was had and the Chair declared the motion lost.

On motion by Mr. Folsom of Somerset, the bill was then passed to be engrossed.

On motion by Mr. Folsom of Somerset, S. D. 79, Resolve in favor of Manzie I. Rogers for building highways in the town of Searsport, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Folsom of Somerset, S. D. 114, Resolve to reimburse the town of Rumford, was taken from the table.

On further motion by the same senator the resolve was given its second reading and was passed to be engrossed.

On motion by Mr. Folsom of Som-

erset, H. D. 166, Resolve in favor of J. Wilbur Day, town of Wesley, county of Washington, for reimbursement for cattle killed by bears while said cattle was pastured on Townships No. 31 and 37 in said Washington county, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Folsom of Somerset, H. D. 259, Resolve to reimburse the town of Southport for the expenses of the sickness and burial of Lydia A. Rowe, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Folsom of Somerset, H. D. 260, Resolve in favor of Andrew H. Morang of Portland, Maine, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Sagadahoc, H. D. 164, Resolve appropriating money for the continuance of white pine blister rust control, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Sagadahoc, H. D. 169, Resolve in favor of Wilson J. Holway, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Sagadahoc, H. D. 204, Resolve in favor of the town of Hartland, was taken from the table.

On further motion by the same sen-

ator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Baxter of Sagadahoc, H. D. 187, An Act to amend and enlarge the corporate powers of the Fort Kent Electric Co., was taken from the table.

The same senator then offered Senate Amendment B to H. D. 187 and moved its adoption.

Senate Amendment B to House Document No. 187

Section 3 of House Document No. 187 is hereby amended by striking out said section and substituting therefor the following:

"Section 3. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of the Revised Statutes, and it shall be unlawful for said corporation to transmit to the Parish of Clair in the Province of New Brunswick electric current generated within the State of Maine, which privilege was granted to said corporation by Section 5 of the Private and Special Laws of 1917, the said privilege being repealed.

"And all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of Chapter 55 of the Revised Statutes."

Mr. GOULD of Aroostook: Mr. President, can I have that clause read again which reads that it should be cancelled or should be continued, the right to conduct electricity to St. Clair.

(The secretary read the amendment again.)

Mr. GOULD: Mr. President, I just want to explain that this Company does not generate electricity in the State of Maine. It is generated at another point in Canada and comes around through the State of Maine, and I understood that it was prohibited from going back into Canada.

The amendment was adopted by a viva voce vote, and on further mo-

tion by Senator Baxter, the bill as amended was passed to be engrossed.

On motion by Mr. Gould of Aroostook, S. D. 102, An Act authorizing the Orono Pulp and Paper Co. to erect and maintain booms on the Passadumkeag river, was taken from the table.

The same senator then offered Senate Amendment A to Senate Document No. 102.

Amend Senate Document No. 102, by adding thereto Section 4.

"Sec. 4. The State of Maine reserves the right to acquire by proper Legislation and by such agencies as it may provide for the purpose, the whole or any part of the franchises and rights hereby granted, and the whole or any part of the structures erected by authority of this Act, upon the payment of just compensation, but such compensation shall not include the value of the franchise granted by this Act."

The amendment was adopted by a viva voce vote.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Adams of Kennebec, H. D. 142, Resolve in favor of Northern Oxford Fish and Game Association, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Adams of Kennebec, H. D. 168, Resolve reimbursing the town of Oakland, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Thompson of Knox, H. D. 167, Resolve in favor of the town of Boothbay Harbor, was taken from the table.

On further motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Thompson of Knox, H. D. 6, Resolve in favor of Frank S. Wingate, was taken from the table.

On further motion by the same senator the report of the committee, ought to pass, was accepted, the bill was given its first reading and its second reading assigned for tomorrow.

On motion by Mr. Thombs of Pen-

obscoot, it was (under suspension of the rules)

Ordered, that the use of the Senate Chamber be reserved for the use of the Legal Affairs Committee the afternoon and evening of March 24, 1921.

On motion by Mr. Gould of Aroostook,

Adjourned until tomorrow morning at ten o'clock.