

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

HOUSE.

Tuesday, March 24, 1903.

Prayer by Rev. Mr. Tanberg of Gardiner.

Papers from the Senate disposed of in concurrence.

(Mr. Mills of Stonington, in the chair.)

Senate Bills on First Reading.

(The following Senate bills were passed to be engrossed under a suspension of the rules in concurrence.)

An Act to fix the qualification for participation in party caucuses of the city of Augusta.

An Act to amend Section 16, Chapter 51 of the Revised Statutes, relating to railroads.

An Act to amend Section 29, Chapter 116 of the Revised Statutes, relating to fees and costs of magistrates.

An Act to amend Section 107, Chapter 11 of the Revised Statutes, relating to Normal Schools.

Resolve in favor of clerk, stenographers to President and recording officers of the Senate and House.

An Act to supply the city of Bangor with pure drinking water.

An Act to permit the use of purse seines in Damariscotta river.

Mr. Clarke of Nobleboro, offered House amendment A which was adopted, and the bill was then passed to be engrossed as amended.

Resolve providing for an epidemic or emergency fund.

Resolve in favor of the town of East Livermore.

An Act relating to the compensation of examining boards. (Senate amendment A was adopted and the bill was passed to be engrossed as amended.)

Resolve to pay for the printing and binding of the report of John A. Morrill, commissioner for the revision and consolidation of the Public Laws.

Resolve in favor of the re-establishment, where necessary, of the boundaries of the lots reserved for public uses in the several plantations and unincorporated places.

Resolve in favor of A. A. Burleigh, chairman of the committee on interior waters.

An Act to repeal Section 23 of Chapter 39 of the Revised Statutes, relating to paper.

An Act for the protection of lobsters with eggs attached.

An Act to amend Section 44 of Chapter 2 of the Revised Statutes, relating to publication of the Public Laws.

An Act to define the appointment and duties of superintendents of schools.

An Act to prevent the throwing of sawdust and other mill waste into all tributaries of Seven Tree pond and Crawford pond in Union and Warren. (Referred to the next Legislature on motion of Mr. Littlefield of Rockland.)

An Act to make valid the elections of treasurers and collectors of taxes held during the month of March in the year 1902.

An Act to incorporate the Augusta Water District, came from the Senate amended by Senate amendment A.

On motion of Mr. Gannett of Augusta, the vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted, and the bill was then passed to be engrossed as amended.

An Act relating to fishing in the streams in Salem and Strong in Franklin county, came from the Senate amended by Senate amendment A.

On motion of Mr. Bailey of Bradford, the vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted, and on motion of Mr. Randall of Freeport, the bill was laid on the table pending its passage to be engrossed.

An Act to authorize Clarence H. Clark to extend and maintain a wharf in Lubec Narrows, came from the Senate amended by Senate amendment A. On motion of Mr. Butler of South Thomaston, the vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

On motion of Mr. Eaton of Calais, the rules were suspended and that gentleman introduced bill, An Act to amend an act entitled "An Act au-

thorizing Washington county to sell its stock in the Washington County Railroad Company and authorizing the sale or lease of said railroad, approved March 10, 1903." (Referred to the Washington County Delegation.)

Orders.

On motion of Mr. Farnsworth of Pembroke,

Ordered, That the clerk be directed to make up the pay of L. E. Thornton the same as the other House folders for the session of 1903. (Received under a suspension of the rules.)

On motion of Mr. Boyd of Linneus,

Ordered, The Senate concurring, that the State treasurer be authorized to pay to F. Carroll Burrill, secretary of the committee on railroads, telegraphs and expresses, the sum of \$150, the same being for services of stenographer and clerical help employed during the session. (Received under a suspension of the rules.)

On motion of Mr. Leavitt of Turner,

Ordered, The Senate concurring, that the State treasurer be authorized to pay to Reuben L. Snowe, secretary of the committee on agriculture, the sum of \$50, the same being for clerical help employed during the session.) Received under a suspension of the rules.)

On motion of Mr. Gannett of Augusta,

Ordered, The Senate concurring that the State treasurer be authorized to pay H. A. Furbish, secretary of the committee on inland fisheries and game, the sum of \$150, the same being for services of a stenographer and clerical help employed during the session and for services of a messenger to the committee. (Received under a suspension of the rules.)

Reports of Committees.

Mr. Page, from the committee on appropriations and financial affairs, on resolve to provide for expense of examination of candidates for the Cecil John Rhodes scholarship, reported ought not to pass.

Mr. Dudley, from the same committee, on resolve to provide for the services of a stenographer and typewriter

when needed and for extra clerk hire in the office of the State superintendent of public schools, reported ought not to pass.

The committee on ways and means to whom was referred order of the Legislature relating to the rating necessary for the assessment of the State tax for the years 1903 and 1904, reported the following order:

Ordered, That the State assessors be directed to assess the State tax for the years 1903 and 1904 on the valuation as established by said assessors for said years, at a rate of 2 3-4 mills on the dollar of said valuation for said years. (The report was accepted and the order given a passage.)

Mr. Putnam, from the committee on interior waters, reported in a new draft and ought to pass bill, An Act to authorize William C. Farrell and Henry A. Gagnon to construct a dam or dams across Hammond brook in Aroostook county, and build and maintain piers and booms in said brook for driving purposes.

Mr. Ross, from the same committee, reported in a new draft and ought to pass, bill, An Act to amend Section 3 of Chapter 30 of the Private and Special Laws of 1872, relating to the Godfrey Falls Dam Company.

Mr. Josselyn, from the committee on mines and mining, on bill, An Act to create the Maine Mining Bureau, reported ought to pass.

Mr. Swett, from the committee on appropriations and financial affairs, on bill, An Act to increase the salary of the justice of the superior court for the county of Cumberland, reported ought to pass.

Mr. Sewall, from the same committee, on bill, An Act to increase the salary of the county attorney of Sagadahoc county, reported ought to pass.

Mr. Eaton, from the same committee, on bill, An Act to amend Section 112 of Chapter 11 of the Revised Statutes, as amended by Chapter 37 of the Public Laws of 1891, and by Chapter 121 of the Public Laws of 1895, and by Chapter 308 of the Public Laws of 1897, relating to Normal schools and the Madawaska Training school, reported ought to pass.

Messrs. Burns, Rankin, Swett, Dudley and Bryant from the same committee, reported in a new draft and ought to pass resolve in favor of the Western State Normal school at Gorham.

Messrs. Sewall, Bodwell, Page, Eaton and Putnam, from the same committee, on same resolve, reported that same be referred to the next Legislature.

On motion of Mr. Swett of Portland, the reports were laid on the table, and assigned for tomorrow morning, and that the bills be printed.

Mr. Bodwell, from the committee on appropriations and financial affairs, on resolve to provide for a geological examination of the State for a possible supply of coal, reported that same be referred to the next Legislature.

Mr. Bodwell, from same committee, on bill, An Act in relation to agricultural societies, reported ought not to pass.

On motion of Mr. Snowe of West Gardiner, this was laid on the table pending the acceptance of the report of the committee.

Passed to be Engrossed.

An Act to amend Chapter 33 of the Public Laws of 1887.

Mr. Maybury of Saco, offered House amendment A by adding to the title the words, "relating to the burial of widows of soldiers in certain cases.

The amendment was adopted and the bill was then passed to be engrossed as amended.

Resolve in aid of navigation on Lewey, Long and Big lakes.

Resolves providing for an amendment to the constitution, relating to limitation of municipal indebtedness. (Tabled on motion of Mr. Oakes of Auburn, pending third reading, and Wednesday morning assigned for its consideration.

Resolve in favor of the Maine State library.

Resolve in favor of the town of Mariaville.

(At this point the Speaker resumed the Chair).

Passed to be Enacted.

An Act additional to Chapter 73 of the Revised Statutes relating to titles to property.

An Act to incorporate the Washington County General Hospital.

An Act to legalize the doings of the selectmen of the town of Waltham.

An Act relating to suits in equity to quit title.

An Act to amend Section 5 of Chapter 137 of the Revised Statutes, as amended by Section 1 of Chapter 295 of the Public Laws of 1893 relating to insane criminals.

An Act to incorporate the Village Cemetery Association of Searsport, Waldo county, Maine.

An Act to amend Section 1 of Chapter 75 of the Revised Statutes, as amended by Chapter 157 of the Public Laws of 1895 and by Chapters 193 and 196 of the Public Laws of 1897, relating to descent of real estate.

An Act to amend Chapter 101 of the Public Laws of 1887 relating to paupers.

An Act to amend Chapter 65 of the Private and Special Laws of 1875 relative to Petit Menan Point.

An Act to amend an act entitled "An Act regulating the admission to practice of attorneys, solicitors and counsellors, and to provide for a board of examiners and to repeal conflicting acts, approved March 17, 1899."

An Act to extend the charter of the Bluehill and Bucksport Electric Railroad Company.

An Act to extend the charter of the Maine Water and Electric Power Company.

An Act relating to assaults upon officers and hindering or obstructing them while in the discharge of their duties.

An Act to amend Section 5 of Chapter 17 of the Revised Statutes, as amended by Chapter 188 of the Public Laws of 1893, relating to nuisances.

An Act to amend the charter of the city of Lewiston and to provide for a street sewer and permanent improvement department.

An Act to increase the salary of the county attorney of Piscataquis.

An Act relating to the salary of the county attorney of Somerset county.

An Act to amend an act incorporating the trustees of Bridgton Academy.

An Act relative to the Aroostook Valley Railroad Company.

An Act to authorize the Aroostook

Valley Railroad Company to purchase or lease the property and franchises of the Presque Isle Electric Light Company.

An Act to incorporate the Cherry-field and Milbridge Street Railway.

An Act to change the corporate name of the Maine Wesleyan Seminary and Female College.

An Act to incorporate the Patten Trust Company.

An Act in relation to the Bath Military Naval and Orphan Asylum.

An Act to authorize Samuel D. Warren and others to erect and maintain piers and booms in the Kennebec river.

An Act to authorize Bath, West Bath and Brunswick to build a bridge over the New Meadows river between Brunswick and West Bath.

An Act to prohibit all ice fishing in First or Billings pond in Bluehill, county of Hancock.

An Act to amend Section 43 of Chapter 284 of the Public Acts of 1901, relating to migratory fish in Mill river.

An Act creating a close time on the tributaries of Indian, South and Twitchell ponds and on Indian pond in Greenwood and the tributaries to Bryant pond in Woodstock in the county of Oxford.

An Act to prevent ice fishing in No. Nine lake, situated in Township 9, Range 3, in the county of Aroostook.

An Act opening certain tributaries to Sebec lake to fishing under the general law.

An Act to prohibit the throwing of sawdust or other mill refuse into Ellis stream, so called, in Waldo, Brooks and Belfast, in Waldo county.

An Act to amend Chapter 381 of the Private and Special Laws of 1901, relating to open time on deer in Cumberland county.

An Act for the protection of deer in the counties of Kennebec, Waldo and Lincoln.

Finally Passed.

Resolve providing for completing the fire proofing and necessary repairs in the south wing of the State Capitol.

Resolve providing for repairs to be made on the tomb of Governor Enoch Lincoln.

Resolve in favor of the town of Houlton.

Resolve in favor of the committee on Maine State prison.

Resolve authorizing the land agent to sell certain public lots in Dallas plantation, in Franklin county.

Orders of the Day.

On motion of Mr. Irving of Caribou, the vote was reconsidered whereby the House accepted the report of the committee on financial affairs, reporting ought not to pass on bill regarding the Cecil Rhodes scholarship, and on further motion by the same gentleman, the bill was tabled for printing, pending the acceptance of the report, and assigned for tomorrow morning.

On motion of Mr. Weeks of Fairfield, the vote was reconsidered whereby the House passed to be engrossed bill, An Act relating to compensation of examining boards, and on further motion of the same gentleman, it was laid upon the table.

On motion of Mr. Pettengill of Rumford, bill, An Act to establish Patriot's day, was taken from the table, and on further motion of the same gentleman, the rules were suspended, the bill received its third reading and was passed to be engrossed.

On motion of Mr. Farnsworth of Pembroke, bill, An Act to enlarge the powers of the Lawrence Lumber Company, was taken from the table.

Mr. Farnsworth offered House amendment A by striking out in the 10th and 11th lines of Section 1 the words "of said corporation and of those under their control."

The amendment was adopted, and on motion of Mr. Farnsworth, the rules were suspended, the bill received its third reading and was passed to be engrossed as amended.

On motion of Mr. Drew of Portland, bill, An Act to make certain the meaning of the language "timber and grass relating to public lots, so called, in unincorporated townships," was taken from the table.

On motion of Mr. Weeks of Fairfield, the bill was again tabled pending its third reading.

On motion of Mr. Sutherland of Biddeford, bill, An Act relating to open season for fishing in Wilson lake in the town of Wilton, was taken from the table.

The bill was then read a second time and on motion of Mr. Sutherland, the rules were suspended, the bill received its third reading, and was passed to be engrossed.

On motion of Mr. Randall of Freeport, bill, An Act regulating fishing in streams in Salem and Strong in Franklin county, was taken from the table. The bill was then passed to be engrossed in concurrence with the Senate.

On motion of Mr. Thornton of Ashland, bill, An Act to authorize the Portage Lake Mill Company to build and maintain piers and booms and to operate a steamboat in Portage lake, was taken from the table. The bill was then read a third time and was passed to be engrossed.

On motion of Mr. Newcomb of Eastport, the vote was reconsidered whereby bill, An Act to enlarge the corporate powers of the Lawrence Lumber Company was passed to be engrossed, and on further motion by the same gentleman, it was indefinitely postponed.

Today assigned: Majority report of committee on education reporting ought not to pass on bill relating to the apportionment of the State school fund and mill ax and minority report of same committee reporting ought to pass in new draft, bill under same title.

Mr. Randall of Freeport, moved that the minority report be amended by striking out the words "ought to pass," and inserting in place thereof the words "be referred to the next Legislature."

The amendment was adopted.

Mr. Randall moved to substitute the minority report as amended for the majority report.

On motion of Mr. Howe of Canton, pending the acceptance of the minority report, the bill was laid on the table and assigned for tomorrow morning.

On motion of Mr. Hill of Winterport, the rules were suspended and that gentleman presented a remonstrance of the W. C. T. U. of Maine, representing 8000, against the passage of House bill No. 473. (Placed on file).

Today assigned: Majority report of committee on inland fisheries and game, reporting "leave to withdraw" on petition of selectmen of Byron, and

others, that the bounty on bears be restored, and minority report of same committee, on same petition reporting bill providing for a bounty on bears in Oxford county.

On motion of Mr. Pettengill of Rumford, the minority report was substituted for the majority report. (Referred to the committee on appropriations and financial affairs under the joint rules.)

Taxation of Mortgages.

Report of the committee on taxation, reported "ought to pass" in new draft under same title, bill relating to the taxation of mortgages.

Mr. PUTNAM of Houlton: Mr. Speaker, I move that the House non-concur with the Senate in accepting the report of the committee on taxation, and I further move that when the vote is taken it be taken by the yeas and nays.

Mr. DAVIDSON of Hammond Plantation: Mr. Speaker, is an amendment in order?

The SPEAKER: No, it is not until something is done with the report.

Mr. HOWE of Canton: Mr. Speaker: Before this vote is taken I wish to say that this bill came down to us from the last Legislature providing for the taxation of the holder of mortgages of his proportional part of the property. A hearing was advertised, and it was well attended, and the matter was heard and discussed. The committee after due consideration of the subject, were unanimous in their opinion that the bill was not wise, and this bill was reported in its place. Now, the committee on taxation are composed of business men. As to my own position in the matter I can illustrate it by referring to a man in my county who was arrested for selling liquor illegally. He was asked if he was guilty, and he said "No, I am always a buyer and never a seller." In my own case I am always a borrower and not a lender. We believe if the liability of money to be taxed when it is loaned is taken away, that the laws of supply and demand which regulate the price of all commodities will regulate the price of money in the market. In no instance is there money loaned

on mortgages where the lender does not say, "I am liable to be taxed for this." If this board of assessors does not catch me, the next board may, and I am going to charge you a sufficient rate of interest so that if I do get caught I am bound to have a good rate of interest left." The consequence is that the borrower of money not only pays this man a good fair rate of interest, but in addition to that he assesses the municipal tax, collects it and puts it into his own pocket.

The valuation of the State in the last 10 years has increased \$43,471,000. The money in the national banks has increased within five years \$7,752,374. The increase in assets of all banks in two years is \$13,633,728. Money at interest in 1892 was \$11,005,862, and in 1902, 10 years later, the money at interest was \$11,307,777—an increase of money at interest in the State of Maine in 10 years of \$301,915. The increase of the total valuation in 10 years for the State of Maine is about 17 per cent. The increase of money at interest is 2.74 per cent.

Now, do you believe that that is a true representation of the existing state of affairs? Do you believe that the valuation of the State has increased 17 per cent. and that the money loaned on mortgages has only increased 2.74 per cent.? I do not believe it. The loans on mortgages of real estate by savings banks has increased in 10 years \$1,014,991.

The opponents of this bill claim that it will not reduce the rate of interest, that if the liability to be taxed is removed from the ender of money, he will still continue to charge his exorbitant rates of interest. I hold in my hand a copy of the Review of Reviews for February, in which is an article by John R. Commons, secretary of the taxation department of the National Civic Federation. He says, on the question of taxing mortgages, "Another lesson in tax reform is on the taxation of mortgages. Here Michigan and Wisconsin have been more spectacular, but not more instructive, than Indiana. Indiana approaches the subject gradually and gave the tax dodgers notice. Michigan

and Wisconsin came down suddenly and hard, and the adjustment is not yet complete. The Michigan state commission secures from every recorder of deeds in the state a list of all unsatisfied mortgage held by residents of the state, with the address of the mortgagee. These are classified at headquarters and sent out to every assessor. In Indiana and Wisconsin the county assessors exchanged their lists directly. In one year in Michigan the total assessment of mortgages was raised from some \$5,000,000 to \$55,000,000. Wisconsin in four years raised the assessment of intangible property from about \$16,000,000 to \$72,000,000, nearly all of the increase being in mortgages. Other classes of credits escaped because they are not of public record. In both states the results are interesting. Mortgages are renewed or new ones made at an advance of 1 per cent. or 1½ per cent. in the rate of interest. This has aroused the farmers to a lively interest in the economies of tax laws, following their earlier interests in the reform of tax administration. But the adjustment is taking place, and in Indiana it is already made, with interest on average mortgage security at 5 per cent., against 6½ per cent. and 7 per cent. in the other states."

The general policy of the State I think is to relieve the poor man of any unjust and additional burdens, and this argument that I have just read is from an authority that is beyond question, and it seems to me that what has worked well in Indiana, certainly should work well in Maine. This, gentlemen, is the position of the taxation committee in regard to this matter. I do not wish to weary the House, and as far as I am concerned I am willing to abide by the judgment of the members.

Mr. PUTNAM of Houlton: Mr. Speaker, the committee on taxation have reported this bill unanimously, and I regret to say that the honorable Senate accepted that report without a dissenting vote. Theoretically this measure may be right, but in practice I feel certain that it would not lessen the rate of interest paid by the borrower of money on real estate. From my own experience I can say that within the past year I have written a num-

ber of mortgages on farm property, where the rate of interest was 4 1-2 and 5 per cent. Now it would certainly be absurd to claim that the money lenders, after the passage of this bill, would loan at a rate of 2 per cent. less, or 2 1-2 and 3 per cent. Under the present system of taxation we do not tax all of the money at interest, but we get a large part of it and the tax that is paid comes from wealthy persons.

From the State assessors report I find that there is taxed in Maine \$11,307,777 money at interest, yielding to the different communities in which it is taxed, about \$226,000.00. Pass that bill and it means that the visible property, farms, houses, stores and mills, will have to pay over one-quarter of a mill more in taxes. The city of Portland taxes \$4,721,000.00 money at interest. The passage of this bill means a loss of \$95,000 in taxes to Portland. The town of New Gloucester in Cumberland county, with a total valuation of a little over \$1,000,000 taxes \$445,000.00 money at interest. If this bill becomes a law it means a loss of nearly one-half of its taxable property to that town. The city of Bangor taxes \$1,065,000.00 money at interest. The tax rate of Bangor is .0225; the loss of that city made by the operation of this bill would be \$22,500.00. Calais taxes about \$200,000 money at interest. At the per cent. rate of taxation in Calais that city would lose \$5000 under this bill.

My own town of Houlton, located way up in the northern wilderness, taxes \$217,700 money at interest, of which \$70,000 is taxed to one man; and \$33,000 is taxed to another, an ex-Governor of this State. Pass this bill and these two gentlemen will be relieved of taxes to the extent of over \$1600 and \$700 respectively, relief which they are not asking for, and the town of Houlton will lose nearly \$6000 in taxes.

The passage of this bill will relieve from taxation property nearly equal in value to the total stock in trade taxed in Maine, twice as large as the total value of bank stock taxed in Maine, and five times as large as the entire shipping taxed in Maine.

Sir, I yield to no man in a desire to lessen the burdens of taxation which

bear down upon the owner of real estate, but I am not in favor of any experimental legislation, as this bill is, which will not lessen the burden of the mortgagor, the borrower of money, but which will certainly lighten the taxes of the wealthy money lenders. Sir, I trust the motion to non-concur will prevail. (Applause).

Mr. POOR of Belfast: Mr. Speaker, there is one point in connection with this bill which has not been discussed, but which has occurred to me as a member of the committee on taxation since we took our vote in executive session. The savings banks, as you all know, pay a tax on their franchise which is made up of mortgages and other loans, largely of mortgages on real estate. So also the trust companies. Now, if you exempt the outside money lender from taxes, will it not discriminate against our savings banks and trust companies, who are good friends of the State and pay a revenue of about \$450,000 a year? This law work well in Massachusetts, and it was framed from the Massachusetts law, but the savings banks in making their returns in Massachusetts are permitted to deduct their mortgages on real estate, so it does not conflict and discriminate against them.

I would say that I am not in favor of the passage of the bill. (Applause.)

Mr. DAVIDSON of Hammond Plantation: Mr. Speaker, as a member of the committee on taxation I am also willing to admit that I made an ass of myself in voting for the bill. (Laughter and applause.)

Mr. POOR of Belfast: Mr. Speaker, I wish to add one more word in this connection. Would it not be logical and just and reasonable, if this bill passes, for the savings banks and trust companies to put in a bill asking a like exemption on money that they loan? It is a matter that suggests itself in connection with this bill.

Mr. WEEKS of Fairfield: Mr. Speaker, if there are any other members of the committee on taxation who desire to make a confession, I move that they have an opportunity. (Laughter and applause.)

The question being upon the motion of Mr. Putnam of Houlton, to non-

concur with the Senate in the acceptance of the report,

The yeas and nays were ordered.

YEA:—Allen of Wellington, Bailey, Benner, Blake, Blanchard, Boyd, Brewster, Briggs, Burrill, Bussey, Butler, Buxton, Buzzell, Cameron, Campbell, Carleton, Clarke of Nobleboro, Clark of Prospect, Cole, Curtis, Davidson, Davis, Dilling, Downing, Drew, Dudley, Eaton of Calais, Eaton of Wells, Farnsworth of Tremont, Favour, Foss, Gagnon, Gannett, Gardner, Greenleaf, Haskell, Hawkes, Hill of Brownfield, Hill of Winterport, Hinckley, Howes, Hubbard, Irving, Jones, Josselyn, Knapp, Knowlton of New Portland, Lamb, Leavitt, Libby of Newfield, Libby of Oakland, Littlefield, Low, Manson, McGregor, McIntire, McKusick, Mead, Merriam, Mewer, Mills, Nash, Newcomb, Nickerson, Norton, Oakes of Auburn, Parrott, Patterson, Peaslee, Perkins, Pettengill, Pooler, Poor, Potter, Purinton, Putnam of Danforth, Putnam of Houlton, Randall, Reynolds, Rice, Ross, Ruggles, Sargent, Savage, Sewall, Shackford of Harrington, Shackford of Poland, Shaw, Smith of Hartland, Smith of Presque Isle, Snowe, Stearns, Stover, Sturgis, Sutherland, Sweet, Tapley, Tartré, Thomas of Harpswell, Thomas of Topsham, Thompson of China, Thornton, Tripp, Twambly, Watson, Weatherbee, Weeks, Wentworth, White, Williams—110.

NAYS:—Bodwell, Coburn, Farnsworth of Pembroke, Howe, Nelson, Oakes of Milford, Thurlow, Waterhouse—3.

ABSENT.—Abbott, Albert, Allen of Sanford, Barker, Cook, Cordwell, Daniels, Dodge, Furbish, Hall, Hayes, Hill of Buxton, Kelley, Kimball, Knowlton of Camden, Libby of Mechanic Falls, Little, Maybury, McFaul, McNamara, Morrison, Page of Drew Pl., Page of Skowhegan, Pike, Smith of Madison, Spear, Sweeney, Taylor, Thompson of China, Todd, Tremblay—3.

So the motion was agreed to, and the report was refused acceptance.

University of Maine.

Report of the committee on appropriations and financial affairs, reporting "ought to pass" in a new draft, resolve in favor of the trustees of the University of Maine.

On motion of Mr. Potter of Brunswick, the report of the committee was accepted.

Mr. POTTER of Brunswick: Mr. Speaker, I wish to address the House on my amendment to this resolve. The matter is important enough to be thoroughly discussed but it is so late in the session and so late in the morning that I shall be as brief as possible, and confine myself strictly to the question raised by the amendment.

To begin with, I want to define the scope of the amendment. The University of Maine is receiving from the State \$20,000 a year. The amendment does not affect that appropriation at all. The amendment does not antagonize the proposition that the State is under obligation to help support the University. It will be remembered that in 1897 a committee of Governor Cleaves' Council made a report to the Legislature and showed that the university was established mainly for the benefit that was expected to accrue to the farming interests of the State. The committee showed that those early expectations had not been realized. They showed that the university had become a college of technology and science, and the committee claimed that, as such, the institution was not entitled to support from the State. The amendment I have introduced does not by any means go to the extent of that declaration of the committee. The amendment assumes that it is proper for the State to help support the University of Maine, even though it has become a college of technology and science.

The amendment, however, wants the institution to remain an institution of technology and science; it wants to confine it to its sphere; and the very moderate proposition of the amendment is that the special appropriation of \$10,000 recommended by the committee on financial affairs, be accepted, if accepted, by the University on condition that it discontinue the courses in Latin and Greek, and the degrees to which those courses lead. Now, very briefly, what does that mean? A Latin course was established in 1896. Ten students out of about 500 are taking it. That department has one instructor out of 54 which the university employs. The Greek course was established in 1899. Seven students only out of about 500 take that course, very likely those seven are a part of the 10. That department of the University has one only one of the 54 instructors. In 1901 only three of the graduates took the degree of Bachelor of Arts. Only three took the degree of Bachelor of Philosophy. It does not seem to me that this amendment would

work a revolution in the curriculum of the university, especially when it is considered what would be left if Latin and Greek were stricken out of the university courses. Let me read to the House the list of courses that would be left if Latin and Greek be discontinued English, including rhetoric, logic and English literature; French; Spanish; Italian; German; mental and moral philosophy; history; constitutional and international law; political economy; mathematics; astronomy; physics; chemistry; mineralogy; biology, including botany, geology, physiology and zoology; agriculture; horticulture; civil engineering; mechanical engineering; electrical engineering; drawing; pharmacy; military science and law. I submit to the House whether or not that great and growing field, if properly covered, would not, in the language of my amendment, be likely to absorb all the aid which the State can afford to give, especially when it is considered that the institutions in Massachusetts, in Connecticut, in Rhode Island and in New Hampshire, which correspond to the University of Maine, have nothing but agricultural courses?

Now, in view of the tremendous list of courses that would be left, it is a very slight change indeed which is suggested by my amendment. And still, if the original change had never been made, if Latin had not been introduced so recently as 1896, if Greek had not been added in 1899, only four years ago, remembering that there are only two instructors for those departments out of 54 in the University—more than \$20,000 would have been saved by the university in salaries alone, and it would not have been necessary to appropriate, this year, a dollar from the State treasury.

Now it is claimed, and gentlemen who are connected with the university have suggested it to me, that we have no power to attach this condition, that it is not a question of expediency, that we have no right to do so, that somehow the State has been restrained from attaching any such condition; and I wondered whether the general government by any act had imposed any such restraint on the State, and so I

looked to the Morrill act of 1862. I find that according to that act it was optional with the university whether it should teach Latin and Greek. It was allowed, but not required to do so. The stress and emphasis of the Morrill act of 1862 was placed upon the agricultural and mechanical courses, although the classics were not excluded. By the Morrill act a large amount of land was given to the State for the benefit of the college. That land was sold and resulted in a fund of \$116,000, from which I assume the university receives now \$4000 or \$5000 a year, and there is nothing in the Morrill act to restrain us from imposing this condition. On August 30th, 1890, Congress passed an amendment to the Morrill act. It gives a very large sum to the university. The university now receives \$25,000 a year under the act of 1890, and that act provided that it was to be applied only to instruction in agriculture and the various branches of mathematical, physical, natural and economic science. Not a dollar of that \$25,000 can be appropriated to teach Latin and Greek. I find that that condition is not stated in any of the university catalogues. In 1887 the Experiment Station was founded, and \$15,000 a year was appropriated by the general government for that department of the university, every dollar of which must be used strictly for agricultural purposes, so that the university is now receiving from the general government \$40,000 a year, not a dollar of which can be appropriated to instruction in the ancient languages. That shows what the policy of the general government has been. Under the original Morrill act instruction was optional in the classics, not required. The act since, giving \$40,000 a year, prohibits the university from applying a single dollar of it to instruction in Latin and Greek. So that, if there is a lack of power to impose this condition, it is not because the general government has restrained the State.

Now, I inquire very briefly whether the State is obliged to give its money to the university without conditions, and I have examined the precedents a little on that point. I find that in 1895 the Legislature of Maine gave to the university \$40,000, \$20,000 a year, and imposed the condition

that no part of it should be used for instruction. The university accepted the \$40,000 on that condition. The result is, gentlemen, that today the university is receiving \$60,000 a year from the general government and the State, not a dollar of which can be appropriated to instruction in the ancient languages. I submit that the trustees of the university might well have hesitated to establish those courses at all, in view of those facts.

Now, in 1897, as everybody knows, the Legislature pledged the State to appropriate \$200,000 for the benefit of that university. It imposed a condition then that tuition be charged, and the university accepted \$200,000, payable at the rate of \$20,000 a year, on that condition; so that the precedents, at any rate the recent precedents, are against the proposition that we have no power to attach a condition to an appropriation.

Now, very briefly, what was the obligation which the State assumed in the resolve of 1863, assenting to the provisions of the Morrill Act of 1862? Because I admit, of course, as we all must admit, that the State of Maine did assume some obligation by reason of that resolve. The State agreed to do these four things—to establish a college within five years, to replace all losses to the fund, to use the interest wholly in support of the college and not for buildings; and, fourth, to repair and preserve the original buildings given by the State. The State has done these things. There is no law, national or State, that requires it to do any more. I do not say it is not proper that the State should do more—I think it is proper that the State should do more; but there is no binding obligation upon it as the result of an enactment of Congress or of the Legislature of this State that requires us to do any more than that.

Now, what has the State done? It being optional with the State what it should do, what has the State done and what is it doing for this university? I asked the State treasurer to furnish me with a statement showing the appropriations for the four Maine colleges during the life of the University of Maine, including, of course, the college of agriculture and mechanic arts, and I have here the statement from the treasurer's office. Beginning with 1867, and closing with 1902, the State has appropriated \$477,218 for the University of Maine. Adding the \$20,000 which the university will receive this year, it becomes \$497,218. If this resolve has a passage, with or without my amendment, the amount will exceed half a million dollars that the university will have received in 37 years. On the basis of the assessed valuation of the State, this sum is two and one-half times as much as the commonwealth of Massachusetts has done for the two institutions of similar character which it supports or helps to support. It is three and one-half times as much as Vermont does for the agricultural department of the university, which is assisted by the general government. The commonwealth of Massachusetts has given to Harvard University during the 37 years of its cor-

porate existence the sum of \$216,000, a good deal less than half of what the State of Maine has given to this institution in 37 years. During that period, while \$477,000 have been voted to the University of Maine not a dollar has been given to Bates, Colby or to Bowdoin, notwithstanding the fact that the University of Maine receives \$40,000 a year from the general government, including that department known as the Experiment Station, notwithstanding the university has a fund exceeding \$200,000 and receives money from students, of course, and from miscellaneous sources, and notwithstanding the fact that the other three colleges of the State receive nothing, of course, from the general government.

Now, my point is this: That if it is optional with the university, as it is, whether there shall be instruction in the classics, and if it is optional with us, as it is, to give this money to the university, why have we not a right to give it on consideration that this slight change suggested by my amendment shall be accepted by the university? If it is said by the gentleman from Orono, or by any other gentleman who follows me, that this appropriation is for the purpose of buildings for the university, and the State is obliged to furnish buildings, then I suggest, without knowing definitely myself, that when President Harris in 1897 induced the Legislature of that year to pledge \$200,000 it was with some kind of an assurance, I am informed, that the sum of \$200,000 would be regarded as a fulfilment of all obligations of the State to the university during the period of 10 years. If during that period the university needed buildings and needed assistance from the State, it should have saved something out of the \$200,000 instead of expending it as it has recently done. In that connection let me read a line or two of what the committee in 1897 said: "The trustees and faculty have heretofore used the increased income of the college to broaden its courses of study; and the tendency will always be in that direction." That tendency was illustrated by the establishment of the Latin course in 1896, and by the establishment of the Greek course in 1899; and if those things had not been done, as I have stated, more than the amount covered by this appropriation would have been saved to the State and this resolve would have been unnecessary. If the State thinks, as the general government thinks, that this tendency referred to by this committee should be restrained as to Latin and Greek, I ask the House again what law there is that prevents us from imposing that moderate and reasonable condition? I remind the House that in the Act of 1855, which established the college of agriculture and mechanic arts, the State reserved to itself some power over the university. Section 18, Chapter 532, of the Private and Special Laws of that year, says: "The Legislature shall have the right to grant any further powers, to alter, limit or restrain any of the powers aforesaid in the trustees of the college established by this Act, as shall be judged necessary, to promote the best interests thereof." It is clear that

there is power enough, and the question is simply one of expediency, whether we shall exercise the power.

Now, that proposition, it seems to me, argues itself. I shall state my position as briefly as I can. The purpose of the amendment in the first place is to save money that would otherwise go to the University of Maine. To support a college of agriculture and mechanic arts is one thing. To support a college of technology and science is a different thing. To support a general university covering the special field of a technical college and the field of every other college in the State is a very different thing. It is contrary to the established policy of the State. And it is expensive. If the State has expended half a million dollars in the last 37 years for this university, perhaps it is unwise that we should expend half a million dollars in the next 37 years. This tendency referred to by the committee needs some restraint. I submit that the restraint that will be imposed by the amendment I have offered is a reasonable one.

Now, there is another reason on economic grounds for the passage of this amendment. I submit that it would save money that would otherwise go to the three other colleges of the State. It may be fair, and I believe it is, that this university as a technical and professional school should be assisted by the State. It is doing a great work. But when the university undertakes to compete with the other colleges in their special field and asks the State to help pay the bills at the expense of the State, at the expense of the other three colleges, I submit that it is not fair. And we are in this dilemma. We must do one of two things—either we must impose some slight restraint such as is contemplated in this amendment, or we must provide for the other three colleges also. Why is it that Bates and Colby were here asking for appropriations, this year? I do not know, but I imagine neither of them would have been here if the University of Maine had not been asking for \$60,000 in addition to the \$20,000 a year which it is now receiving. Unless some restraint is imposed upon the university, the State will have to help support all the colleges. It will be a question of \$100,-

000 a year instead of \$20,000 for the university. Now Bowdoin College has not come here for aid. I do not know that Bowdoin will ever come. I do know this, that under the most rigid economy and under the most conservative management, Bowdoin has been obliged every year of late to appropriate more than its income. I know it has some magnificent buildings with no funds to run them. I know that it needs a gymnasium, with no money in sight for it. I know that everything which the distinguished president of Bates College said with eloquence and force to the committee on education about the needs of that institution, could be duplicated by the representatives of Bowdoin College. I do know that they need money. And I say that sometime, if the University of Maine is allowed to compete with the other colleges in their field at the expense of the State, the time will come when the other colleges will knock at the door of the treasury of this State and the door will be opened.

There is a distinction between the agricultural college of the East and the agricultural college of the West. Agricultural colleges have been founded in Western states where the institution was the first institution in the state representing higher education, no other institution teaching Latin and Greek. It was perfectly proper in such a case that the new institution should give instruction in the classics at the expense of the State. Here in Maine the field of the classics was occupied by three colleges already in existence; and I submit again that it is not fair for the University of Maine at the expense of the State, and at the expense of the other colleges in the State, to be allowed to compete in their own field.

Now, I submit to the House that this amendment is not an attack upon the University of Maine. A day or two after I offered the amendment, I received a letter from a distinguished alumnus of the University of Maine and one of its loyal friends. He wrote with great earnestness about the great work which the university is doing and the need of State aid, and he said that in his judgment one of the best things that could happen to the university was to have this amendment adopted, because he wanted the institution to put stress upon its technical and engineering courses, and wanted the institution to be in the State of Maine what the Massachusetts Institute of Technology is

in that commonwealth; and he said that if the institution gives the degree of Bachelor of Arts, it will have to raise its standard of admission, the boys will be older when they go in, older when they come out, older in getting to work. On that account he thought it was objectionable that the institution should teach the classics and give the degree of Bachelor of Arts. Of course I have no right to speak for the University of Maine here, but I understand, and I think I may say that I know, that the trustees of the university were themselves in doubt as to the establishment of these courses. They differed about that. I am informed that officers of the university are now not in favor of the continuance of those courses. I may of course be wrong about that. I say, let the University of Maine confine herself to the tremendous field that belongs to her, that is growing every year, and there will be no jealousy on the part of the other colleges of the State, and no demands from them on the State treasury. Otherwise, we may have to pay \$100,000 a year instead of \$20,000, to the four colleges instead of to one. This amendment, if it has any consequence at all, is more important as a declaration of the educational policy of the State than as merely lopping off two minor courses in the curriculum of the university. If the amendment were incorporated with the resolve and were not accepted by the university, the State would save the amount of the appropriation. If, as I hope, it should be accepted by the university, the State would indirectly save more than the amount of this appropriation.

I think I will not take the time of the House any longer. Perhaps I should not have spoken so long. As Tom Reed said about the matter of his nomination to the Presidency, I prefer that the vote in favor of this amendment should be unanimous. (Applause).

Mr. THOMPSON of Orono: Mr. Speaker, I do not intend to speak at any length, but I only wish to say a few words in reply to the gentleman from Brunswick (Mr. Potter). He has said that Dr. Harris came here in 1897 and said at that time that if the appropriation of \$20,000 per year was given to the University of Maine, they would not come here again for any more. If you will examine the reports of Dr. Harris to the trustees you will find that he put in a proviso to the effect that from time to time they would need more for new buildings. We want the new building, and hence we are living exactly up to the words of Dr. Harris as given in the report of the trustees.

Now the gentleman has proposed by his amendment to exempt Latin and Greek from the university. He has enumerated to you several courses

which are open to the students, and he has cited different studies which students may take at that institution. Among others he has cited the pharmacy course and medicine. Now I submit, as a fair proposition, how can any student prepare himself for medicine and not understand Latin? How can a person be a teacher and not understand Latin? In other words, the gentleman from Brunswick by his amendment proposes this—that no student can accept the benefits of the United States government and the State of Maine if he desires to take Latin and Greek. In other words, they are forced, absolutely forced, to go to another institution, either Bowdoin, Colby or Bates, to get that Latin or Greek. Now I submit that is not a fair proposition. I submit this as a fair proposition, that there is not a college in the United States, today, that has accepted the Morrill act, and acting under it, that does not teach Latin. I think it is true that there are a few colleges in the New England states that have accepted the Morrill act that do not teach Greek, but there are absolutely none that does not teach Latin. Boston University, as you all know, has accepted this, and it teaches Latin and Greek both. Absolutely all the colleges throughout the Western states teach Latin and Greek, and absolutely all of them in New England teach Latin, and nearly all of them Greek. In other words there isn't an institution that has accepted this Morrill act and is acting under it, that does not teach classics.

This proposition of the gentleman from Brunswick is not by any means a new one. It has been before this House before. Twenty-three years ago, in 1880, a gentleman connected with Bowdoin College, I think, at that time either an instructor or a professor, came here and introduced almost the identical thing. At that time it was voted down almost unanimously. Is there any reason why this college should not grow? Why should the gentleman desire, or anybody desire, to put a damper on this institution? Why not let it go along as it will? If you have a boy and you desire him to take civil, mechanical or electrical engineering and at the same time you desire

him to take one or two or three years in Latin or Greek, why should he be deprived of doing so? Why shouldn't he be allowed to have the same rights as the boy who goes to any other institution? For my part, I did not study much Latin, or much Greek. It was not taught at the institution when I was there. If it had been I certainly would have taken it, because now I see in my profession that I lost a great deal by not taking it, and I regret very much that the Latin and Greek was not taught there at the time I was a student.

Now the hour is getting late, but there is just one other matter to which I wish to call attention. The gentleman has referred to the Morrill act. If you will remember, the Morrill act was first introduced into Congress in 1858 by Senator Justin Morrill of Vermont. It was vetoed by President Buchanan. It again came before Congress in 1862, and at that time it was signed by President Lincoln and became a law. Now the Morrill act provided that 30,000 acres of land should be granted to each representative and each senator. That gave us 180,000 acres of land. Those funds were invested and a permanent fund established; and the act says that, "the interest of which shall be appropriated by each state which may take and claim the benefit of the act to the endowment, support and maintenance of at least one college where the leading object shall be—" then it says "without excluding other scientific and classical studies." Without excluding classical and scientific studies. Now that to my mind means this, that that act by providing that we shall not exclude Latin and scientific studies, means that we must include them. It is true that we receive from the general government \$40,000 a year, but we received that under the Morrill act, we received that by virtue of the charter under which we are working. The State of Maine accepted that in 1865. Now, then, if we are to receive the bounty of the State or rather of the general government, why must we not in all respects live up exactly and identically to the guide as laid down in the Morrill act? That it says, "without excluding scientific and classical stud-

ies;" and by inference at least, that means that we shall include them.

And now, Mr. Speaker, I sincerely hope that this amendment will not prevail. It has been brought upon this House rather suddenly. There are but few days left for us to stay here, and it seems to me that there has not been time enough given to the legislators to investigate the matter fully, thoroughly, and to make up their minds what they shall do in the matter; and hence I sincerely hope that the amendment will not be adopted. (Applause).

The resolve was then read once.

The question being on the adoption of the amendment offered by Mr. Potter of Brunswick, that gentleman moved that when the vote is taken it be taken by the yeas and nays.

The motion was lost.

Mr. Potter called for a division, and a division being had the amendment was lost by a vote of 16 to 80.

Mr. Thompson of Orono, offered amendment B, by striking out in line three the words "a central heating plant and," and by inserting in place of the word "twenty" in line seven the word "thirty-five;" and in place of the word "ten" in line eight the word "fifteen."

The question being on the adoption of this amendment, a division was had and the amendment was adopted by a vote of 62 to 26.

On motion of Mr. Thompson of Orono, the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Today assigned: Bill, to repeal an act of the Public Laws of 1903, entitled an act to amend Section 12 of Chapter 3 of Revised Statutes, as amended by Chapter 335 of the Public Laws of 1885, relating to the election of collectors of taxes.

Mr. OAKES of Auburn: Mr. Speaker, I wish to say a few words on this bill, not very much in the way of discussion but in explanation of the thing. The commissioner on the revision of the statutes in his report which was submitted to the Legislature at the first of the session, made this statement in regard to the offices of treasurer and collector of towns, "The attention of the commissioner has been frequently called to the practice of electing the

same person to the offices of town treasurer and collector. In many cases he has been called upon to advise the municipal officers of towns, who upon assuming office have found the finances of their town in a bad position by reason of the inefficiency of the collector, and upon inquiry he has learned that the offices of treasurer and collector have been held by the same person, and that the embarrassment of the town was largely due to that fact. It is clear that a summary process against a delinquent collector cannot be enforced when such collector is also treasurer. It is thought these offices are clearly incompatible. The commissioner therefore recommends that Section 12 be amended by adding thereto 'nor shall a collector be eligible to hold the office of treasurer until he has completed the duties under his warrant and had a final settlement with the town.' It is believed that such an amendment will result in a more efficient performance of his duties by collectors of towns and afford towns more effectual remedies against delinquent collectors."

In accordance with that suggestion, the committee on the revision of the statutes, reported an act separating these two offices. This act has been passed by the Legislature here, and the proposed act is to repeal the act passed by this Legislature at this session which has already become a law; it has already gone into effect in the State and will have been acted upon in more or less communities in this State. Now, in the first place, I have to say that I do not believe this is wise legislation to pass an act of an important public nature like this and then later in the same Legislature, summarily take the thing up and repeal it. It seems to me that we ought to consider carefully whether we are justified in doing anything of the sort.

In the next place, I wish to say that it seems to me that the act which we have already passed and which it is now attempted to repeal, is eminently a wise one. The collector of taxes has to turn his money over to the treasurer of the town. That is to say, he accounts to this man for the money. If the offices are combined in one person, he accounts to himself. The books of the

two offices are combined in one man, and it necessarily results very often when the office is not properly taken care of, in a confusion which has been alluded to by the commissioner in his report. Now, I think it is wise that this thing should not be allowed to happen. You may say, of course, that in many towns you know your man and you get the right man and it won't happen, but of course as a matter of practice no man is put into such a position in the first place when it is supposed there will be any trouble. It is only after years of carelessness, perhaps, that trouble develops, and then it is too late to remedy it. The time to stop it is before it commences.

Another thing. The town treasurer, upon the failure of the collector, is authorized to issue his warrant to the sheriff of the county, commanding the sheriff to collect that money of the town collector, or, in case he fails to find the property or get the money on demand, to arrest the town collector on that warrant. That is to say, Mr. A. is both collector and treasurer. As collector he gets into trouble. As treasurer he commands the sheriff to arrest him as collector and put him in jail. That is an inconsistency. It ought not to be allowed in our law. And as a matter of public welfare it seems to me that the law should stand as it is and that this proposed act should not have a passage.

Mr. DAVIS of Waterville: Mr. Speaker, I believe that the most of us have not yet to learn that you can by legislative act make a man honest. Whether in individual or official capacities, and I think the only reply that needs to be made to that phase of the question, and very briefly, is this. To provide against dishonesty of officials, where two officials may be one and the same or where two offices may be combined in one, it is only proper and right that a town or a city see to it that an official in his single or dual capacity is properly bonded to the faithful discharge of his duty, for that is what the city or town is interested in. And, Mr. Speaker, I think it is no argument to offer to this House that because a measure has been proposed and has become a law, that therefore it should not be repealed. I believe that when we know that a piece of legislation works a hardship, is detrimental to the interests of cities and towns in our State, we should frankly place our disapproval upon that act and repeal it. And I submit that the only proof I need to offer this morning

that this law is not a law that we want, is the fact that the cities and towns are coming here and are asking for an enabling act to enable them to avoid the very provisions of this law. Augusta came to you only a few days ago asking for this very thing. And, Mr. Speaker, I submit that we should hesitate before we fasten this law upon the cities and towns of this State when by so doing, in divorcing those two offices the one from the other, you work a hardship, you work an added expense to the State which you have no right to impose upon those cities and towns.

Now, my argument is simply a matter of economy. I submit that no other argument need be considered here, for the objections that have been raised can all be met in a natural and proper way. The argument of economy we are bound to consider. The treasurer and collector as one and the same person go about their duties, the two offices work well together, they have for many years and can for years to come. The collector in his capacity as such can go about his duties as collector, turn in his funds collected and can do much other of the town business in the capacity of collector and treasurer. And, Mr. Speaker, in view of the fact that you can sufficiently bond those officials to protect your treasurers, in view of the fact that it is your duty to compel your auditors or your selectmen to look after those officials and to see that they are doing their duty, and in view of the economy that is in the question, I believe we shall do right in annulling this wrong law which has been passed.

Mr. OAKES of Auburn: I merely wish to suggest, in view of any possible difficulty which may occur in the present year on account of the passage of this act, and the possible lack of information on the part of towns in regard to it, that an act has just been passed to be engrossed by both branches of the Legislature making valid the acts of any towns which have elected officers without understanding this act. So there will be practically no difficulty during the coming year on account of it.

Mr. THOMAS of Topsham: Mr. Speaker, one idea came to me when this matter came up. Under the new law it seems to have been taken care of. The gentleman from Waterville has not touched upon it. Supposing a case of a man who is elected as collector and treasurer in a town, and he furnishes as bondsmen three men as bondsmen as collector, and three men as bondsmen as treasurer. In a case where the man fails to account for the money in his hands, suit is to be brought, and the great difficulty is to find out whom to hold. Can you sue him and his bondsmen as collector or him and his bondsmen as treasurer? And when that matter comes into court what court on earth or what jury is going to say that he and his bondsmen as treasurer are holden when they do not know whether he as collector has turned the money over to himself as treasurer or not? The question is, shall we sue him and his bondsmen as treasurer or as collector for

the deficit. That is a sufficient reason for me why the law should stand as we have changed it this term. I believe it is right. I have been one of our municipal officers for seven years past, and I have seen the importance of that very thing, while I admit that for seven years we have had the same man for collector and treasurer. The man happened to be responsible personally for all money that came into his hands. If he had not been responsible personally I do not know how we should have proceeded. I believe the bill is right and should stand.

Mr. THORNTON of Ashland: Mr. Speaker, it seems to me that the argument on the original bill, as to whether a collector and treasurer should be one and the same person, should have been taken up at the time the bill went through the House on its passage. The matter was reported to the House by the commissioner in his report at the first of this session, referred to the committee, and the bill went through its regular course without suspension of the rules in any way, it was printed, and not one word in opposition to it was said by anybody, and now at this late day, in the last week of the session, we have a new bill that comes in here to repeal a bill without reference to any committee. I do not think it is a safe way to legislate. I think the policy of the Legislature should not be to repeal acts that have been through the Legislature in their proper channels with plenty of time for deliberation, and then on the spur of the moment perhaps, during the last week of the session, attempt to repeal them. I do not know what protection there is for men who come here and work all through the winter and secure the enactment of some law if you are to repeal it as soon as it is passed. And there is the unwritten law of the House established here the other day that every man is entitled to one bill. And now our friend has that one bill, has got it through the House and has gone off to visit his relatives for the remainder of the session. What protection is it for him if somebody jumps up and repeals his one bill? I think it is establishing a bad precedent for this State. I would gladly discuss the original proposition if it was brought up at the proper time.

Mr. REYNOLDS of Winslow: Mr. Speaker, I hate to say anything on this subject, but my town is hardly safe to pass through on account of the law which has been enacted. I represent three towns, and they are all mad, and I have heard from forty more, and they are worse than mine is. Now, all the people I have talked with or had any conversation with on this measure believe in one man for the offices of treasurer and collector. Every one will agree that it takes more money to pay two men than it does to pay one. We have been raising salaries down here ever since we came, and now we have got to tell our towns that they must have a new official and he has got to have a new salary. It seems to me that we are putting out a lot of money for nothing. In the first place, the town meeting will cost a hundred dollars in a

good many places. The gentleman from Waterville says it will cost Waterville \$750 more this year. We have talked about reducing taxes ever since we came here. Let us reduce the expense a little mite and have one man instead of two. They have all got to give a bond, and the most of them have got some good bondsmen in the town where they live. If they have not there are some for sale. They keep bonds for sale in this country, today. If you elect a man and he goes wrong and you cannot arrest him as collector and treasurer, then I say, get some new lawyers in the country and make some new laws.

Mr. DAVIS of Waterville: I want to say to the gentleman from Topsham that the funds of the collector and treasurer are kept separately. If they are not they should be. Therefore there should be no trouble in ascertaining who has committed a defalcation.

The question being on the motion to indefinitely postpone the bill, a division was had and the motion was agreed to by a vote of 50 to 31.

Today, assigned: Bill, for the protection of the wild hare or rabbit.

On motion of Mr. Pettegill of Rumford, the rules were suspended, the bill received its third reading and was passed to be engrossed.

An Act regulating the taking of black bass in the waters lying wholly or in part in the county of Hancock, came from the Senate amended by Senate amendment A.

On motion of Mr. Foss of Hancock, the vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

On motion of Mr. Littlefield of Rockland,

Adjourned.