

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**Sixty-Ninth Legislature**  
OF THE  
**STATE OF MAINE.**  
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**1899.**

[This volume has no title page. The above information is supplied by the State Law and Legislative Reference Library, based on later volumes.]

The header on the pages in this file is  
erroneously given as  
“MONDAY, MARCH 6.”  
It should read:  
“TUESDAY, MARCH 7.”

An act relating to sealers of weights and measures.

An act to establish the salary of the judge of probate for the county of Hancock.

An act to incorporate the Andover Village Corporation.

An act to incorporate the Van Buren Water Company.

An act relating to Chapter 472 of the Private and Special Laws of 1897, entitled "An act to incorporate the Livermore Falls Light and Power Company."

An act to legalize the calling and holding of the town meeting of the town of Jefferson in the year of our Lord 1897.

An act to incorporate the Dixfield Fire Engine Company.

An act to amend Section 44 of Chapter 2 of the Revised Statutes relating to the distribution of printed copies of the Public Laws.

An act to set off the town of Trescott and annex the same to the town of Edmunds.

An act to amend Section 19 of Chapter 242 of the Private and Special Laws of 1895, relating to the charter of the city of South Portland.

An act to extend the charter of the Orono Water Company.

#### FINALLY PASSED.

Resolve in favor of blasting a ledge in the town of Frenchville in the county of Aroostook.

Resolve in favor of Lee Normal Academy.

Resolve in favor of Wilton Academy.

Resolve in favor of the city of Biddeford.

On motion by Mr. Pike of York,

Adjourned.

## HOUSE.

Tuesday, March 7, 1899.

Prayer by Rev. Father Doherty of Augusta.

The following Senate bills were read and assigned:

Bill an act to extend the charter of the Bluehill Water Company.

Bill an act to incorporate the Lily Water Company.

Bill an act authorizing the trustees of the ministerial fund in the Congregational Society in Buxton to apply the interest of said fund toward the payment of the minister's salary.

Bill an act to extend and amend the charter of the Castine Railway Navigation Company.

Senate amendment "A" to this bill was adopted.

The foregoing bills were read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Bill an act to fix the salaries of the judge and register of probate for the county of Waldo.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Hill of Belfast.

Bill an act for the better protection of clams.

Senate amendment "A," to this bill was adopted. The bill was then read the third time and passed to be engrossed as amended under suspension of the rules on motion by Mr. Philbrook of Waterville.

Bill an act for the better protection of ship masters and seamen.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Chase of Portland.

Bill an act to repeal chapter 280, of the Private and Special Laws of 1883, relating to the use of rafts or floats in fishing for smelts in Bagaduce river.

The following petitions, bills, etc., were presented and referred:

#### JUDICIARY.

By Mr. Hill of Belfast—Petition of John Fletcher and 26 others of Belfast, in favor of the passage of the veterinary registration bill.

Petition of C. W. Pierce and 27 others of Brooks in favor of same.

By Mr. Sutherland of Biddeford—Remonstrance of F. H. Cousins and others, against the passage of the law relative

to gift enterprises in the sale of personal property.

By Mr. Parkhurst of Bangor—Remonstrance of George H. McCasker and 25 others of Bangor, against same.

By Mr. Virgin of Portland—Remonstrance of Thurston Buck and 22 others of Portland, against same.

Remonstrance of S. E. Randall and 52 others of Portland, against same.

By Mr. Parkhurst of Bangor—Remonstrance of Mrs. H. Gallagher and 40 others, against same.

#### LEGAL AFFAIRS.

By Mr. Fogg of Freeport—Petition of H. C. Brewer and 81 others for a village corporation in the town of Freeport.

By Mr. Chase of Portland—Bill an act in relation to the inspection of milk.

#### PLACED ON FILE.

By Mr. Belleau of Lewiston—Remonstrance of Howard Brothers and 20 others of Lewiston, against any amendment to the present law in regard to trustee process.

#### ORDERS.

On motion of Mr. Morey of Lewiston, Ordered, That the committee on legal affairs inquire into the expediency of amending chapter 94, paragraph 2, of the Revised Statutes, relating to landlords and tenants and report by bill or otherwise.

Mr. Hix of Rockland, presented the following resolution which was unanimously adopted:

Whereas, Representative Charles C. Wood is detained at home on account of the death of his brother:

Resolved, That the sympathy of this House be extended to him in his bereavement.

#### REPORTS OF COMMITTEES.

Mr. Macfarlane from the committee on inland fisheries and game, on petition of George A. Lord and others that law limiting to 25 pounds per annum the amount of trout and land-locked salmon to be taken by any person in Nicatous lake, stream and tributaries, reported that same be referred to the commissioners of inland fisheries and game, as the subject matter of the petitioners properly comes under their jurisdiction by general law.

Mr. Smith from the committee on the judiciary, reported ought not to pass

on bill an act additional to chapter 28, of the Revised Statutes, relating to the business of an apothecary.

Mr. Mcfarlane from the committee on inland fisheries and game, on petition of Silas B. Adams and others, that the proposed amendment to the game law making the sale of ruffed grouse and woodcock illegal at all time, reported that the same has been incorporated in the general law now before the Legislature.

Same gentleman from same committee, reported same on bill an act to amend section 21, chapter 30, of the Revised Statutes, relating to inland fisheries and game as amended by chapter 125, of the Laws of 1895.

Same gentleman from same committee, reported same on bill an act for the better protection of deer in the county of Androscoggin.

Same gentleman from same committee, reported same on bill an act to amend section 1, of chapter 157, of the Private and Special Laws of 1895, relating to the protection of fish in Lake George in Somerset county.

Mr. Fuller from the committee on claims, reported leave to withdraw on petition of Susan J. Tukey for payment of certain sums of money on account of services and disbursements of the late George W. Tukey for and in behalf of the State of Maine.

Mr. Peaslee from the Lincoln County Delegation, on bill an act to amend section 4, of chapter 115, of the Revised Statutes, relating to the register of probate in Lincoln county, reported, that same be referred to the joint special committee on salaries.

Mr. Hopkins from the committee on legal affairs, reported ought to pass on bill an act to extend the charter of the Maine Live Stock Insurance Company.

Mr. Chase from same committee, on bill an act to authorize Franklin and Somerset Land and Lumber Company to hold stock and bonds in other corporations, reported ought to pass in new draft bill an act to authorize the Franklin and Somerset Land and Lumber Company to hold the stock and bonds of South Branch Improvement Company.

Mr. Chamberlain from the committee on agriculture, on petition, reported re-

solve in favor of North Berwick Agricultural Association.

Mr. Macfarlane from the committee on inland fisheries and game, reported ought to pass on bill an act to prevent the killing of tern.

Mr. Fuller from the committee on claims, reported ought to pass in new draft, same title, resolve in favor of the town of Rockport.

Mr. Sutherland from the committee on Maine State prison, on order, reported resolve in favor of the Maine State prison.

The reports were accepted and bills and resolves ordered printed under joint rules.

#### READ AND ASSIGNED.

Bill an act to amend Sections 3 and 6 of Chapter 268 of the Public Laws of 1893, as amended by Chapter 84 of the Public Laws of 1895, and Chapter 249 of the Public Laws of 1897, relating to the organization and control of street railroads.

Was tabled pending first reading on motion of Mr. Macomber of Augusta.

Resolve in favor of building for the Maine Industrial School for Girls.

Was tabled pending first reading on motion of Mr. Chase of Portland, and Friday, March 10, assigned for its consideration.

Resolve in favor of the Maine Industrial School for Girls.

Was tabled pending first reading on motion of Mr. Chase of Portland and Friday next, March 10, assigned for its consideration.

Resolve in favor of Wiscasset Academy.

Resolve providing for an epidemic or emergency fund.

Bill an act to prevent the taking of smelts by drag seine in the waters of Buck's harbor, Orcutt's harbor and Lawrence bay in the town of Brooksville.

Read the third time and passed to be engrossed under supervision of the rules on motion by Mr. Philbrook of Waterville.

Bill an act to amend an act entitled "An act to annex Franklin Plantation in the county of Oxford to the towns of Rumford and Peru, approved by the Governor, February 21, A. D. 1899."

Read the third time and passed to be engrossed under supervision of the

rules on motion by Mr. Chase of Portland.

Bill an act to incorporate the Houlton Trust Company.

On motion of Mr. Philbrook of Waterville rules were suspended, the bill read the third time and passed to be engrossed.

Bill an act to incorporate the Winthrop Telegraph and Telephone Company.

Was read twice and tomorrow assigned for third reading. Subsequently on motion of Mr. Philbrook of Waterville, the vote whereby the House assigned tomorrow for the third reading of the bill was re-considered and on motion of same gentleman rules were suspended, bill read the third time, and passed to be engrossed.

On motion of Mr. Macomber of Augusta, the vote whereby the House passed the bill to be engrossed, was re-considered and on motion of same gentleman the bill was tabled.

Bill an act to incorporate the Monmouth Center Village Corporation.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Were severally read twice. On motion of Mr. Manley of Augusta, rules were suspended, bills severally read the third time, passed to be engrossed and were sent to the Senate.

Bill an act relating to the Wiscasset and Moosehead Lake Telegraph and Telephone Company.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Bill an act to extend the charter of the Leviston, Augusta and Camden Railroad Company.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Bill an act to amend Section 1 of Chapter 119 of the Private and Special Laws of 1881, entitled "An act to prohibit the taking of spawn herring within certain limits in Milbridge or Narraguagus bay."

On motion of Mr. Wilson of Cherryfield, rules were suspended, bill read the third time, passed to be engrossed and sent to the Senate.

Bill an act to incorporate the Lubec Water and Electric Light Company.

Read the third time and passed to be engrossed under the suspension of rules on motion by Mr. Philbrook of Waterville.

Bill an act creating the Dixfield Village Corporation.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Bill an act to provide for insurance on the Gorham Normal school buildings, Farmington Normal school building, Castine Normal school building and Madawaska Training school buildings.

On motion of Mr. Philbrook of Waterville, rules were suspended, the bill read the third time and passed to be engrossed.

Bill an act to establish a municipal court in the town of East Livermore.

On motion of Mr. Morey of Lewiston, rules were suspended, bill read the third time and passed to be engrossed.

Bill an act to amend and additional to Chapter 285, Public Laws of 1897, relating to sea and shore fisheries.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Manley of Augusta.

Resolve in favor of the city of Augusta.

Bill an act to amend Chapter 180 of the Private and Special Laws of the year 1879, establishing the police court of the city of Belfast as amended by Chapter 428 of the Private and Special Laws of 1885.

On motion of Mr. Hill of Belfast, rules were suspended, bill read the third time and passed to be engrossed.

Bill an act to extend the rights, powers and privileges of the Mopang Dam and Improvement Company.

Bill an act relating to Chapter 366 of the Private and Special Laws of 1897, entitled "An act to incorporate the Livermore Falls Water Company.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Bill an act to set off part of Township No. 7 in the county of Hancock and annex the same to the town of Sullivan.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Bridgham of Sullivan.

Bill an act to amend Section 3 of Chapter 216, Public Laws of 1893, as amended by Chapter 295, Public Laws of 1897, relating to discontinuing schools and conveying school children.

Bill an act to amend Chapter 282 of the laws of 1889, relating to railroad crossings.

Bill an act to amend Section 196 of Chapter 6 of the Revised Statutes as amended by Section 5 of Chapter 70 of the Public Laws of 1895, relating to the sale of real estate for non-payment of taxes.

Bill an act to amend Section 2 of Chapter 80 of the Revised Statutes relating to sheriffs and their deputies.

Bill an act giving mortgagees a lien for costs of foreclosure under Section 5 of Chapter 90 of Revised Statutes.

Bill an act to amend Section 14 of Chapter 63 of the Revised Statutes relating to registers of probate.

Bill an act amendatory of and additional to Chapter 143 of the Revised Statutes relating to the Insane hospital.

Were severally read twice and tomorrow assigned for third reading.

Bill an act to prevent incompetent persons from conducting the business of an apothecary.

Was tabled pending first reading on motion of Mr. McFadden of Dresden, and Friday, March 10, assigned for its consideration.

Bill an act to incorporate the Lisbon and Topsham Water Company.

Was tabled pending first reading on motion of Mr. Jordan of Lisbon, and Friday, March 10, assigned for its consideration.

Bill an act to amend Sections 3 and 6 of Chapter 51 of the Revised Statutes relating to the organization of railroad companies under general law.

Was tabled pending first reading on motion of Mr. Macomber of Augusta.

Bill an act relating to the charter of the Wiscasset & Quebec Railroad.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Were severally read twice. On motion of Mr. Philbrook of Waterville,

rules were suspended, bills severally read the third time, passed to be engrossed and sent to the Senate.

Bill an act to incorporate the Boothbay Harbor Banking Company.

On motion of Mr. Peaslee of Wiscasset, rules were suspended, bill read the third time and passed to be engrossed.

Bill an act to authorize the town of Skowhegan to perfect its title to the school property in said town.

On motion of Mr. Merrill of Skowhegan, rules were suspended, bill read the third time and passed to be engrossed.

Bill an act to amend Section 18 of Chapter 63 of the Revised Statutes relating to the appointment of registers of probate.

On motion of Mr. Chase of Portland, rules were suspended, bill read the third time and passed to be engrossed.

Resolve apportioning the appropriation for the deaf, dumb and blind for the year 1899.

On motion of Mr. Manley of Augusta, rules were suspended, resolve read the second time and passed to be engrossed.

#### **PASSED TO BE ENGROSSED.**

Bill an act relating to steam riding galleries.

Bill an act to amend Chapter 295 of the Public Laws of 1897, relating to discontinuing schools and conveying school children.

Bill an act to increase the salary of the register of probate of the county of Knox.

#### **PASSED TO BE ENACTED.**

An act to consolidate, simplify, revise and amend the laws pertaining to inland fisheries and game as contained in Chapters 30 and 40 of the Revised Statutes and in amendments and additions thereto, and to repeal old and obsolete private and special laws pertaining to fishing in the public waters of the State.

An act to amend Chapter 11 of the Public Laws of 1897, authorizing cities and towns to accept legacies, devises and bequests and to raise money.

An act relating to the jurisdiction of the superior court for the county of Kennebec.

An act to regulate the taking of herring in the town of Cutler.

An act to amend Chapter 72, Special Laws of 1897, in relation to the taking of fish in Nequasset lake.

An act to establish a Naval Reserve as a part of the National Guard of the State of Maine.

An act to amend Section 3 of Chapter 216 of the Public Laws of 1893, as amended by Section 1, Chapter 295 of the Public Laws of 1897, relating to discontinuing schools and conveying school children.

An act to amend section 65 of chapter 70 of the Revised Statutes, as amended by chapter 101 of the Public Laws of 1891, relating to fees in insolvency proceedings.

An act to extend the charter and rights of the Sanford Mills.

An act to amend section 1 of chapter 525 of the Private and Special Laws of the year 1885, relating to the Presque Isle village fire department.

An act to amend chapter 450 of the Private and Special Laws of 1893, incorporating the city of Eastport.

An act to amend section 1 of chapter 201 of the Private and Special Laws of 1854, relating to Bridgton Center Village Corporation.

An act to amend chapter 135 of the Public Laws of 1895 and acts additional thereto, relating to the Bath municipal court.

An act to repeal a resolve in favor of F. E. Southard.

An act to fix the salary of the sheriff of the county of Waldo.

#### **FINALLY PASSED.**

Resolve in favor of the committee on State Reform school.

Resolve in favor of building a bridge across the Fish river in the town of Fort Kent, Aroostook county.

Resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge.

Resolve in favor of Freedom Academy.

Resolve providing for an office for the department of inland fisheries and game in the State House.

Resolve respecting the cemetery lot of the late Governor William King.

#### **ORDERS OF THE DAY.**

Mr. GARDNER of Patten: I move to take from the table House document No. 260, an act to amend section 42 of chapter 6 of the Revised Statutes as amended by chapter 166 of the Public Laws of 1893, relating to taxation of railroads.

The motion was agreed to.



Mr. GARDNER: I now move that this bill be referred to the committee on taxation.

Mr. SMITH of Presque Isle: Before that motion is put I wish to move an amendment to the motion, if an amendment would be in order. I wish to amend the motion so it shall be a motion to indefinitely postpone. I do not intend to inflict many remarks on you at this time, first, because I am not competent to make any extended remarks, and, secondly, because I am not in a physical condition, this morning, to speak at any great length. But I wish to call your attention to the fact that all courts are supposed to be conducted along lines of fairness, equity and justice. I would further call your attention to the fact that this Legislature is the general court of the State of Maine. It is a court clothed with extraordinary powers. It is the law making court, the law making power of the State, limited only by the organic law of the State; and it is but just and fair that every measure and every party that comes here should have a fair and just consideration.

Now, then, right in the closing days of this session, at the very time when we are about putting on our overcoats and overshoes and getting ready to go home, we find ourselves confronted with one of the most important measures that has been brought into this House at this session. I want to say at this time that I am not what is termed a corporation man, as I think my corporation friends through this State very well know. I am not what is termed a railroad man; for, if I recollect right, I have never done a clip of business for any railroad corporation in this State for the last 12 years, except that I did once write a fervent, glowing and extremely truthful account of the fish and game in a certain section of Aroostook county for publication in one of the railroad publications of this State—and I flatter myself that I did that job almost as well as could have been done by our brilliant and versatile friend of the Lewiston Journal, Holman F. Day. And for that little matter I will say I was paid.

Now this bill which we have before us, and which the gentleman seeks to have referred to the committee on taxation and asks to have considered at this session, pertains to the matter of taxation of railroads. I have long been of the

opinion, from such information as I possessed, that the railroads of this State are not paying taxes enough. Just what that rate should be, or just what the increase should be, I am not prepared to say; and I do not believe—if there is necessity for an increase in the rate of taxation on railroads—I do not believe that there is a man in this House, I do not believe that there is a man in this building, I don't care who he is, that can state, today, with any definiteness as to just what the increased rate should be, just what rate can be fixed that will be just and equitable both to the railroads and to the people of the State of Maine.

Now, then, the railroads are taxed according to their gross transportation receipts. The question has been raised and argued that railroad property should be taxed the same as other property is taxed, according to its value, instead of being taxed according to its gross transportation receipts. There is some force in that argument. That is one of the matters that, at the proper time, has got to be considered. There are two sides to the question; but I ask you if there is a man in this House, or in this building, at this time, prepared to state whether the present system of taxing according to the gross transportation receipts should be continued, or whether we should go back to another system and tax railroads according to the value of their property, the same as other property is taxed. This bill, so far as that question is concerned, does not go deep enough; it does not go far enough; it does not include that question.

Furthermore, this bill relates solely and entirely to railroads. It is the opinion of many conservative men in this State, it is the opinion, I venture to say, of the great majority of the members of this House, that the whole tax system of the State of Maine needs a thorough revision, not only in relation to railroads, but in relation to all other matters. I believe myself that there should be a general looking into the laws of taxation generally—into the laws relating to the taxation of telegraph companies, of express companies, of street railways, of insurance companies; and also an inquiry as to whether the vast multitude of corporations that have been allowed to come into the State and organize under general laws, should not pay an annual tax. I believe there should be a looking into the

laws which govern and regulate the taxation of wild lands. And I must confess that, to me, sometimes, the manner in which the valuation of timber lands is reached, seems to be almost as wonderful as the Immaculate Conception, and almost as mysterious as the doctrine of the Holy Trinity. (Laughter).

There is, as I have reason to believe, a distinguished citizen of this State, who, I am informed, owns 195,000 acres of timber lands, and at a conservative valuation it is worth \$350,000; and I have heard him state, and I have no doubt but what hundreds of others have heard him state over and over again, that he receives a stumpage income of \$30,000 a year. I am further informed that the entire tax that he pays on this \$350,000 worth of property, more than one-third of a million of dollars, is less than \$2000. Now I don't know whether those figures are correct or not; but I ask you if, in this general shake-up which must come in the matter of the revision of the tax system of the State, if the matter of the taxation of wild lands should not be looked into in common with all other matters.

Furthermore, I submit that it is unfair to pick out railroads at this time and attempt to legislate in regard to their taxation, without considering the other matters. How are taxes assessed generally upon your property? Is not the value of your property determined in accordance with the value of property which surrounds you, in accordance with the property of your neighbors? Now, then, if the tax on railroads is to be revised, shouldn't it be revised so it would be in proportion to taxes that are paid by other corporations, by the insurance companies, by the telegraph companies, by the express companies and by the saving banks? It does not seem to me that you can fix a tax at this time that will be just and will be equitable so far as the other corporations and the other matters in this State are concerned on which you levy a tax. It seems to me that they must all be considered at one time, considered in some one session.

I haven't any doubt but what the next Legislature is going into the subject of the revision of taxation. I have no doubt that the next Legislature will give it a thorough examination, a thorough revision; and I will say now that I have no objection, if the House sees fit, to a tax commission being appointed at this ses-

sion. Let arrangements be made to have a tax commission to look into the whole subject and to report to the next Legislature as to what should or should not be done so far as the matter of the revision of the taxes is concerned. I ask you, as sound, sober, conservative men, if, at this late day, we are prepared to go into the general subject of taxation in this State, if we have time to do it? Think of the amount of time that must be involved in the consideration of this one matter alone. It is a matter of vast importance. A rate must be established that will be just and equitable as between the railroads and the people of this State.

I am not one of those who consider the mere mention of a railroad as the waving of a red flag is considered by a bull; I am one of those who believe that the prosperity of the State of Maine, in a great measure, in a large degree, depends upon the railroad system which we have. Maine is an interior state, and it is dependent upon its railroads; we are dependent upon them for our prosperity, for our business. What would become of Aroostook county, for instance, if it were not for the two lines of railroad which extend into it? It was not until the railroads came into our county that we ever enjoyed any such a degree of prosperity as we have in the last few years.

As I said before, I have no desire to make any extended remarks. I simply wanted to call your attention to the matter as it appears to me. And I will say, if gentlemen want to stay here to consider this subject of taxation, I am willing to stay with the rest of you; I will stay with you until the last jackpot has been opened, and until the last raise has been made; but I submit that at this time, as it seems to me, it is a matter which properly should go over until another session. I will renew my motion, that the motion of the gentleman from Patten be so amended that it shall be a motion to indefinitely postpone.

Mr. PIERCE of Blaine: I cannot treat you to a speech, I cannot draw such brilliant metaphors before your eyes as the worthy gentleman from Presque Isle (Mr. Smith), but I do believe that this question should be duly considered before any vote is taken upon it. The question of the taxation of railroads has become a vital one within the last few days. The State is being stirred from end to end. The rail-

road corporations have been stirred from top to bottom. Now as we are nearing the closing days of the session it may seem to some a little inexpedient to push this matter to an issue. But before we turn this question over to another Legislature it should be thoroughly considered.

The gentleman from Presque Isle has stated that he believes that the railroads are not taxed enough. A great many people believe it. He believes that the system now in vogue is not the proper one. A great many believe it. He believes that any addition to the taxes would work a detriment to the country. A great many do not believe it. He says that if one corporation is taxed, all others of like interest should be taxed—a fallacious idea. Supposing a dozen men, debtors, are owing one John Smith. If he cannot catch them all at once, shall he let them all go until some future time? If the railroads are now within our reach and we can fix upon them the taxes which the State needs, shall we wait until we catch the telegraph and express companies and all the other corporations mentioned? I say no. If this entire tax system needs revision it will come in its own good time. If it needs a revision now, this Legislature cannot better spend two months or three months than to meet the demands of this State.

We have spent a good many weeks in appropriating moneys, fixing laws and protecting corporations. Haven't we time to appropriate to our own uses from these delinquent debtors, bodies corporate, what is our own due? I hope, Mr. Speaker and gentlemen, that this matter, although a broad and tremendous matter, has enough support from the members of this House to be considered at the present time. I have as much confidence in the taxation committee of this Legislature as I shall in the next. The momentous question must come before the next Legislature if we defer action on this now. We have honorable men to deal with this question at the present time and I think we cannot refer it to a better committee than the present taxation committee.

The gentleman from Presque Isle has stated that he does not think that a man in this House can state what

would be a just and an equitable rate of taxation. A great many of us cannot. A great many things have come to light before our eyes within the last few weeks and I say it is only fair to the members of this House and to the people of the State that this matter have a fair and impartial hearing, that it may be discussed by men capable of expressing views on both sides, in order that we may see and know whether this matter shall be put off two years, or be taken up and considered at this session; and I hope that the motion of the gentleman from Patten will prevail.

Mr. McFADDEN of Dresden: I hope the House will not forget the question before it. If I understand it, it is merely a question of reference. We are not considering the merits of the bill. Why shouldn't this matter, as it is a matter of taxation, be referred to the committee on taxation? I don't see any reason for smothering this bill without any consideration at all. I want to go home as badly as the most of you, to say the least. But I am willing to stay here as long as duty may require; and if our duties require us to stay here until the first of April, why I say stay. There is no reason whatever why this matter should not have a proper consideration by this House and by its committees.

Mr. CHASE of Portland: It seems to me that this matter is one of great importance at the present time and should be carefully considered before we act upon the motion which is before the House. Now I may say that I myself, as the gentleman from Presque Isle has said of himself, am no railroad lawyer, I never have been and probably never shall be, and am under no obligations whatever to the railroads of this State, so that whatever I may say in this connection I shall say from a sense of duty as a legislator. I do not intend to weary you with any extended remarks, for it is unnecessary. It seems to me that the ground has been thoroughly covered by the remarks of the gentleman from Presque Isle. If this Legislature, or any Legislature, is going to take up the subject of taxation, and I agree with the gentleman that it is a subject which needs revision, then it should be done in a general way. The committee on taxation, or

a commission on taxation, if you please, should be instructed to inquire into and recommend such a revision of our entire tax system as will equalize and equitably distribute the taxes of this State, and certainly it seems to me that in these closing days of this Legislature it is not a time to undertake such a work.

There can be no fair hearing on such a bill if you shall say that we should take up one particular class of corporations and increase the tax or decrease the taxes upon their franchises. I say there can be no fair hearing on so momentous a question without an advertised hearing, certainly a week hence. If the gentlemen of this House desire to stay here to fairly, fully and impartially investigate such a question for several weeks longer, it is for you to say, but it seems to me, gentlemen, that such a question as this cannot fairly be considered at the present session of this Legislature and under all these circumstances.

The gentleman from Blaine (Mr. Pierce) says that this question of taxation of railroads has become a vital question within the last few days. Now, gentlemen of the House, I would like to ask what has occurred within the last few days that has made this such a vital question? What has occurred within the last few days that makes the question any more vital than it was at the beginning of this session of the Legislature? It looks to me, gentlemen, and I submit this to you, as though there was something more behind this measure that has been introduced than a great desire to increase the taxable property or to increase the revenues of this State. Take all these circumstances and the occurrences of this session, gentlemen, and I ask you to consider whether there is any more vital need of this act, today, or within the past few days, than there was at the beginning of this session, when the act might have been introduced and carefully and fairly considered.

I hope the motion of the gentleman from Presque Isle will be supported by this House and will prevail, not because I desire to thwart any investigation into the actual needs of increasing the taxation of all property or any particular kind of property in this State. I

am thoroughly in sympathy with it. I merely submit that it is not the proper time to do it and do it fairly, justly and equitably. I have no doubt that when the State shall take up the subject of revision of taxation and it shall go into all these questions fully and revise the whole system, we shall find the railroads of this State prepared to meet the people of this State and the Legislature fairly and honorably and to bear their equitable share and proportion of the taxes that shall in that manner be imposed upon them.

Mr. MERRILL of Skowhegan: There is no question that has come before this assembly, there is no question that will come before this assembly or that can come before it, that is nearer to the hearts of the people of this State than the question of taxation. Every man woman and child within its broad domain, who is possessed of a dollar's worth of property, is a subject of taxation; and the constitution of this State, the fundamental law authorizes taxation, authorizing taxation for the protection of its subjects in their property, in their life and in their pursuit of happiness—I say the fundamental principle of taxation is that it shall be equal, fair and just. Now the gentlemen who have spoken upon this question have said that at this late hour it is not becoming for us, as the great court of Maine, to stay here and investigate this question; that this bill should have been introduced at an earlier date.

Pray tell me, Mr. Speaker and gentlemen, why the railroads and other corporations that have been mentioned, that are not paying their just proportion of the taxes, have not introduced some bill to equalize the taxation? I appeal to you, gentlemen of the House, and ask you as real estate owners, as bank stock owners, as personal property owners, if your principal is not taxed to the very extreme of its par value? Tell me, gentlemen, any man from any part of the State of Maine, sitting here and in the hearing of my voice, if you have a piece of real estate that is not taxed to the very margin of its value? Tell me, farmers, if your oxen and your cows and your horses and your sheep are not taxed for all they are worth? Tell me, land owners, if your land is not taxed for all it is

worth? There is not a voice that can be raised in this House to say no.

We are here, as has been said by the gentleman from Presque Isle, as the grand court of the State. We are here at the expense of the State; and it is a great expense and a great question that confronts us. It is a question that is of interest to our constituents from the most northerly to the most southerly, from the most easterly to the most westerly border of this great commonwealth. Pray tell me, gentlemen, when a question is brought before this assembly in which every individual tax-payer of the State of Maine is interested—tell me, is it cheaper for the State of Maine to break up this court and send another here two years hence to deal with a question that has already been placed before it? The gentleman from Presque Isle (Mr. Smith) said he was willing to wait here until the last jack-pot had been opened and the last raise had been made. That is language, gentlemen, that I don't understand. (Laughter.) I wish the gentleman would use language that we could all understand.

Mr. SMITH: I will explain the mystery to the gentleman from Skowhegan. (Laughter.)

Mr. MERRILL: Now this is a question which I hope, before you vote to indefinitely postpone, you will consider well whom you represent. I am not opposed to railroads. I am not opposed to corporations. The railroads of the State of Maine have done more to develop its interests, to develop its resources and to develop its wealth and prosperity, than any other class of corporations within its borders. They are entitled to certain considerations; they are entitled to be treated fairly, squarely and honestly. I, for one, would not say one word to hamper or in any way encroach upon or to cripple the railroads of the State of Maine. We owe much to them. We owe, also, much to consolidated capital that is put into all these corporations and they should be protected, and protected at the hands of this and every other Legislature.

I have not the slightest feeling against corporations; in fact, I believe that the corporations of this State have done more to develop it than the individual

efforts outside of corporations. But I say, when we undertake to pass over this matter and indefinitely postpone it, we must answer to the people who have sent us here, we must answer to the farmers, the merchants, the land owners and the property holders of this State outside of the corporations, and their rights are just as dear to them as are the rights of the corporations and of the stockholders in these corporations. (Applause.)

I hope you will consider carefully when you vote upon the question of indefinite postponement. I hope you will consider carefully the interests of your constituents over this State; and I say, while I would be glad to put on my overshoes and overcoat and return to my quiet home at an early date—I say that we are here to meet the questions that may be before us, and let us stay here until we can satisfactorily settle them and not vote for the indefinite postponement of a question that is the most important that can come before this Legislature and one that is of the greatest interests to the people of the State. I don't know how long it would take to open the last jack-pot, but I say let us stay here until the hot suns of July drive us away if we can protect the interests of the people of the good old State of Maine. (Applause.)

Mr. WALKER of Starks: My duties at home are such that I would like very much to be there, and yet, when I accepted this position to come here as the representative of the people of my district, I expected to come here and do the best that we are called upon to do. I do not understand that there is any definite time for this House to adjourn. I, for one, although there are duties at home for me to attend to, am willing to stay here until this important question is settled. I, for one, am willing to consider this question of taxation, and to think of the people, our constituents, and the load of taxation under which they are suffering. I trust that the motion of the gentleman from Patten will prevail.

Mr. GARDNER: The turn that affairs have taken, this morning, is somewhat of a surprise to me, and doubtless it is to many of us. It has been a growing belief on my part, and

I think possibly on the part of others, that the "railroad lobby," so-called, here has been able to unduly influence legislation surrounding the railroads, but, this morning, it comes to me with renewed force that not only are they attending to matters which pertain to their business, but they have taken it upon themselves indirectly to say when this House shall adjourn. It is a surprise to me that so suddenly some members of this body conclude that it is useless to attempt further legislation this session.

It is beyond my power to make a speech; it is not in my line of business, but there are a few business facts which appeal to me. I wish to call your attention to two matters that to any fair-minded man would settle this question as to whether we have something to do specifically upon a particular matter, or simply whether we are gazing over a whole expanse of matters that must sometime come before us. I want to cite to you, first, Article 9 of the constitution of the State of Maine, Section 8, which provides "That all taxes upon real estate or personal property assessed by authority of this State shall be apportioned and assessed equally, according to the just value thereof." Gentlemen, the constitution outlines our duty. Have we found any instance, has any matter come to our attention where the provisions of that article of the constitution have not been followed?

I say this, and I cite you to the statement of the president of the largest corporation of this State, the Maine Central Railroad, when he admitted on the floor of this House that the corporations which he represented were paying less than one-half of one per cent. tax rate on their property. There is an instance which comes to your attention. Are you to attend to it or are you to neglect it? Other matters are beside of this. It is dodging issues to swing around and talk of innumerable matters. Here is an instance which demands your attention, and it is the duty of every member of this Legislature to see to it that that matter has a hearing and is given attention and that this Legislature decides whether the Maine Central Railroad should pay more tax into the treasury of the State or not.

We have under discussion, this morning, the question whether the bill now before the House should be referred to its proper committee, the committee on taxation, or whether it shall be by the underhand, the cunning, the adroit work of the members of the third House smothered and strangled and not given a fair hearing. I say it is not proper.

Now, gentlemen, you know that this matter of taxation of all corporations has long needed the attention of the Republican party, and you know that the corporations of this State elude and evade taxation, and I have cited you to a specific instance. You know that a combination of common carriers stifles competition and evades taxation. You know that the Republican party, as the party in power for many years, is to blame for this condition. I, for one, as a Republican since I cast my first vote, as a Republican for two generations, going back to the days of the old Whig and Democratic parties, will not submit to go back to my home and my constituents on record as dodging the issue. Here is a matter that demands attention; give your attention to it.

Now, gentlemen, the question of time has been given a great deal of importance here. It has been said that we have no time to consider this matter. Gentlemen of superior ability to my own have shown you that it is not a question of time, but a question of our duty, and I say to you that while we have spent our time recklessly, while we have spent time on trivial questions and have considered matters ranging from hedgehogs to Mormons in this House, while we have appropriated money to go from Fort Kent to Portland, and no stint to the money and no stint to the matter brought before our attention is given, the moment you bring up a matter that touches a corporation you find what? You find evidences beyond dispute that they are trying to strangle it. They do not propose to give it a hearing even. They hope to put it off for two years. I venture the prophecy that any man that has gone on record here opposing these corporations under the guise of national issues, such issues will be subordinate and they will at least hope to get these matters put off

for four years. I say to you, the question of unfairness, what belongs to other corporations and what belongs to other matters, does not enter into this now. Take what comes to your hand first and attend to that, and if there is more that follows it, take it.

As the party in power the Republican party of the State owe the people of this State something, and here is a case where they can give the matter their attention. Too long have the rights of the people been subordinate to the wishes of the few, and I say to you, gentlemen, that now when the issue comes squarely before you is the time to give this matter attention and I hope that the members of the Republican party, the members on the floor of this House who believe in doing their duty will not go back to their homes on record that on account of the wishes of the few, on account of the wishes of the ring, on account of the plans and well-laid schemes of that ring—we go back to our homes putting off a matter that demands our attention now, and our whole attention.

Mr. HARRIS of Auburn: It seems to me that the question now is not whether the railroads ought to be taxed more or less. That is what we don't know. But it is a question whether it is expedient to take up a matter of such importance at the present time, so late in the session, whether we can do justice to so important a matter, whether we can do justice to the rights of the railroads and the other property interests of the State and to the people of the State, and justice to ourselves. It seems to me that we cannot do it. The matter has been brought up too late, and in a way to prejudice it to begin with; and I feel that we shall arrive at a safer conclusion and serve our constituents better, to postpone this matter and refer it to the next Legislature rather than to attempt to investigate it at the present time.

Mr. CLEVELAND of Houlton: I think this Legislature can do no better than to consider the matter of just and equal taxation at this session; and if, indeed, we are to do the best work of the session last, do it manfully. I trust that the motion to refer the matter to the proper committee may prevail.

Mr. KING of Carbiou: Having listened to the remarks that have been made upon this question, it seems to me that the proper solution of this matter would be to refer this bill to the proper committee. If they, in their wisdom, on a careful review of the whole subject and considering the size of the matter, think that we have not the time to get the proper information and proper instruction, they in their wisdom can report to refer the matter to the next Legislature, which, perhaps, would be the best solution of the question. I hope that this matter will at least be referred to the committee.

The question being on the amendment to indefinitely postpone the bill, the amendment was lost.

The question then being to refer the bill to the committee on taxation,

Mr. MACOMBER of Augusta: I have an order which I would like to introduce, and I ask to have it referred to the committee on taxation.

Ordered, That with a view to the equalization of taxation in this State, and ascertaining the just proportional part of the public burdens which should be borne by the various classes of property, rights and franchises held and exercised in the State which may not be the subject of State, county and municipal taxation according to their respective fair values, the committee upon taxation be and hereby is authorized and directed to inquire into the expediency of amending the statutes so that a tax shall be assessed upon property situated in unincorporated places at a rate equal to the average of State, county and municipal taxation; of changing the method of taxation of steam and street railroads, so that the franchise tax paid by such railroads in addition to the State, county and municipal taxation on property owned by them shall at all times be equal to their just and proportional part of the revenue to be raised; of taxing such portion of the capital of corporations organized and doing business in this State, as is not invested in property which is subject to and pays municipal taxes in some of the cities or towns of this State; of providing for an annual franchise tax upon the capital stock of corporations organized under the laws of this State, but doing business elsewhere; of changing the statutes in relation to the taxation of the stock and deposits of trust companies organized under the laws of this State; of changing the method of taxation of telegraph, telephone and express companies, and of assessing a tax upon all sleeping and parlor car companies and car trusts doing business in this State, so that a just proportion of the State revenue may be collected from these sources; of amending the statutes so as to require the filing with the assessors of every town and city an inventory under oath, of all taxable property of the several inhabitants thereof,

and of inquiring into the amount of taxes paid by foreign and domestic life and fire insurance companies and by savings banks and all other corporations not herein before enumerated, and whether the same is fair and reasonable; and said committee is authorized and directed after the inquiry herein provided for to report to the Legislature on the whole subject matter of this order by bill, or otherwise.

Mr. HUTCHINGS of Brewer: I move that the order be laid on the table pending acceptance.

Mr. VIRGIN of Portland: I would ask the gentleman from Brewer to designate a day when it can be taken from the table.

Mr. HUTCHINGS: I will confer with the gentleman from Portland and arrange a day that will be satisfactory to both of us.

Mr. PARKHURST of Bangor: I move that the order be printed.

Mr. MANLEY of Augusta: I want to call the attention of the House to the fact that, by their own vote, they have declared that every committee shall report finally on Friday next, and no committee can make any report upon any question after next Friday, unless by joint action of this Legislature that vote is reconsidered. Now if the gentlemen who have declaimed on this question, this morning, mean anything, let us investigate this whole question. Let the committee have the same authority over all other questions that they have over the question of the railroads.

Referring to the order presented by my friend, the representative from Augusta, his motion to refer the order to the committee on taxation meets with my hearty accord. The time for such an investigation is at the commencement, not at the close of the Legislature, and I want to say here and now, in the most public manner possible, speaking as a stockholder and as a director of the Maine Central Railroad, nay, more, speaking by authority and in behalf of the management of that railroad, that they have never shirked any responsibility placed upon them. They have tried to treat every individual and the State with the utmost fairness, and whenever the Legislature in its wisdom desires to undertake a thorough revision of the revenues of this State, a full, perfect and complete revision, taxing all corporations and interests of every kind and description, whether they be individual or corporate, so that we may have equal taxation, then, I assert that the Maine Central Railroad will not only not offer opposition but will aid in bringing this about. They do not desire to evade any responsibility. They are willing to bear their full share of the burdens, with all other citizens of the State. While we do not admit that we are not now bearing our full share of the burden of taxation, still we say if we are not, then many other kinds of property are in exactly the same position. The only fair way to meet this question is to meet it as a whole, and not by piece-meal. In no other way can a just result be reached. The Maine Central Railroad will gladly do all in its power to reach such a result at any proper time. (Applause).

Mr. GARDNER: I think a large proportion of the House will agree with the gentleman from Augusta, and I move, to bring the matter to a head, that the time when the committee be required to report finally be extended 10 days.

Mr. MANLEY: That requires concurrent action.

Mr. MACOMBER: Six years ago, as I remember it, a special committee on taxation was appointed by the Legislature, and that committee was in session frequently during the entire session of the Legislature, and the laws relating to taxation, not only of steam railroads but of street railroads and of all these other corporations were at that time revised and placed on the statute books. Now those laws are right or wrong. If it is desirable to go into a general re-examination and a re-enactment of new laws in reference to taxation, I submit that it is only fair that we should examine all these corporations and all the propositions growing out of the question of taxation.

I agree fully with the gentleman from Presque Isle (Mr. Smith) that the time is short; at the same time gentlemen have voted that we have plenty of time, and if we have, we ought to take up this whole matter. If there are other avenues of taxation as available to the State, and the State needs the money, let us meet them, let us stay here till next summer; but I submit that we should not take any one corporation, or any one set of corporations, although I have no interest in the steam railroads and never did have; and I think we ought to take this matter up under the order I introduced. That allows the committee on taxation to take up the whole proposition, wild lands, street railways, telegraph and telephone companies and everything else of a corporation nature, and make a report to this House on which we can act intelligently.

Mr. VIRGIN of Portland: This House by its action on this bill has shown that it believes that it has a duty to its constituents to perform by taking some action on the matter now before the House. This question of taxation is one of the most important questions that can come before this body for solution; and I imagine that the gentleman who introduced this bill had no idea, when he introduced it, of the trend the matter would take and that it would bring before this body the whole matter of taxation. Now I believe every member of the House is influenced by a spirit of fairness and justice and equity towards everybody within the domain of this State, be it a corporation or an individual.

And I do not believe that this House, now that the matter is before it, is going to say that the question of taxation of railroads shall be taken up, and that the question of taxation of other property shall be indefinitely postponed or laid on the table or not discussed; and I hope the motion to lay this matter on the table will not prevail. It is a matter that is properly before the House on a motion to refer it to the committee on taxation, which has charge of these matters. There is no reason for laying it on the table, but it should go to the committee on tax-



ation; and if we have a duty to perform, let us perform that duty and stay here until next summer if necessary to listen to the report of that committee.

Mr. HUTCHINGS of Brewer: My only purpose in having this order laid on the table was, inasmuch as I happen to be the chairman of the committee on taxation on the part of the House, I thought it might be desirable for it to be investigated somewhat. But I have become satisfied that it is not necessary and I will withdraw my motion to lay it on the table and move its reference to the committee on taxation.

The question being to refer the order to the committee on taxation,

It was agreed to.

Mr. GARDNER: I withdraw my motion.

Mr. KING: I would ask if the gentleman from Augusta (Mr. Macomber) would not allow the order to be tabled, for printing, until tomorrow?

Mr. MACOMBER: It seems to me, as the House has sent the bill to the committee, that this order should go to the committee at the same time. The members will read the order in the Journal tomorrow morning. The committee can take the matter up and print it in its regular order.

Mr. PHILBROOK of Waterville: It seems to be desired that this order should go the committee at the same time that House document No. 260 goes, and I think that is the proper thing; but it is perfectly competent for this House, by vote, to direct that this order be printed at once and laid on the table of the members, so that the bill and the order may go to the committee room, and if it is desired to have the order printed at once no delay need be had in the reference. I therefore move that the order be printed forthwith and distributed to the members of both branches.

The motion was agreed to.

On motion of Mr. Brown of Falmouth, bill an act to amend section 2 of chapter 60 of the Revised Statutes, as amended by chapter 179 of the Public Laws of 1893, relating to divorce, was taken from the table and tomorrow assigned for its consideration.

On motion of Mr. Merrill of Skowhegan, bill an act in relation to enforcing the liability of shareholders in trust and banking companies, was taken from the table and read a second time. On motion of same gentleman, rules were suspended, bill read the third time and passed to be engrossed in concurrence.

Mr. NOYES of Pownal: Mr. Speaker, it is with feelings of sadness that I announce the death of Hon. Harland P. Prince, a member of the House of Representatives, who died at his home in Yarmouth, Sunday evening, March 5.

As it would be fitting and proper that the Legislature take some action to pay a deserved tribute of respect to his memory, I move that a committee be appointed to attend the funeral of Mr. Prince, and later to offer suitable resolutions in reference to his death for the consideration of this House.

The Speaker appointed as the committee to attend the funeral of the late Mr. Prince, Messrs. Noyes of Pownal, Ryer-

son of Livermore, Fogg of Freeport, Fuller of South Portland, Forhan of Raymond, Merrill of New Gloucester, and Farnsworth of Pembroke.

Mr. Noyes of Pownal, moved as a further mark of respect to the memory of Mr. Prince, that the House now adjourn. The motion was agreed to.