

MAINE STATE LEGISLATURE

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

1899.

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An act to amend section 11, chapter 78, of the Revised Statutes, relating to the duties of county commissioners.

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

An act to create a lien upon monumental work.

An act authorizing women to be admitted as attorneys to practice law in the courts of this State.

An act relating to sums paid by officers and collectors for internal revenue stamps affixed to deeds of real estate sold by them.

An act in relation to street railroad corporations.

An act to authorize a topographic survey of the State in co-operation with the United States Geological Survey.

An act for the better protection of fish weirs.

An act to prevent the destruction of smelts in Saco river.

An act to amend an act to incorporate the city of Gardiner.

An act to amend chapter 329 of the Private and Special Laws of 1891, relating to the municipal court of Waterville, as amended by chapter 325 of the Private and Special Laws of 1897.

An act authorizing the inhabitants of Foxcroft to make appropriation for free use of books in the Thompson Free Library.

An act to extend the charter of the Winn Water and Power Company and to amend the same.

An act to legalize the doings of the First Universalist Society of Westbrook.

FINALLY PASSED.

Resolve providing for expenses of State inspectors of steam vessels.

Resolve in favor of the commissioners appointed by the Governor to inquire into and report upon the advisability of establishing additional State normal schools.

Resolve relating to therereords of births, marriages and deaths in the office of the secretary of State.

On motion by Mr. Plummer of Penobscot, the Senate took a recess of 30 minutes.

AFTER RECESS.

The following bills and resolve came from the House passed to be engrossed under suspension of rules. Read once, rules suspended, read the second time and passed to be engrossed.

Bill an act to amend section 2 of chapter 33 of the Public Laws of 1887, relating to the burial of soldiers.

Bill an act to amend chapter 266 of the Public Laws of 1893, relating to the militia.

Resolve in favor of estate of H. F. Eaton.

Bill an act to prevent heads of departments from employing counsel or witnesses before committees of the Legislature.

On motion by Mr. Pike of York, it was Ordered, that when the Senate adjourn, it be to meet tomorrow morning at 9 o'clock.

PASSED TO BE ENACTED.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healey asylum in Lewiston.

On motion by Mr. Shepherd of Knox, Adjourned.

HOUSE.

Thursday, March 16, 1899.

Prayer by Rev. Mr. Meade of Augusta.

Papers from the Senate disposed of in concurrence.

TAXATION OF RAILROADS.

Bill an act to amend section 42, of chapter 6, of the Revised Statutes, as amended by chapter 146, of the Public Laws of 1893, relating to the taxation of railroads.

This bill came from the Senate from the committee on taxation, referred to the next Legislature.

Mr. GARDNER of Patten: I have an amendment I wish to offer to that report, and I also wish to move that when the vote is taken on this amendment, it be taken by the yeas and nays, and that the members of the House go on record as voting for or against it. I am before you to defend in a feeble way my convictions; and I wish to say that this bill, introduced by me, calling for an increase in the taxation rates on railroads, is not a move to injure or affect or attack anyone corporation, but it is a move, and my position is that there should be an immediate move, in the direction of increased taxation on the public corporations of this State. And understand me here that by these corporations I mean the great quasi-public corporations of the State which have received immense privileges and grants and concessions from the people of this State. And I wish to say here that it is my firm belief—and the more I know of the matter the more I am convinced of it—that by undue and improper influence on the Legislature in this State, for too long have these corporations avoided paying their just proportion of the burdens of taxation, and too long have the people of this State had too great a burden of taxation upon them.

I had two objects in introducing this bill, in singling out the railroads. First, I claim that they have practically admitted, without discussion and with-

out any extensive inquiry, that the railroad property of this State does not pay a fair proportion of the taxation; and without discussing that, I make this statement that I believe they do not. And I also have another reason which I think should appeal to the members of this House, that the railroad corporations of this State are the great corporations. They are the corporations that have the most influence on the legislation in this State. And my object in moving immediately upon some of these matters, even if we do not have time to attend to them all, is that, as the old story goes, a bundle of sticks might not be broken, but one may be and I say to you that history is very likely to repeat itself. We have the history of former attempts in this State to tax the corporations. A commission was appointed at an immense expense, of eminent men, who investigated thoroughly the system of taxation in this State and reported to the Legislature. The results you well know. Out of all that expense and all that inquiry, out of all the work of all that talent what did we get? A board of State assessors who simply follow out the law, a dog tax, and some slight changes in the collateral inheritance tax. The corporations in this State were not touched; and so far as practical benefit to this State went the report of that commission went into the waste basket.

In regard to taxing one corporation, and in regard to the proposition that we have not time to tax them all, I wish to call your attention to one thing, that so soon as the assessors in a town know that a person does not pay taxes on his property and admits it, and the only excuse he sets up for not paying it is that somebody else does not pay, that excuse is not often considered but he is usually obliged to pay his tax. That is the position exactly. This Legislature has been in session nearly the usual length of time. We have considered chiefly special legislation. The matters of importance to the people of this State as a whole are practically untouched; and this question of taxation which means more to the people than any other, when we come to it we are confronted by the statement that we have not time to attend to it because it is such a large question that we cannot

go into it all at this session. Consequently the committee have decided in their wisdom to refer it to the next Legislature.

I claim that we should at least have made a start and that this Legislature should have gone on record as doing something, and that we should not go back to our constituents as shirking our duty because we were anxious to get home and did not have the time to attend to these matters. The bill was introduced early in March, and we have had time at least to do something. The people of the State expect, and they have a right to expect, that all matters coming before us should receive attention, and the fact that it may be customary to adjourn after a certain number of weeks has no vital bearing on the question; and I say to you that now is the time to give this matter attention. Now I ask you why is it that the members of this Legislature are not willing to stay here? Some gentlemen have stated their willingness to stay here, and I base my position on that, that I am not the only man who is ready and willing to continue this Legislature to a sufficient length to do something on the tax question; and I do not propose, unless I am forced to do so, to go back to my people on record as not being willing to stay here and make a move in the tax matter. If you do what I claim is your duty you will stay here and do something. It does not necessarily follow that you must do everything. The tax question, if we had begun on it at the first of the session, would not have been fixed in such a perfect way that it would never have to be disturbed again. You never, in any reasonable time, can get it exactly right; but my position, and the position that I ask the members of the House to support, is that we should do something. The financial condition of the State calls for it, the people call for it, the condition of the treasury make it almost a necessity that we do something to increase the revenues of the State. If I am correctly informed, with the tax rate as it is now, knowing well that the people of the State would never sanction an increase in the rate of taxation, the State will be obliged to borrow to the limit every dollar that it can borrow. I say that such a condi-

tion of affairs demands immediate attention. If you raise the tax on railroads you put money into the treasury. They can find no fault. They admit that they should pay more taxes. If so, why should they set up the claim that because some other party does not pay, they should not be obliged to, and that the Legislature must get together and consider everything. I ask you to stay here and do something for the treasury, do something for the people; and if you can do nothing else, put yourselves on record as attempting at least to do something for the financial condition of the State.

I offer an amendment to the report of the committee by substituting for the words "referred to the next Legislature," the words, "ought to pass."

Mr. HUTCHINGS of Brewer: As chairman of the unfortunate committee which has made the report, I desire to say simply a word in behalf of the committee. This bill was introduced into the House on the 3d of March, and on the same day an order was introduced by the gentleman from Augusta (Mr. Macomber) directing the committee to inquire into the expediency of changing the laws relating to steam and electric railroads, telephone and telegraph companies, express companies, Pullman, parlor and sleeping car companies, and various other different interests. It was an order far-reaching and comprehensive in its import. The Legislature convened on the 5th of January. After having been in session some two months these two matters were thrust upon the taxation committee. The committee has believed it wise, and they are honest in their report, that all these matters, if there is virtue in them, and we have no doubt that there may be, in order that they should receive a fair and a just consideration, should be considered, not by this Legislature at this late day just before its adjournment, but should be considered by some subsequent Legislature when there would be more time to go over these most important matters. I believe that the members of this House are satisfied with the report of this committee. In fact, I believe that it is the only report which they believe that this committee should make; for, as I said, it was only about a week ago, after this Legis-

lature had been in session two months, at the eleventh hour, these matters came before our committee.

It may be that there is need of more revenue. The committee thinks that it may be true. But it seems to the committee that you cannot select the question of one class of corporations and fix an arbitrary rule upon them, making an arbitrary change in the tax rate, without considering the property and rights of a similar nature. For if I understand what is fair and equitable and just taxation for one class of property rights depends upon what is fair and just for property rights of a similar nature. Now it seemed to me that the remarks of the gentleman from Patten were not pertinent to the amendment which he has offered. I do not remember a single reason that he advanced to show that the system which he proposes, as far as the taxation of railroads is concerned, is any more correct than the one which obtains, today. The gentleman, when he introduced his bill, remarked that "The present method of taxing railroad property is not in conformity with that used on other property, but is a special rule and well calculated to mystify the average man in attempting to decipher what that method is." This bill does not change the scheme or the method of taxation one iota. It is just as mystifying under this bill as it is according to the law which obtains, today. It merely makes an arbitrary jump of a quarter or half a cent, I don't know which.

The committee believes that the members of the Legislature believe that it is not practical to go into these matters now to give them that fair and just consideration which they should have. When the methods of taxation are revised it should be done equitably and fairly, and they should receive such consideration as is right according to the importance of the measures, which we believe cannot be done at this session. If the report of the committee meets with the approval of the House I shall be glad; if it meets with its disapproval, I shall have to bow to the inevitable. (Applause.)

The question being, shall the yeas and nays be called,

The call was sustained and the yeas and nays were ordered.

Yeas—Carr, Colburn, Craig, Crane, Daigle, Dawson, Dunning, Freese, Gardner, Guernsey, Hahn, Hassell, Jellison, Kilborn, Leavitt, McFadden, Merrill of New Gloucester, Peabody, Pierce, Ridlon, Smith of Hartland, Spratt, Staples, Stetson of Monmouth, Taylor, Teel, Weed, Wilson of Minot—28.

Nays—Abbott, Adams, Beal, Belleau, Bennett, Berry, Bird, Blackstone, Bodwell, Bridgham, Brimmer, Britton, Brown of Falmouth, Brown of Warren, Bryant, Burns, Cartret, Chamberlin, Chase, Chick, Cobb, Coffin, Davis, De Coster, Deering, Eaton, Esty, Farnsworth, Field, Fitz, Fogg, Fuller of Auburn, Fuller of Kennebunk, Fuller of South Portland, Garcelon, Gentleman, Girdler, Gordon, Harman, Harris, Hill, Hix, Hodgkins, Hopkins, Hutchings, Irving, Johonnett, Jones, Jordan, Kallloch, Keefe, Kernon, King, Ledyard, Libbey of Albion, Libbey of South Berwick, Macfarlane, Macomber, Manley, Maxey, Maxwell, McFaul, Melcher, Merrill of Skowhegan, Morey, Mosher, Murchie, Murphy, Nickerson of Orrington, Nickerson of Swanville, Parker, Parkhurst, Peaslee, Perkins, Philbrook, Porter, Powers, Purinton, Rankin, Reed, Ryerson, Sargent of Portland, Sargent of Sedgwick, Smith of Presque Isle, Somes, Spofford, Stetson of Bangor, Sutherland, Turner, Tyler, Virgin, Walker, Webb, Webster, West, Wilbur, Wilson of Cherryfield, Wilson of Gorham, Wood, Woodbridge—100.

Absent—Beath, Buck, Cleveland, Donham, Drummeay, Farrell, Forhan, Goss, Gould, Grindel, Hughes, Hyde, Laliberte, Noyes, Plummer, Rowell, Sanborn, Sawyer, Spurr, Thayer, Wilson of Brunswick—21.

So the amendment was lost.

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

The report was accepted.

Mr. GARDNER of Patten: I wish to state to the House that I appreciate the fact that one of the best things a man can do is to do graciously anything he has to do. Now, I wish to ask your consent to offer a resolve which bears upon this matter, but which it in the nature of keeping alive this question of taxation for two years. It is a settled fact now beyond dispute that this question of taxation, the whole thing, goes over to the next Legislature. I want you to be with me and keep this thing alive and not allow it to be simply a document filed to be taken up by some future committee on taxation at some time when they see fit; and I will read the resolve, which, while it will naturally be subject to amendments and revision and so forth, the idea I wish to get at is that with a very small expense to the State a committee shall be chosen whose business it shall be

to investigate the taxation system and be able to report to the next Legislature, and who can give the matter more careful attention than could possibly the members or even the committee on taxation at any reasonably early time in the next session, and for that reason I will read this resolve:

Resolve appointing a committee to investigate the taxation system of Maine, and report to the next Legislature.

Mr. VIRGIN of Portland: As there is liable to be another order to come into the House, this morning, on this same subject, I move that this matter lie upon the table until after the morning hour.

The motion was agreed to.

Mr. MERRILL of Skowhegan: I was not aware until the resolve that has just been presented by the gentleman from Patten (Mr. Gardner) was offered, that any such measure was to be introduced or was contemplated by the gentleman; and now that the report of the committee has been accepted, I wish to ask this House to bear with me a few moments in presenting an order relating to this subject matter, and before I read the order or present it, I desire to call the attention of the members of this House to the question of taxation.

Much has been said upon this subject and efforts have been made both by the members of this House and the members of that House sometimes called the "Lobby" and sometimes called "The third House," relating to it. I say great efforts have been made from the time of the introduction of this bill by the gentleman from Patten to suppress it, and not only to suppress the bill but to suppress the whole subject matter contemplated by the bill. I want to say that not for a moment since that bill has been introduced here have I been in sympathy with that bill; but I want to say just as emphatically that I have been in entire sympathy with the spirit, with the intent and with the object of the bill.

Now, I do not believe that it is fair, just or right to single out railroads because they are strong corporations financially, because they are a strong corporation as a political element in this State. I do not believe in singling that one class of corporations out and undertaking to assess a tax upon them in the last few days that we had after that bill was intro-

duced; but, gentlemen, you are all well aware, and you know it as well as I know it, that from the time this Legislature assembled on the first of last January to the present hour—I do not mean the railroads, but I mean to include them with the rest—that every corporate interest of the State of Maine has been represented under the dome of this Capitol by the strongest, ablest and most energetic men that the State of Maine can produce. Am I right? You all know that I am right, and there has not been a bill introduced into this House from the beginning to the end but what that able body of gentlemen who have been here in the interest of the corporations, and they are honorable gentlemen in the interests of the corporations or against them; and every bill has been scanned, every letter and every "i" and the dot over it, and the cross over every "t" has been carefully scanned by the third House.

I believe in the third House. I think they are a benefit to a Legislature, perhaps. Why are they a benefit to the Legislature? Because they are men that come here to represent the interests of the great corporations of this State, at the head of which corporations are the brightest and most intelligent business men within the State; and they come here armed with every argument that can be produced from a lifelong investigation of the interests of these corporations, of the interests of these institutions. They come here and they are perfectly cognizant of the whole subject matter. They know what is right for their institution.

Gentlemen, they stand in the same position that I stand, or any other attorney at law stands, between client and attorney. They are to work for the interest of their clients. They work nobly and honorably. I do not undertake to say there are any dishonorable means used here, but they come here in the interest of their clients and to work for their clients. I have occupied that position, not as a member of the third House to any great extent, but as an attorney at law for 25 years. I say that I give my best efforts in behalf of my client. They do the same thing and it is all right, and they, as I say, represent the corporations, and every corporation within the borders of the State of Maine is represented by that third House, and they are looking after the interests of those corporations.

I am not opposed to corporations. I am not opposed to concentrating capital. All of the great advances of this State are attributable to the efforts of these corporations in gathering together under the direction and control of these able men a large amount of capital and thereby advancing great interests that are developing our State.

And now I want to call attention to a few matters which I think will be of interest to you. It interests me. It interests my people at home. It not only interests the people of my district but it interests the people of every district and every hamlet in the State of Maine. I want to call attention for a moment to some of the unequal taxation in corporations. Railroads are taxed according to their earnings, and if they earn a certain amount it is a certain rate upon that amount, and if they earn \$200 more, then another jump is made, and if they earn \$2000, then another jump of a quarter of 1 per cent. is made.

Now, I will call attention to another thing, and that is the franchises that are given by one people of this State to the corporations of this State, and I will call attention to the franchises that have been granted by this and former Legislatures to street railroads. What have they given them? They have given them the right to put street railroads into our several towns and cities wherever they have asked it. They have given them the right to run right through the middle of our streets which you and I have paid hundreds of dollars to build. Their roadbed is given to them by the granting of the franchise that is given by this Legislature, and for \$6000 or \$8000 or \$10,000 per mile they can build one of the best street railroads.

Let us see how they are taxed compared with steam railroads. I take, for instance, as it is the first one on my list, and I know whereof I speak, the Augusta, Hallowell & Gardiner Road. It pays a tax to the State of \$242.43, six mills on the dollar. What would that railroad pay if it was taxed upon the basis of a steam road? It would pay \$707.09 to the State. Which road cost the most per mile, to build, equip and run? Why, you all know. Almost three times as much as they now pay into the treasury of the State they would pay if they were taxed at the same rate that steam rail-

roads are taxed. Then I come to the Bangor Street Railroad, and I find its tax to be \$514.33. What would be its tax if it was taxed under the system that the steam railroads are taxed? It would be \$1607.28. Is that just right?

Answer that question, gentlemen, when you come to the order.

I take next the Bath Street Railroad, which pays \$99.51. What would it pay if it was taxed like steam roads? \$298. I take next one of the richest railroads in the State, one of the richest corporations, the Portland Street Railroad, and what does it pay? It pays to the treasurer of the State, \$3573.04. What would it pay, were it taxed as the Maine Central Railroad is taxed, today. It would pay \$8932.59, almost three times as much.

Now, I say to you, gentlemen of the House, while there have been many murmurings against corporations, how is it, pray tell me, that this gross inequality, and I say injustice is done between the taxation of street and steam railroads.

It is through the efforts of the third House, and why and how?

You have not found the interests of the street railroads and steam railroads and water companies and electric light companies and electric power companies coming in here and clashing at all. They all want to get a benefit, and in order to do it they come here with a united front. They come here as a unit and backed up as they are by the entire corporate powers of this State. They have their power and force and they have the ability to pass the legislation which is now upon our statute books relative to the taxation of property.

Now, I want to call attention to something else. While I say it is perfectly proper for every interest, corporate or otherwise, to have a man or as many men as they desire around or about this Legislature to protect the interest which they represent, I ask you who has been here to represent the merchants, the manufacturers, the farmers, the laborers, the operatives in the mills and the mills? Have you seen anybody? Has anybody whispered in your ear or tapped you on the shoulder, and said, "I want to say a word in behalf of the thousands of operatives in the State? Has anybody

whispered in your ear or tapped you on the shoulder to say that they wanted to say something to you about the agriculturists of the State? Ah! no, gentlemen. They are men unaccustomed to legislation, and they have not their lobby here, except they have it here as we represent them—the representatives from the several parts of the State.

Now, I want to call attention to a particular class of property, and I hold in my hand a list of property, that represents one of the great interests of the State, and that is the woolen mills. Many is the hamlet that has been built up and made a thriving town through the introduction of the woolen mills. I want to show you how woolen mills are taxed in this State. Every woolen mill is taxed on two, four, six, eight, ten, twelve or fifteen sets. Woolen mills are taxed by sets—that is, there are so many complete sets of machinery with which to manufacture. The Cowan Woolen Mill of Lewiston, an eight-set mill, is taxed upon the basis of \$9000 a set. The State valuation on which they are taxed is \$72,000. Who pays that? That is the State tax, that goes into Lewiston. The city of Lewiston has to pay on the Cowan mill a tax for that mill on \$72,000. That mill was sold for \$35,000—a little less than one-half. Tell me if that is right. Is it right that the city of Lewiston should pay a tax to this State on the Cowan mill based on a valuation of \$72,000, when the property only sells for \$35,000? That is not an isolated case. I can say that there has not been a woolen mill sold within the State that for the last three years has brought 50 per cent. with one exception, of what it is taxed for the purpose of State taxation. Take the Vassalboro mill, sold a few years ago. That mill, and the stock and other stuff that was bought with it, sold for \$75,000. There was \$35,000 of outside property not included in the mill. For how much does that pay taxes to the State? On an 18-set mill, \$7000 per set, \$126,000 and the mill sold for \$40,000. Is that equal taxation? Is it any wonder that there is a tremor among the people of this State outside of the large cities and corporations, that they are overtaxed? I think not. Take the three mills at Dexter, the Penobscot Woolen Mill, an eight-set mill, at \$6000 per set, \$48,000; the Mor-

rierson Woolen Mill, at Dexter, a four-set mill, at \$5000 per set, \$20,000, the Dexter Woolen Mill, a four-set mill, at \$4000 per set, \$16,000, making in all, \$82,000 valuation. Those mills were advertised, and they were advertised all over New England for sale. They had to be sold to pay a \$60,000 mortgage on them, and how much did they sell for? Taxed for \$82,000 and they sold for \$40,000, and Dexter is a town taxed on the valuation books of the assessors of this State for \$80,000 and the property within 12 months has been sold for \$40,000. Is there anything wrong about this? Is there something we should look into? It seems to me that there is.

Mr. PARKHURST of Bangor: I would like to inquire if that tax rate is upon the mills alone or the mills and their contents?

Mr. MERRILL: It is the mills and their machinery.

Mr. PARKHURST: Is the stock in process of manufacture there included in that?

Mr. MERRILL: The stock in process of manufacture and the stock of the woolen mills is taxed in the town where the woolen mill is situated as personal property and the machinery is taxed to the personal property in addition, not by the State.

I want to call to your attention something else, and I want to say that the same force and the same men and the same interests that will oppose an investigation of this by the proper committee are the very men that are here in the interest of the corporations. Take, for instance, the return of the town assessors of the town of Skowhegan to the assessors of the State, as required by law. They return a total real estate of \$2,219,010, a total of personal property of \$870,250, making a total valuation of \$3,089,260. Now what do the assessors of the State do with that? The assessors of the town of Skowhegan assess a little woolen mill there for \$50,000, upon which they pay taxes to the town of Skowhegan. The assessors of the State take the entire or total real estate of Skowhegan, \$2,219,000, and deduct \$50,000 from it, leaving \$2,169,000, and I know this, that the real estate in the town of Skowhegan, and especially the farming property, is taxed for more than it will sell for in the town. I know

that the little dwelling houses in Skowhegan are valued on the assessors' books in the town of Skowhegan at more than they will sell for, today, in the market. Now what do they do? They deduct \$50,000, the assessed value of the woolen mill, from the whole, leaving \$2,169,000, and then the assessors in their wisdom—they know that the money has got to be raised for the purposes of the State, and remember. I am not finding fault with the State assessors—what do they do? They are confronted with the fact that there is not revenue enough and they add 10 per cent. to the real estate, or \$216,000 more. Then the citizens of Skowhegan have to pay a State tax on that \$216,000. What more? They add \$49,000 more to it, on the woolen mill alone. They do not stop there. We come down to live stock. The returns from Skowhegan show \$88,806. They add to that 25 per cent., \$22,000 more; in other words, the State assessors, in order to be enabled to have money in the treasury, in order to be able to meet the expenses of this State, add to the tax of Skowhegan alone almost half a million, between \$400,000 and \$500,000; and it is not Skowhegan alone. I took that case because I knew the facts there. I think the gentlemen from the several districts of this State, living around in the farming communities, know the way their property is taxed. I know in my own town that it is taxed for more than it is worth, and I know more, that property in the county of Somerset, the farms, the little dwelling houses, are taxed for more than they are worth, today, I know it! (Applause.)

What shall we do about it? The gentleman from Patten (Mr. Gardner) offered a resolve. I propose, Mr. Speaker and gentlemen of the House, to present an order here, and it is practically in line with the resolve offered by the gentleman from Patten, and I think when he understands the order he will withdraw his resolve. I want to read this order, and I ask your kind permission to listen; and I want to make a few remarks upon it. As has been stated already, there was a commission appointed in 1890, and it has been whispered in my ear more than once that that commission amounted to nothing; that all that came from it was the Board of State Assessors and the taxation of a dog. (Applause). Be that as it may, I presume that same board was surrounded by a third House.

Now, I propose in this order to provide for the appointment of a committee that shall be appointed in such a manner that it shall meet all the requirements, and every one of them shall be perfectly independent and free from even the appointing power or any other, so that no interest and no committee shall be appointed here that shall be in the interest of one any more than in the interest of another or in the interest of the State. When we get such a committee as that, composed of men who have got backbone enough to stand up and do their duty, I say I believe, gentlemen, that they can formulate and make recommendations to the next Legislature that will aid greatly and facilitate greatly the work of the next Legislature, and from their recommendations a bill can be drawn here that will more nearly and more justly equalize taxation upon all the different interests of the State. And the order is this:

Ordered, the Senate concurring, that with a view to the equalization of taxation in this State and ascertaining the just proportional part of the public burden 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 fair values and according to their relative values, a joint committee consisting of seven in number be chosen, five members of the present House of Representatives and two from the Senate. Said committee of seven shall be appointed in the following manner: The Speaker of the House of Representatives shall appoint 10 members of said body, and the President of the Senate shall appoint three members of the Senate, who, together with the Governor and Council, shall, on or before the first day of June, 1899, appoint said committee of seven, whose duty it shall be to hold sessions at the State House and give hearings to all parties interested in the subject and also make investigation as they deem for the best interests of the State, and make a report and recommendations to the next Legislature.

You understand my position. In the first place the Speaker of the House appoints 10 of its members; the President of the Senate appoints three of its members, and they together with the Governor and Council, who are taken from the seven councillor dis-

tricts of the State, they together shall appoint the seven members, five members from the House of Representatives and two from the Senate, making the committee to investigate this whole subject matter, and make a report to the next Legislature.

Now, gentlemen, I believe and it has been admitted—it was admitted when the gentleman from Augusta (Mr. Macomber) made the motion to indefinitely postpone the original tax bill that was introduced by the gentleman from Patten. He said he doubted not but what the burden of taxation rested unequally upon the several interests of this State. But the object of indefinitely postponing was that we had not the time to investigate the matter, that it was a great and broad subject and we had not the time. In that he was right. But when that motion did not prevail, what was the next thing that was done? By an order already prepared to meet the occasion, which was equivalent, and I knew then as well as I know today, and as we all know today was equivalent to an indefinite postponement, it would be referred to the next Legislature. He says then that the Gardner bill was imperfect and every member that spoke for indefinite postponement said it was imperfect, and I believed it. It was hastily drawn. The order that he put in here was for the purpose of indefinite postponement. It had its effect. Now, gentlemen, I say that when we come here at the next Legislature, or whoever comes here, I say, they want the advantage of a thorough investigation of this whole subject matter. It is a great matter. It is a momentous and important matter, and I now move that this order have a passage at this morning hour.

Mr. VIRGIN of Portland: In common with every other member I realize the magnitude of the subject matter of each of these orders. Whether the order presented by the gentleman from Skowhegan is practicable or not can only be determined by mature deliberation. I therefore move that the order lie on the table for the present and that the regular order be now proceeded with.

The motion was agreed to.

The following remonstrances were received and ordered placed on file:

By Mr. Bodwell of Hallowell—Remonstrance of A. Grinnell & Co., and 31 other business firms of Hallowell, against the passage of an act relative to imprisonment for debt and the abolishment of the office of disclosure commissioner.

By Mr. Colburn of Windsor—Remonstrance of F. Colburn and 30 others of Windsor, against same.

By Mr. Dunning of Winslow—Remonstrance of Withee Brothers and 11 others of Benton, against same.

By Mr. Britton of Bucksport—Remonstrance of C. C. Homer & Co., and 13 other business men of Bucksport, against same.

By Mr. Wilbur of Avon—Remonstrance of H. S. Wing and 18 other business firms of Kingfield, against same.

By Mr. Powers of Fort Fairfield—Remonstrance of John Watson and 12 others of Houlton, against same.

Remonstrance of John Daley and 24 others of Auburn, against same.

By Mr. Powers of Fort Fairfield—Remonstrance of J. D. Peary and 14 others of Houlton, against same.

By Mr. Powers of Fort Fairfield—Remonstrance of J. F. Hacker and 31 others of Fort Fairfield, against same.

By Mr. Manley of Augusta—Remonstrance of H. M. Heath and 47 others of Augusta, against same.

By Mr. Melcher of Portland—Remonstrance of John P. Lovell Arms Co. and 38 others of Portland, against same.

Remonstrance of J. A. Rolfe & Co. and others of Portland, against same.

Remonstrance of W. L. Wilson & Co. and 37 others of Portland, against same.

Remonstrance of F. O. Bailey Corriage Co. and 41 others of Portland, against same.

By Mr. Somes of Mount Desert—Remonstrance of D. S. Higgins and 20 others of Bar Harbor, against same.

By Mr. Somes of Mount Desert—Remonstrance of S. H. Rodick and 23 others of Bar Harbor, against same.

By Mr. Smith of Presque Isle—Remonstrance of C. P. Allen and 31 others of Presque Isle, against same.

By Mr. Murphy of Lewiston—Remonstrance of C. P. Fitzgerald and 16 others of Lewiston, against same.

By Mr. Gordon of Readfield—Remonstrance of F. I. Brown and 57 others of Readfield, against same.

By Mr. Pierce of Blaine—Remonstrance of S. S. Thornton and 16 others of Ashland, against same.

By Mr. Dawson of Monroe—Remonstrance of T. I. Huxford and 13 others of Brooks, against same.

ORDER.

On motion of Mr. Chick of Clifton, Ordered, That after the present week Fred E. Spratt, a member of this House, be excused from further attendance at this session and that the clerk be directed to make up his pay and mileage for the full term.

REPORTS OF COMMITTEES.

Mr. Sutherland from the York county delegation, on bill an act regulating the use of the check list in caucuses in the city of Biddeford, reported ought to pass in a new draft an act regulating caucuses in the city of Biddeford.

The report was accepted. On motion of Mr. Sutherland of Biddeford, rules were suspended, bill read three times and passed to be engrossed.

Mr. Brown presented a report from the special committee, appointed to ascertain how many reports of the several departments are printed each year and the cost of the same, and to recommend to the Legislature how many it is desirable to have printed. Pending acceptance the report was tabled on motion of Mr. Brown of Falmouth and ordered printed.

Mr. Decosta from the committee on agriculture, reported ought not to pass on resolve in favor of Durham Agricultural Society.

Mr. Melcher from the committee on military affairs, reported ought to pass in new draft under same title, bill an act relative to the desecration, mutilation or improper use of the flag of the United States or of this State.

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

READ AND ASSIGNED.

Bill an act to render optional the use of seals on deeds and other contracts.

Pending first reading, Mr. Virgin of Portland moved that the bill be indefinitely postponed.

The motion was lost.

The bill was read twice. On motion of Mr. Hopkins of Deering, rules were

suspended, bill read the third time and passed to be engrossed.

Bill an act in relation to taxes assessed on timber and grass on reserved lands for years 1887 to 1896, both inclusive.

Was read twice. On motion of Mr. Bodwell of Hallowell, rules were suspended, bill read the third time and passed to be engrossed.

Bill an act to repeal section 5 of chapter 306 of the Public Laws of 1897, relating to taxes on wild lands.

Was read twice and tomorrow assigned for third reading.

Bill an act to amend section 4 of chapter 115 of the Revised Statutes, relating to the register of probate in Lincoln county.

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

Bill an act to prohibit advertising debtors.

Was read twice. On motion of Mr. Harris of Auburn, rules were suspended, bill read the third time and passed to be engrossed.

Bill as act amendatory of chapter 507 of the Private and Special Laws of 1889, entitled "an act to establish the Dover municipal court."

Was read twice. On motion of Mr. Guernsey of Dover, rules were suspended, bill read the third time and passed to be engrossed.

Bill an act to divide the town of Frenchville and incorporate the town of St. Agatha.

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

Bill an act to amend chapter 11 of the Public Laws of 1899, entitled "an act to annex the city of Deering to the city of Portland."

Was read twice. On motion of Mr. Hopkins of Deering, rules were suspended, bill read the third time and passed to be engrossed.

Resolve laying a tax on counties of the State for the years 1899 and 1900.

Was read once. On motion of Mr. Hix of Rockland, rules were suspended, resolve read the second time and passed to be engrossed.

Resolve in favor of Adjutant General John T. Richards.

Was read once. On motion of Mr. Brown of Falmouth, rules were suspended, resolve read the second time and passed to be engrossed.

Resolve relating to certain unpaid taxes assessed certain street railroad corporations.

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

Bill an act to locate Androscoggin pond in some county and town.

Was tabled pending first reading on motion of Mr. Belleau of Lewiston.

Bill an act to re-establish the salary of the judge and the register of probate for Somerset county.

Was read twice. On motion of Mr. Girdler of Mercer, rules were suspended, bill read the third time and was passed to be engrossed.

PASSED TO BE ENGROSSED.

Bill an act relating to the expenses of State officials and employes.

Tabled pending third reading on motion by Mr. King of Caribou.

Bill an act to amend section 8, of chapter 60, of the Revised Statutes, regulating the right to trial by jury in divorce suits.

Bill an act to amend chapter 87, of the Revised Statutes, as amended by chapter 218, of the Public Laws of 1893, and chapter 133, of the Public Laws of 1895, relating to the limitations of actions against executors and administrators.

Resolve providing for a State auditor.

Bill an act to amend section 28, of chapter 90, of the Revised Statutes, relating to the discharge of mortgages, as amended by chapter 69, of the Public Laws of 1895.

Mr. Smith of Presque Isle, offered amendment A.

The amendment was adopted, the bill read the third time and was passed to be engrossed as amended.

PASSED TO BE ENACTED.

An act authorizing the inhabitants of Foxcroft to make appropriations for free use of books in the Thompson free library.

An act to amend an act to incorporate the city of Gardiner.

An act to authorize a topographic survey of the State in co-operation

with the United States geological survey.

An act to create a lien upon monumental work.

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

An act for the better protection of fish weirs.

An act in relation to street railway corporations.

An act to extend the charter of the Winn Water Power Company, and to amend the same.

An act to amend chapter 329, of the Private and Special Laws of 1891, relating to the municipal court of Waterville, as amended by chapter 325, of the Private and Special Laws of 1897.

An act to prevent the destruction of smelts in Saco river.

An act authorizing women to be admitted as attorneys to practice law in the courts of this State.

An act for the assessment of a State tax for the year 1899, amounting to the sum of \$907,950.98.

An act for the assessment of a State tax for the year 1900, amounting to the sum of \$907,950.98.

An act to amend section 11, chapter 78, of the Revised Statutes, relating to the duties of county commissioners.

An act to legalize the doing of the First Universalist Society of Westbrook.

An act relating to sums paid by officers and collectors for internal revenue stamps affixed to deeds of real estate sold by them.

FINALLY PASSED.

Resolve in favor of the commissioners appointed by the Governor to inquire into and report upon the advisability of establishing additional State Normal schools.

Resolve relating to the records of births, marriages and deaths in the office of the secretary of State.

Resolve providing for the expenses of State inspectors of steam vessels.

ORDERS OF THE DAY.

The order that the time before which the joint standing committees of this Legislature be required to report, be extended to March 21, 1899,

Came up as a special assignment.

On motion of Mr. Philbrook of Wat-

erville, the order was indefinitely postponed.

Bill an act to regulate the practice of veterinary surgery, medicine and dentistry.

Came up as a special assignment.

The motion made yesterday by Mr. Guernsey of Dover, that the bill be indefinitely postponed, prevailed.

Bill an act in relation to foreign banking associations and corporations.

Came up as a special assignment, and was read twice.

Mr. King of Caribou, offered House amendment A which was adopted. On motion of Mr. Deering of Saco, rules were suspended bill read the third time, passed to be engrossed as amended.

MAINE INDUSTRIAL SCHOOL.

Resolve in favor of the Maine Industrial School for Girls came up as a special assignment.

Mr. Chase of Portland, offered House amendment A, striking out all after the word "therewith" in the eighth line.

Mr. CHASE: I do not propose to discuss whether or not it is for the best interests of the Industrial School and the State that this property should be acquired by the State, and a State Industrial School established, but I cannot subscribe to this method of accomplishing that result.

It is with great reluctance that I oppose the unanimous report of a committee. I submit to you that it is entirely proper and absolutely right and just that if this institution is to be taken from its present management it should only be done after a careful and exhaustive examination, and hearing, and an inquiry into the question in all its bearings. The hearing before the committee which reported this resolve, was a hearing advertised upon the resolve. In the notice of the hearing there was no intimation that there was a proposition on foot to require this institution to convey all of its property to the State, and I do not understand that there was any direct proposition made at the hearing to the managers and trustees who were present that the property should be taken from them, in the way proposed by this resolve, nor at all at the present session of the Legislature. Certainly if that idea was in the minds of the committee they did

not succeed in conveying it to the trustees who were present. I submit that this proposition is saying to these trustees, "Gentlemen, you have certain property owned by your corporation. Stand and deliver it to the State. Convey to the State this \$40,000 or \$50,000 worth of property, or we shall take from you the means to support this institution."

I say that it is no more than a system of highway robbery. It is saying to these people, "Stand and deliver."

This corporation and these trustees have labored faithfully for 25 years. The institution has grown until they have now under their custody 70 girls. It seems to me that the entire change in the management of this school is a matter for mature deliberation. If this is to be brought about it is necessary that a carefully prepared act should be passed for the establishment of a State Industrial School. I am aware that there has been introduced into the Senate an act for the establishment of such a State school, which was referred to no committee, was reported by no committee but was passed through the Senate under suspension of the rules without printing and passed to be engrossed, and is now upon the table in this House. I submit to you that this is not the best way to proceed in so important a matter.

I do not know what reason there is which calls for such undue haste on the part of anyone. There is more danger done to the people of the State by hasty and ill-advised legislation than by the lack of it. I trust that this amendment will prevail. I have this further to say. I am perfectly willing that the Governor and Council should be authorized and requested within the next two years to inquire into the expediency of establishing a State Industrial School and of having this property turned over to the State. If this amendment prevails I am perfectly willing to introduce such an order into this House authorizing the Governor and Council to take such action and to arrange with the trustees of the corporation owning this property to voluntarily come here at the next Legislature with a proposition to turn this property over to the State, and then let a carefully prepared act be passed establishing such a school and providing for the operation of it.

I do not propose to offer any amendment to the resolve appropriating \$5000 for the building. Let that resolve pass as it stands, or let it be indefinitely postponed. The institution can repair the damage done by the fire with their insurance money, and they can get along. I do not understand why those who are pushing this measure are so persistent in regard to it, that they are not willing to amend this bill in any way to take from it the imputation which this proviso casts upon the trustees. I am informed that the committee are not disposed to yield but insist upon the resolve. I trust that in all candor and fairness you may see that your duty is to so act that this may not be done hastily, leaving ground for repentance afterwards, neither unfairly.

Mr. BURNS of Westbrook. This is not an unheard of proceeding that is proposed by this resolve. The same thing occurred two years ago when the School for the Deaf was transferred to the State. It is the opinion of the committee on education that the Industrial School will be greatly benefitted by this change. It is at present a private corporation. It has 12 trustees, three of whom are nominally representing the State of Maine. Actually they do not. These trustees, I am glad to know, are united on one measure, and that is in opposition to this resolve as reported. I think it is the first point on which they have been united for years past. They have not been able to agree among themselves. There seems to be no unity of action among them except opposition to this resolve. This is a private corporation to which any girl can be sentenced for any crime except arson and murder. When they are sentenced it is the privilege of the trustees to receive them or not as they choose, and if they receive them they are at liberty to discharge them at any time, as has recently occurred. The trustees had the confession of the girls in regard to the fire for eight days and they kept that information secret and at the end of eight days discharged these girls from the institution.

Mr. CHASE: You are misinformed in regard to that.

Mr. BURNS: I have that from a reputable gentleman from Hallowell. I have made many inquiries in the last two years and I have yet to meet with a person who has not expressed himself to the effect

that the school would be as well off or better if it was in the hands of the State. In regard to the objection that the members have not considered the matter with sufficient care, I would say that the most of us rely upon the reports of the committees. The time is too short for us to thoroughly investigate every measure that is presented. If we should do so we would find ourselves in one of those two places referred to by the reverend gentleman who prayed for us so earnestly a few days since.

Mr. WEBSTER of Chesterville; The main feature in the argument of the gentleman from Portland (Mr. Chase) seems to be that the State is calling upon this institution to stand and deliver. But whom do you think is called upon to stand and deliver? Is it not the State that is being called upon year after year to stand and deliver from its treasury? I ask you to consider that, and I hope the amendment will not prevail.

Mr. WEBB of Portland: I think my colleague is correct in this matter and I trust that his amendment will prevail. The committee had endeavored to make the State take charge of this institution by the last four lines of the resolve. I protest against this as unfair, in that they did not give the representatives of this institution a hearing upon that question. Do the members of the committee know the restrictions contained in the deeds conveying the land on which those buildings stand and whether this legislation is sufficient to remove all difficulties connected therewith? Do the committee know the restrictions contained in wills giving legacies and bequests to this institution, and whether this legislation is sufficient to comply with those restrictions?

The committee have not succeeded in doing what they desire by this addition to the resolve. What do you give as a consideration to this corporation for this property valued at \$35,000? Not a single penny. In regard to the School for the Deaf in Portland, I would say that that change was voluntarily made and the city of Portland had authority to make that conveyance. In this case are the committee prepared to say that the trustees have that authority? The trustees never have any authority other than that contained in the original trust, be it charter, deed or will, or whatever the document may be. These trustees are appointed to

manage that school, not to close it up. I submit that the trustees have no authority to convey the entire property placed in their charge.

What would be the result of the passage of this resolve? It would certainly raise a legal question. The trustees may say we have no authority to make this conveyance. The treasurer of the State will say that unless they make this conveyance the appropriation cannot be made. The point I make is that the educational committee by this resolve have not accomplished the purpose that they wished to accomplish. They have undertaken to do in four lines what will take at least one and probably two acts of the Legislature and a vote of the corporation and a carefully drawn instrument of conveyance. If you pass this resolve as it is you simply present a question which the courts will have to settle.

Mr. Manley of Augusta, moved that when the House adjourn it adjourn to meet at 4 o'clock this afternoon.

The motion was agreed to.

On motion by Mr. Manley,
Adjourned.

AFTERNOON SESSION.

The question being on the adoption of House amendment "A" to resolve in favor of the Maine Industrial School for Girls,

Mr. WALKER of Starks: I trust that this amendment will not prevail. It seems to me that if the trustees of the institution are thoroughly interested in it there will be no difficulty in this respect. The trustees will not hesitate in the least to do anything which will be for the benefit of the girls in that school. As was stated, last Friday, the amount received by private donations for this school was a little over \$30,000, while the State had appropriated over \$160,000. It was brought out that the principal thing that the State was called upon to do was to pay the bills. Besides the \$160,000 appropriated by the State, I am informed that the towns in the State have paid this institution about \$2500 a year. I do not believe that the Governor and Council should investigate this matter. I believe that this House should assume the responsibility of its own acts.

Before the committee a majority of the managers were present and they stated that they were perfectly willing that it should be turned over to the State, and

they said they thought it would be for the best interests of all concerned. I trust the report of the committee will prevail.

Mr. PEASLEE of Wiscasset: As one of the committee I wish to say that we have intended no reflection on the trustees of this school, but we feel that they should turn this property over to the State because the State will be a kind father and a kind mother as well to those girls. If the State takes charge of that institution the committee believed that those girls will be put under the discipline they deserve. They deserve a more rigid discipline than they are now having, and the only way they can get it is for the State to assume the responsibility and put men on the board of trustees who will insist on rigid discipline. They are a set of girls no better than the boys that go to the Reform School, and I question if they are as good. I believe they need a more rigid discipline than those boys do, and that is one reason why I believe the State should take the charge of the school.

It has been said that some legal questions might arise. If those people were so kind and generous and had the good of the institution so much at heart that they would give this property for the benefit of the institution, would they not show a most marked change of heart if they insisted upon legal technicalities? I wish to say that the committee have consulted legal talent in this matter and we have been informed that this resolve is all right and that our report will stand.

I believe that this resolve is the best in every way for those girls and for that school. It is nothing more or less than a prison. It is not a charitable institution in the sense that the schools for poor boys and girls and orphan asylums are. It is a prison where girls are committed, but from which the trustees can send them out at any time they wish to get rid of them. If it was owned by the State that thing would not occur. It has been suggested that it would be a case of robbery. Then it would be robbery on the part of the committee of education. That may be all right, but I don't believe that it is courteous to accuse a set of gentlemen who have been trying to do their duty of such a thing, and I hope the House will sustain us in this matter.

It is not the trustees or the corporation that we are robbing, but what we are doing is a grand act for these girls by putting them under the management of the

State where their control will be rigid as it should be.

Mr. VIRGIN of Portland: I would like to ask for information. What will be the result if the resolve passes as it is? If the trustees refuse to turn over this property will not these girls have to be turned out into the street? That is a practical question. If the trustees refuse to turn over the property, the money will not be forthcoming for the support of the school, and I should like to know what will support them.

Mr. PEASLEE: I would like to ask if there is a man here that supposes for a moment that those people who have the interest of those girls at heart will go to work and do any such a thing as that?

Mr. MACOMBER of Augusta: The gentleman from Portland (Mr. Webb) has distinctly stated that without some additional legislation the trustees of this institution have no legal right or authority to transfer this property. If that is so, and this resolve passes as reported by the committee, the only conclusion I can draw is that these 70 girls will be turned out without anything to support them. I do not believe that this House wants to do that thing, and if that is the situation I think we ought to face it now before the vote is taken.

Mr. PEASLEE: There is an enabling act on the table which I think will fix the whole matter which the gentleman from Augusta inquires about.

Mr. BURNS: I will say that there are two lawyers on our committee, one considered of sufficient legal ability to be on the legal affairs committee on the part of the Senate; and we have also consulted other legal authority. I call for the yeas and nays.

The call was not sustained.

The question being on the adoption of the amendment, a division was had and the amendment was lost by a vote of 19 for to 68 against.

The bill was then read the third time.

Mr. Virgin of Portland, offered amendment "B," by adding at the end "if the Governor and Council after examination request such transfer."

The amendment was lost.

The resolve was then passed to be engrossed.

Special assignment: Resolve for building, Maine Industrial School for Girls.

Mr. PEASLEE: As it has been stated that they do not need this appropriation,

I move that it be indefinitely postponed. The motion was agreed to and the resolve was indefinitely postponed.

Special assignment: Bill an act to amend section 8, chapter 24, of the Revised Statutes, as amended, relating to soldiers.

Tabled on motion by Mr. Meicher of Portland.

Mr. Philbrook of Waterville, moved that when the House adjourn it adjourn to meet at 9 o'clock tomorrow morning.

The motion was agreed to.

PAPER FROM THE SENATE.

An act to regulate the admission to practice of attorneys, solicitors and counsellors and to provide for a board of examiners, and to repeal conflicting acts.

Mr. Hopkins of Deering, moved that the rules be suspended and that the bill receive its three readings and be passed to be engrossed.

The bill received its three readings and was table. pending passage to be engrossed, on motion by Mr. Guernsey of Dover.

An act to amend section 50 of chapter 46 of the Revised Statutes, relating to sale of real estate of corporations.

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

An act to incorporate Mount Pleasant Cemetery Association of South Portland.

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

Resolve authorizing a temporary loan for the year 1900.

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

An act authorizing the Lewiston, Brunswick and Bath Street Railway and the Portsmouth and Kittery and York Street Railway to increase their capital stock.

This bill comes from the Senate amended by Senate amendment F.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment F was adopted, and the bill was passed to be engrossed as amended.

An act to prevent the killing of tern. Amended in Senate by Senate amendment A.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted, and the bill was then passed to be engrossed as amended.

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

Amended in Senate by Senate amendment A.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

READ AND ASSIGNED.

Bill an act to prevent heads of departments from employing counsel or witnesses before committee of the Legislature.

Bill an act to amend section 2, of chapter 33, of the Public Laws of 1887, relating to the burial of soldiers.

Were severally read twice. On motion of Mr. Philbrook of Waterville, rules were suspended, bills severally read the third time, passed to be engrossed.

Resolve in favor of estate of H. F. Eaton.

Was read once. On motion of Mr. Murchie of Calais, the rules were suspended, resolve read the second time, and passed to be engrossed.

Bill an act to amend section 2, of chapter 242, of the Public Laws of 1893, as amended by chapter 111, of the Public Laws of 1895, relating to free public library.

Was read once and tabled on motion of Mr. Brown of Falmouth.

Bill an act to amend section 4, of chapter 266, of the Public Laws of 1897, and to amend section 5, of chapter 266, of the Public Laws of 1897, relating to the board of agriculture.

Was tabled pending first reading on motion of Mr. Beal of Bangor.

Bill an act to amend chapter 266, of the Public Laws of 1893, relating to the militia.

Was read twice. On motion of Mr. Brown of Falmouth, rules were suspended, bill read the third time and passed to be engrossed.

PASSED TO BE ENACTED.

An act to authorize the inhabitants of the town of Woolwich, or their assigns, to increase the height of the dam across Nequasset stream, in the town of Woolwich.

An act to prevent immoral exhibitions.

An act additional to chapter 81. of the Revised Statutes, relating to the sale, on writ, of personal property attached.

An act entitled "an act to amend chapter 42, of the Public Laws of 1899."

An act to establish a municipal court in the town of Searsport.

An act additional to chapter 237, of the Public Laws of 1899, relating to life and casualty insurance on the assessment plan.

An act to increase the salary of the county attorney of the county of Hancock.

FINALLY PASSED.

Resolve in favor of the town of Trescott.

Resolve authorizing the Governor and Council to accept, in the name of the State, from the Pemaquid Monument Association, title to Fort William Henry and adjacent lands.

Resolve for improvement of Songo and Chute rivers.

Resolve in favor of Francis Keefe, in part payment of witnesses', magistrates' and officers' fees disbursements made by him in the Kittery and Eliot contested election case.

Resolve in favor of the trustees of the State Normal schools.

Resolve in favor of Joshua Gray of Gardiner and William B. Snow of Skowhegan.

Resolve in favor of the town of Rockport.

Resolve in favor of the Society of the Sisters of Charity for the use of the Healy Asylum of Lewiston.

ORDERS OF THE DAY.

On motion by Mr. Guernsey of Dover, bill an act to amend section 1 of chapter 298 of the Public Laws of 1889, relating to hawkers and peddlers, was taken from the table.

Mr. Guernsey offered amendment A, which was adopted.

The bill was then read the third time and was passed to be engrossed.

On motion of Mr. Manley of Augusta,

all debates shall be limited to five minutes upon any subject, to any one member.

Pending passage, the order was tabled on motion of Mr. Beal of Bangor.

On motion of Mr. Walker of Starks,

Majority report of the committee on University of Maine, reporting ought not to pass on bill an act to repeal the provisions of chapter 215 of the resolves of 1897, appropriating twenty thousand dollars a year for ten years, for the University of Maine, so far as the same relates to the years subsequent to 1898, and

Minority report of same committee on same bill reporting ought to pass in new draft, bill an act to repeal the provisions of chapter 215 of the resolves of 1897 appropriating twenty thousand dollars a year, for ten years, for the University of Maine so far as the same relates to the years subsequent to 1900.

Was taken from the table.

Mr. Walker of Starks moved to substitute the minority for the majority report.

Mr. WALKER of Starks: I trust that the minority report of the U. of M. committee will be accepted by this House. The report is "ought to pass" in a new draft on the resolve, House document No. 361, to take effect in the year 1901. If this report is accepted and the accompanying act passes, the present appropriation of \$20,000 a year for the years 1899 and 1900 will be granted, but for the year 1901 and the five following years as provided by chapter 215 of the Resolves of 1897, there will be no endowments unless future Legislatures make them. It simply leaves each Legislature to do what it considers its duty by this school, and I believe this is in accordance with the spirit of the constitution of our State, and that it is not in accordance with the spirit of the constitution to pass a resolve for the appropriation of money which isn't to be expended until after another Legislature convenes. I believe our Hon. Governor took the correct position when he says in his address before this Legislature: "As a general rule, the advisability of making grants of money to continue through a series of years. Upon careful reflection I am convinced that it is safer legislation, and more in keeping

with the spirit, at least, of our constitution, to leave to each successive Legislature the right and the duty to provide for and decide how much the State will aid or appropriate for any institution, or contribute for any purpose, and to confine its appropriations strictly to the two years for which it has been chosen. And I would suggest, that in any grants of money which you may deem it necessary and proper to make you confine them to that period, unless there is some very cogent reason for extending it a longer time."

Now, gentlemen, I have had the honor of being a member of the committee on education during this session of the Legislature. Many resolves for the appropriation of money for academies and seminaries were referred to our committee. Some of these resolves asked for an appropriation for a term of ten years, but in no case was it granted. We were unanimous in the opinion that it was wisest when and best to appropriate for two years, and for two years only. Leaving the next Legislature to do its duty by these schools. If this was the right course to pursue in relation to the academies and seminaries isn't it the right course to pursue in relation to our University. I believe that the same course of reasoning which will apply to the one will with equal force apply to the other. To be sure the resolve appropriating \$20,000 a year for ten years was passed by the Legislature of 1897, but as I view the matter, if it was not right and in accordance with the spirit of our constitution for them to pass a resolve appropriating money for a term of ten years, it is plainly the duty of the present Legislature to repeal the law. If it was right and in accordance with the spirit of our constitution for them to pass a resolve appropriating money for a term of ten years, then it would be equally right if the time had been 100 years or 1000 or an indefinite period, and again if it is not our right and duty to repeal in the present instance, if it is plainly wrong neither would it be our right and duty to interfere if the years were 100 or 1000 or an indefinite period.

Now, gentlemen, I decided to put in this minority report only after I had calmly and deliberately considered the matter, and had come to the conclusion that my position was right, even

though I stood alone on the committee. I also voice the unanimous sentiment, so far as I know, of the people of my district and of the people in my county.

Now I do not see how the present management of this institution can find any fault with the attitude shown by Somerset county citizens in the past. If you will consult the catalogue of the school you will find that Hon. Abner Coburn of Skowhegan, was for years its chief benefactor. That he endowed the school with \$100,000, the income from which, \$4000, is used yearly.

At the hearing before the U. of M. committee I asked President Harris, "If the present appropriation of \$20,000 a year be continued for eight years, and two, four or six years from now he thought more money might advantageously come into the University hopper if he should ask the Legislature to increase the appropriation. He very frankly stated that he should. Now I think it was very generally believed two years ago when the resolve appropriating \$20,000 a year for 10 years was passed that the management of the institution wouldn't come to the Legislature again asking for aid until the expiration of the 10 years. Gentlemen, has this expectation been realized? In the early days of the present Legislature President Harris was on the ground. This time he wanted the modest sum of \$35,000 for a gymnasium or drill hall as a memorial for the boys of the university who died in our late war with Spain. Now, Mr. Speaker, I have nothing but words of praise for the students of this institution who left their studies, sundered their school connection, and offered their lives for the cause of humanity. With equal liberality do I honor the students from the other colleges and schools of our State, and all the boys who left the farm and work shop to follow where duty led, and until the old flag should mean something which it had never meant before. Now I submit to you, Mr. Speaker and gentlemen of this House, if the president of this institution has met the expectations of the Legislature of two years ago in this matter of asking for appropriations? Has he kept faith with the people of the State of Maine? President Harris is a bright man, one of the brightest in our State, and as a lobbyist when questions for an appropriation of money

for a State college are at issue, I presume he has no superior on the American continent.

If the report which I advocate is accepted none of the teachers of that institution will be turned down, their pay does not come from this appropriation. The amount appropriated by our State is for current expenses only. The management of the school has, besides, in round numbers, about \$50,000 which added to the \$20,000 received from the State, gives them \$70,000 yearly, a larger sum of money, as Governor Powers said in his address to this Legislature, than any other college institute in our State.

If my report is accepted none of the teachers will be discharged, the clerks, stenographers, typewriters and farm hands can all be retained, even the professor of the hen industry of that institution may still be kept on duty. (Laughter.)

But, Mr. Speaker and gentlemen, I have already taken enough of your time. I have spoken sincerely, earnestly and in strict conformity to the wishes of the minority of your committee which, in this instance, is a minority of one, nevertheless, I believe the minority to be in the right, and that it is the duty of this House to substitute its report for the report of the majority. (Applause.)

Mr. McFadden of Dresden, moved that when the vote on the motion to substitute the minority for the majority report, be taken, it be by the yeas and nays. The House refused to order the yeas and nays and the motion was lost on a viva voce vote.

The majority report was accepted.

On motion of Mr. Beal of Bangor,

Ordered, That the committee on agriculture be and they are hereby directed to make their final report on matters pertaining to the cattle commission at the morning session, tomorrow.

Bill an act to amend chapter 45 of the Revised Statutes, relating to interest.

Was tabled and ordered printed on motion of Mr. Murphy of Lewiston.

On motion by Mr. Virgin of Portland, the order introduced by Mr. Merrill in regard to the equalization of taxation was taken from the table.

On motion by Mr. Merrill the order was indefinitely postponed.

Mr. Merrill presented a resolve cov-

ering the same ground and moved that it take its two readings and pass to be engrossed under suspension of the rules.

Mr. Chase of Portland, moved that it be laid upon the table and assigned for tomorrow morning.

(Discussion ensued.)

The motion to lay on the table until tomorrow was agreed to.

On motion of Mr. Beal of Bangor,

Bill an act to promote the efficiency of the fire department of the city of Bangor, was taken from the table, indefinitely postponed and sent to the Senate.

On motion of Mr. King of Caribou, bill relating to political caucuses in towns was taken from the table.

Mr. King offered amendment I to amendment C.

The House reconsidered the vote whereby amendment C was adopted.

The House then adopted amendment C as amended by amendment I.

On motion of Mr. Perkins of Cornish, the bill and amendments were tabled for printing.

On motion of Mr. Maxcy of Gardiner,

Bill an act to incorporate the Saint Croix Water Power Company, was taken from the table.

On motion of same gentleman the vote whereby the bill passed to be engrossed, was re-considered. House amendment A offered by Mr. Maxcy of Gardiner, was adopted and the bill as amended was passed to be engrossed.

On motion of Mr. Manley of Augusta, bill an act to abolish imprisonment for debt and to provide for the disclosure of poor debtors, was taken from the table.

Mr. Virgin of Portland, offered House amendments "A," "B," "C," "D" and "E," which were adopted. On motion of Mr. Virgin, the bill was referred to the next Legislature.

On motion of Mr. Philbrook of Waterville, bill an act to prevent a preference of creditors, was taken from the table.

Mr. Hill of Belfast, moved that the bill be indefinitely postponed. Pending action on that motion, the bill was tabled on motion of Mr. Hopkins of Deering, and tomorrow assigned for its consideration.

On motion of Mr. Gardner of Patten, bill an act to amend section 17 of chapter 128 of the Revised Statutes, as amended by section 2 of chapter 288 of the Public Laws of 1889, relating to tramps, was taken from the table, read the third time

and passed to be engrossed as amended by House amendment "A."

On motion of Mr. Webb of Portland, bill an act establishing the Maine Industrial School for Girls was taken from the table. On motion of Mr. Peaslee of Wiscasset, rules were suspended, bill read three times and passed to be engrossed in concurrence.

RESOLUTION ON THE DEATH OF HARLAN P. PRINCE OF YARMOUTH.

Mr. Weed of Monticello, presented the following resolution:

In view of the loss we have sustained by the decease of our friend and associate, Harlan P. Prince, and of the still heavier loss sustained by those who were nearest and dearest to him, be it

Resolved, That in the death of H. P. Prince the town of Yarmouth loses an honored citizen, the State of Maine a noble son and this House one of its most efficient members.

Resolved, That it is only a just tribute to the memory of the departed to say that, in regretting his removal from our midst, we mourn for one who was in every way worthy of our respect and regard.

Resolved, That we sincerely condole with the family of the deceased on the dispensation which it has pleased Divine Providence to afflict them, and commend them for consolation to Him who orders all things for the best, and whose chastisements are meant in mercy.

Resolved, That this heartfelt testimonial of our sympathy and sorrow be forwarded to the family of our departed friend by the clerk of this House and that the same be printed in the journal of this House.

Mr. FOGG of Freeport: On the 5th day of March, one week ago last Sunday, Harlan P. Prince, representative from the classed towns of Yarmouth and North Yarmouth, passed away at his home in Yarmouth, after a short sickness of about a week. On Friday, Feb. 24, he left this hall apparently in perfect health, but soon after reaching home contracted a severe cold which resulted in pneumonia.

Having been associated with Capt. Prince, as we all called him, at the last as well as the present Legislature, and having occupied the same apartments with him this winter; knowing him probably better than any other member of this House, it seems but proper and fitting that I should speak to you of him for whom I had the most profound respect.

Harlan Page Prince was born in Yarmouth, June 9, 1838. He was the youngest son of Capt. Reuben and Deborah Drinkwater Prince. He was educated in the public schools of Yarmouth and at North

Yarmouth Academy, that famous old school which has graduated so many famous men.

At the early age of 15 years, he began to go to sea. Ship building at that time was at its height. The sound of the hammer and mallet were heard in every hamlet along our shore and he, like every ambitious boy of his time was anxious to command a ship. He continued to follow the sea with the exception of a time spent at home in the study of navigation until the winter of '92 when he decided to give up the sea and retire to his farm in Yarmouth which had always been the desire of his life and which he enjoyed in every sense of the word the few years his life has been spared.

He was early placed in command of a ship and in his several voyages around the world, he sailed as master of the following vessels: Aeronaut, brigs, Emma, Agenora, barks, Ester, B. Webster, Onaway, Carrie Heckle and the ship Wm. G. Davis of which he was master at the time of his retirement from the sea.

Capt. Prince was twice married, his first wife was Annie C. Prince by whom he leaves one daughter. On Oct. 6, 1890, he married Clara Blanchard Gooding, who survives him together with two beautiful children, Harlan Page, Jr., and Jessie May.

In 1896 he was elected to represent the classed towns of Yarmouth and North Yarmouth by a large majority and in 1898 he was re-elected by an increased majority.

Capt. Prince was a man who lived up to the saying that "Honesty is the best policy" and made friends wherever he went. He was a kind neighbor, a loving husband and father and a good citizen. It is said of him that those who differed with him in politics were always ready to admit that the interests of the town were ably and conscientiously represented in the State Legislature.

He was a member of the Portland Maine Society in whose affairs he took a great interest.

Capt. Prince was of a retiring nature; he did not seek notoriety by speaking on the floor of the House but was always an attentive listener and kept well informed in the business of the day; when a vote came his voice

was heard with no uncertain sound.

He was a man that never allowed himself to grow old and although there was a large difference in our ages I always enjoyed his company.

Those of us who were intimately acquainted with him will never forget his sayings. His fund of sea tales and anecdotes always made him the center of an interested group. He seemed to have a flavor of the sea about him left there by 40 years of constant travel which time could not efface.

My personal relationship with Capt. Prince has been most cordial. There have been times during the session when I have been obliged to be absent; on returning he would always say to me "Fogg I can't have you absent any more. You don't know how I miss you."

Mr. Speaker and gentlemen of the House, how these words come back to me now when I look at his vacant chair; I only wish I were able to express to you in words how much I miss him.

The resolutions were seconded by Messrs. Fogg of Freeport, Grindel of Islesboro, Ryerson of Livermore, Brown of Falmouth and Philbrook of Waterville.

Mr. Philbrook moved that as a further mark of respect to the memory of Captain Prince the House do now adjourn.

The motion was agreed to.