

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

HOUSE.

Thursday, March 9, 1905.

Prayer by Rev. Mr. McKinnon of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Eight petitions and bill in regard to proper labelling of proprietary medicines, having been referred by the House to the committee on temperance, came from the Senate that body non-concurring and placing the same on file.

On motion of Mr. Milliken of Island Falls, the House concurred with the Senate in its action.

Senate Bills on First Reading.

Resolve in favor of Bath Military and Naval Orphan Asylum.

An Act to extend the charter of the Houlton and Danforth Electric Railroad Company.

An Act to extend the charter of the Hancock County Railway Company.

An Act to extend the charter of the Bluehill Water Co.

An Act to grant administration of the estate of John A. Holmes, late of Readfield.

An Act to authorize the inhabitants of York to give the York hospital a tract of land.

An Act to extend the charter of the Ellsworth Street Railway Co.

An Act providing for an open season on white perch in Lake St. George in Waldo county.

An Act to amend Section 51 of Chapter 125 of the Revised Statutes, relating to cruelty to animals.

(Tabled pending first reading on motion of Mr. Morey of Lewiston.)

An Act to incorporate the Union Light and Power Company.

An Act to incorporate the Jackman Water Company.

Resolve to provide means for examination of claims for State pensions.

An Act to incorporate the Jackman Water Company.

An Act to amend Chapter 175 of the Private and Special Laws of 1903, in relation to the Atlantic Shore Line Rail-

way, comes from the Senate with Senate amendment A.

Mr. Higgins of Limerick offered House amendment A to Senate amendment A by inserting after the word "for" in the second line of section three the word "light."

The amendment was adopted and the bill was assigned for tomorrow for its third reading.

Resolve in favor of Jackman plantation, county of Somerset, comes from the Senate with Senate amendment A. The House reconsidered the vote whereby this resolve was passed to be engrossed, Senate amendment A was adopted and the resolve was then passed to be engrossed as amended.

Resolve in favor of Moose River plantation, county of Somerset, comes from the Senate with Senate amendment A. The House reconsidered the vote whereby this resolve was passed to be engrossed, Senate amendment A was adopted and the resolve was then passed to be engrossed as amended.

Petitions for a close time on Sokokis Lake in Limerick, York county, come from the Senate recommitted to the committee on inland fisheries and game by that branch in non-concurrence. The House receded and concurred with the Senate in its action.

An Act to amend Section 2 of Chapter 48 of the Revised Statutes, relating to private banking, comes from the Senate indefinitely postponed.

The House receded and concurred with the Senate in its indefinite postponement.

Two petitions for the equalization of taxation on railroads, came from the Senate placed on file in non-concurrence.

The House receded and concurred with the Senate in its action.

Two petitions in favor of the Sturgis bill, having been referred in the House to the committee on temperance, came from the Senate placed on file in non-concurrence.

The House receded and concurred with the Senate in its action.

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

Legal Affairs.

By Mr. Grant of Freeport: Petition of D. L. Pettengill and 32 others asking for the repeal of Section 25 of Chapter nine of the new revision of the Statutes, relating to manufacturing, mining and smelting corporations. (Placed on file.)

By Mr. O'Brien of Lewiston: Remonstrance of O. C. Jones and four others of Auburn against bill relating to proprietary medicines. (Placed on file.)

By Mr. Johnson of Hallowell: Remonstrance against the passage of any bill that permits the giving of so-called sacred concerts on the Lord's Day.

By Mr. Lanigan of Waterville: Resolve providing for the acquisition by the State of denuded or deforested land and for re-foresting the same, and to protect and preserve the water supply of the great rivers and lakes of the State, with statement of facts.

Appropriations and Financial Affairs.

By Mr. Powers of Houlton: Resolve in favor of the Clerk and Stenographer and the Messenger to the Judiciary committee.

By Mr. Barrows of Newport: Resolve in favor of George M. Barrows, chairman of the committee on State school for boys.

Agriculture.

By Mr. Jillson of Otisfield: Petition of James Moors and C. O. Scribner and 84 others against any change in the Grout Law. (Placed on file.)

Inland Fisheries and Game.

By Mr. Sewall of Bath: Petition of H. J. Berry and 55 others, residents of Sagadahoc county, to amend Section 11 of Chapter 32 of the Revised Statutes, relating to the hunting of ducks.

Temperance.

By Mr. Witt of Norway: Petition of A. E. Kelley and 26 others of Falmouth, praying for the passage of the bill for the proper labeling of proprietary medicines; of C. A. Brooks, pastor of M. E. church of Norway, for same.

By Mr. Merrill of Dixfield: Petition of G. Ernest Goding and 42 others of Peru, for same; of William T. Eustis and 38 others of Dixfield, for same.

By Mr. Clark of Tremont: Petition of Dean A. Walker and 92 others of South-

west Harbor, for same; of A. P. McDonald and 42 others of Hancock county, for same.

By Mr. Walker of Lovell: Petition of A. J. Cameron and six others of Brownfield, for same; of C. H. Marston and 13 others of Brownfield, for same.

By Mr. O'Brien of Lewiston: Petition of J. B. Donovan, M. D., and two others for same.

By Mr. Hill of Buxton: Petition of E. E. Langley and 44 others of Buxton, for same.

By Mr. Jillson of Otisfield: Petition of E. C. Loring and 21 others of Otisfield, for same.

By Mr. Russell of Readfield: Petition of F. E. Earle and 17 others for same.

By Mr. Percy of Bath: Petition of Seth T. Snipe and four others for same.

By Mr. Gray of Paris: Petition of C. M. Herring and 45 others of Brunswick and Topsham, for same.

By Mr. O'Brien of Lewiston: Remonstrance of C. A. Abbott and 14 others, druggists of Lewiston, against same; remonstrance of pharmacists of Androscoggin county against same.

(The foregoing were placed on file.)

By Mr. Grant of Freeport: Petition of Rev. George Merriam, pastor of Baptist church of Skowhegan, asking that the Chief Executive have more authority in the matter of the enforcement of all laws.

Taxation.

By Mr. Grant of Freeport: Petition of D. L. Pettengill and 47 others for increase of the school fund tax by one mill.

By Mr. Hastings of Bethel: Petition of E. F. Moulton and 39 others of Abbot for same; of F. E. Runnel and 17 others of Rangeley for same.

By Mr. Briggs of Auburn: Petition of L. M. Crafts and 18 others of Auburn for same.

By Mr. Witt or Norway: Petition of A. T. Clifford and 17 others of Thomaston for same; of O. P. Robbins and 15 others of Augusta, for same.

By Mr. Burkett of Union: Petition of W. E. Lindsey and 17 others of Carroll for repeal of Section 25 of Chapter 9 of the Revised Statutes, relating to property made personal by charter; petition of V. P. DeCosta and 23 others of Buckfield for same; petition of W. E. Fuller and two others of Auburn, for

same; of F. H. Herrick and 28 others of Leeds for same; of F. E. Russell and 13 others of Rangeley for same.

By Mr. Sparrow of Freedom; Petition of L. K. Mason and 18 others for abolition of the fee system; of Amos G. Fitz and 24 others of Kenduskeag for repeal of Section 25, Chapter 9 of the Revised Statutes, relating to property made personal by charter.

By Mr. Sparrow of Freedom: Petition of L. K. Mason and 19 others of Lovell for repeal of Chapter 6, Section 28, of the Statutes of Maine, now Section 25, Chapter 9 of the new revision of the Statute; petition of Alphonzo Moulton and 11 others of Harrison for same; of W. Allen and 24 others of Denmark for same.

Salaries.

By Mr. Grant of Freeport: Petition of D. L. Pettengill and 55 others, relating to the abolition of the fee system.

Reports of Committees.

Mr. Higgins from the Committee on the Judiciary, reported "ought not to pass" on bill "An Act for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers and others; to create a Board of State Examiners therefor and prescribe the powers and duties of such board."

Same gentleman from same committee, reported same on bill "An Act to amend Section 49 of Chapter 29 of the Revised Statutes, relating to the sale of intoxicating liquors."

Mr. Powers from same committee, reported same on bill "An Act to incorporate the Calais Water District."

Mr. Littlefield from same committee, reported same on bill "An Act to authorize Arthur C. Dinsmore of Bingham, to enlarge Bingham Village Cemetery."

Mr. Hale from same committee, reported same on bill "An Act to amend Section 74, Chapter 6, Revised Statutes, relating to costs in contested election cases heard by the court."

Mr. Merrill from same committee, reported same on bill "An Act amendatory and additional to Section 66 of Chapter 23 of the Revised Statutes, relating to improved condition of high-

ways and better facilities for public travel."

Mr. Johnson from same committee, reported same on bill "An Act regulating the moving of families within the State."

Same gentleman from same committee, reported same on bill "An Act to amend Section 5 of Chapter 23 of the Private and Special laws of 1899, to increase the scope of the municipal court in the town of Newport."

Mr. Merrill from same committee, reported same on bill "An Act in relation to fees and charges of subordinate officers of the city of Portland."

Mr. Newcomb from same committee, reported same on bill "An Act establishing homes for dipsomaniacs and inebriates."

Mr. Powers from same committee, reported same on resolve relating to reprinting the Maine Reports."

Mr. Littlefield from same committee, on petition of T. F. Houghton and 88 others of Bingham, for an act authorizing Arthur C. Dinsmore of said Bingham, to enlarge Bingham Village Cemetery, reported that the petitioners have leave to withdraw.

Mr. Hale from same committee, on bill "An Act amending Chapter 463 of the Private and Special Laws, approved March 18, A. D. 1897, relating to the retirement of the members of the Portland Fire Department on half pay, reported that the same be referred to the next Legislature.

Mr. Higgins from same committee, on bill "An Act to incorporate Prout's Neck Village Corporation," reported that the same be referred to the next Legislature.

Mr. Weatherbee from the Committee on Legal Affairs, reported "ought not to pass" on bill "An Act prohibiting persons not residents of Maine from peddling merchandise of any kind in Maine until a license of \$100 is paid to the town or city treasurer of each town or city."

Mr. Tracy from same committee, reported same on bill "An Act to amend Section 2 of Chapter 29 of the Revised Statutes, in respect to innholders and victualers."

Mr. Baxter from same committee, reported same on bill "An Act to

amend Chapter 114 of the Revised Statutes, relating to the relief of poor debtors."

Mr. Oakes from same committee, reported same on bill "An Act to amend Section 5 of Chapter 31 of the Revised Statutes, in relation to bowling alleys and pool rooms."

Mr. Reed from same committee, reported same on bill "An Act to amend Section 34, Chapter 125 of the Revised Statutes, relating to cruelty to animals."

Mr. Baxter from same committee on bill "An Act to amend Section 24 of Chapter 48 of the Revised Statutes, relating to savings banks, reported that the same be referred to the Committee on Banks and Banking."

Same gentleman from same committee, on bill "An Act to amend Chapter 275 of the Special Laws of 1863, entitled 'An Act to confer certain powers on the city of Portland,'" reported that the same be referred to the Portland Delegation.

Mr. Oakes from the committee on ways and bridges reported "ought not to pass" on resolve to aid in repairing highways in town of Concord, in the county of Somerset.

Same gentleman from same committee, reported same on resolve making appropriation for repairs of bridge at Baring, in the county of Washington.

Same gentleman from same committee, on petition of Danville L. Bean and others, praying for aid in repairing road in Pleasant Ridge plantation, reported that the petitioners have leave to withdraw.

Mr. Goodwin from same committee, on remonstrance of J. R. McDougall and 106 others of Boothbay, against the passage of Section 2 of the Act relating to a free bridge across the Sheepscot river, reported that the remonstrance be placed on file.

Same gentleman from same committee, on Resolve in aid of building a bridge across the St. John river at Van Buren, reported that the same be referred to the next Legislature.

Mr. Oakes from same committee, reported same on bill "An Act to provide for the improvement of the public highways."

Mr. Longfellow from the committee on shore fisheries, on petition of F. S. Stevens and others, praying for a close time on lobsters from July 5th to October 1st

of each year, reported that the petitioners have leave to withdraw.

The reports were accepted and sent to the Senate.

Mr. Newcomb from the committee on the judiciary, on petition of Wordsworth and Woodman, praying for authority to take water from Lake Maranacook for the operation of a proposed oil cloth factory, reported bill "An Act to authorize Wordsworth and Woodman to take water from Lake Maranacook."

Mr. Powers from same committee, reported "ought to pass" on bill "An Act to amend Section 2 of Chapter 62 of the Revised Statutes, relating to proceedings for divorce."

Mr. Higgins from same committee, reported same on bill "An Act to repeal acts incorporating Skowhegan Village Corporation."

Mr. Johnson from same committee, reported same on bill "An Act to amend Section 22 of Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections."

Mr. Higgins from same committee, reported same on bill "An Act to authorize the town of Cornish to remove the bodies of deceased persons."

Mr. Powers from same committee, reported same on bill "An Act in relation to insane persons in the State prison and in the county jails and additional to Chapter 138 of the Revised Statutes."

Mr. Johnson from same committee, reported same on bill "An Act to amend Section 3 of Chapter 92 of the Revised Statutes, relating to mortgages of real estate."

Mr. Higgins from same committee, reported same on bill "An Act to amend Section 26 of Chapter 135 of the Revised Statutes, relating to sentences."

Mr. Merrill from same committee, reported same on bill "An Act authorizing cities and towns to raise money to be expended for exterminating or controlling the brown-tail moths and other insect pests."

Mr. Newcomb from same committee, reported same on bill "An Act to amend Chapter 126 of the Revised Statutes, in relation to gambling."

Mr. Hale from same committee, reported same on bill "An Act to amend Sections 10 and 12 of Chapter 6 of the

Revised Statutes, relating to the regulation and conduct of elections."

Mr. Littlefield from same committee, reported same on bill "An Act to restore the jurisdiction of trial justices in the town of Fayette in the county of Kennebec."

Mr. Newcomb from same committee, reported same on bill "An Act to amend Chapter 166 of the Private and Special Laws of 1887, relating to Fort Fairfield Village Corporation."

Same gentleman from same committee, reported same on bill, "An Act to amend Section 7, Chapter 128 of the Revised Statutes, relating to malicious mischief."

Mr. Powers from same committee, reported same on bill "An Act to amend Section 1 of Chapter 129 of the Revised Statutes, relative to corrupting water used for domestic and other purposes."

Mr. Littlefield from same committee, reported same on bill "An Act to extend the charter of the Meduxnekeag Light and Power Company."

Mr. Higgins from same committee, reported same on bill "An Act to incorporate the Kittery Village Corporation."

Mr. Littlefield from same committee, reported same on bill "An Act to amend the charter of the Northeast Harbor Water Company."

Mr. Hale from same committee, reported same on bill "An Act authorizing the payment of an annuity by the city of Portland to Lizzie A. Johnson."

Mr. Newcomb from same committee, reported same on bill "An Act to provide for certain expenses of law terms of the supreme judicial court."

Mr. Johnson from same committee, reported same on bill "An Act to prevent the fraudulent issue and use of transfer tickets upon public conveyances."

Mr. Merrill from same committee, reported same on bill "An Act to change the title of the Wilton Electric Light and Power Company."

Mr. Johnson from same committee, reported same on bill "An Act to amend Section 16 of Chapter 23 of Private and Special Laws of 1899, so that the judge of the municipal court of Newport shall receive a fixed salary instead of fees."

Same gentleman from same committee, reported same on bill "An Act to provide blanks, books and stationery for the municipal court of Newport."

Mr. Merrill from same committee, reported same on bill "An Act to amend Chapter 485 of the Private and Special Laws of 1901, establishing a municipal court in the town of Skowhegan."

Mr. Johnson from same committee, reported same on bill "An Act to amend Section 4 of Chapter 128 of the Revised Statutes, relating to injury to property used for public water supplies."

Mr. Hale from same committee, reported same on bill "An Act to incorporate the Union Cemetery Improvement Co."

Mr. Merrill from same committee, reported same on bill "An Act to amend Section 4 of Chapter 455 of the Private and Special Laws of 1901," entitled "An Act to incorporate the York Beach Village Corporation."

Mr. Johnson from same committee, reported same on bill "An Act to amend Chapter 153 of the Private and Special Laws of 1879, in regard to building dams and embankments on Swift river in the town of Byron."

Mr. Hale from same committee, reported same on bill "An Act concerning the Merrill Memorial Library of Yarmouth."

Mr. Powers from same committee, reported "ought to pass" in new draft on bill "An Act authorizing the Ashland Co. to erect dams and make improvements on the tributaries of the Upper Aroostook river in the county of Aroostook," under title of "An Act authorizing the Ashland Co. to erect dams and make improvements on the tributaries of the Upper Aroostook river."

Mr. Johnson from same committee, reported "ought to pass" in new draft under same title on bill "An Act to amend the charter of the Augusta Water District."

Mr. Higgins from same committee, reported "ought to pass" in new draft under same title on bill "An Act to incorporate the Buxton and Hollis Power Co."

Same gentleman from same committee, reported "ought to pass" in new draft on bill "An Act to incorporate the National Loan Co. of Portland," under

title of "An Act to incorporate the State Loan Co."

Mr. Newcomb from same committee, reported "ought to pass" in new draft under same title on bill "An Act to incorporate the Bangor Water District."

Same gentleman from same committee, reported same on bill "An Act to authorize the Fort Halifax Power Co. to furnish electricity for power purposes."

Mr. Hale from same committee, reported same on bill "An Act to amend the charter of the Wilton Water Co."

Same gentleman from same committee, reported same on bill "An Act to abolish the Common Council of the city of Augusta and otherwise to amend the charter of said city."

Mr. Tracy from the Committee on Legal Affairs, reported "ought to pass" on bill "An Act to enable Edwin W. Doyle to maintain the upper dam in Flander's stream, in town of Sullivan, Hancock county."

Mr. Baxter from same committee, reported same on bill "An Act to amend Section 73 of Chapter 10 of the Revised Statutes, relating to the collection of taxes."

Mr. Oakes from same committee, reported "ought to pass" in new draft under same title on bill "An Act to amend Section 53, Chapter 125 of the Revised Statutes, relating to cruelty to animals."

Mr. Holmes from same committee, reported "ought to pass" in new draft on bill "An Act to create a bridge commission under title of 'An Act to create a bridge commission to investigate the bridges connecting the State of Maine and the state of New Hampshire.'"

Same gentleman from same committee, reported "ought to pass" in new draft under same title on bill "An Act to incorporate the Van Buren Water District."

Mr. Hall from the committee on railroads and expresses, reported "ought to pass" on bill "An Act to amend the charter of the Auburn and Turner Railroad Company."

Mr. Johnson from same committee, reported same on bill "An Act to establish the Lubec and Machias Railway Company."

Mr. Kimball from same committee, reported same on bill "An Act to ex-

tend the charter of the Maine and New Hampshire Railroad."

Mr. Stevens from same committee, reported "ought to pass" in new draft on bill "An Act to amend Section 70, Chapter 51, Revised Statutes, relating to wringing of bells and sounding of whistles on railroads," under title of "An Act to amend Section 70, Chapter 51, Revised Statutes, relating to ringing of bells and sounding of whistles on steam railroads."

Mr. Knapp from the committee on banks and banking, reported "ought to pass" on bill "An Act to incorporate the Dexter Trust Company."

Mr. Oakes from the committee on ways and bridges, reported "ought to pass" on bill "An Act to apportion the expenses of bridges between towns."

Same gentleman from same committee, reported same on "resolve in favor of the town of Trescott."

Mr. Goodwin from same committee, reported "ought to pass" in new draft under same title on bill "An Act to provide for the appointment of a commissioner of highways and economy in municipal expenditures."

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

Mr. Littlefield from the committee on the judiciary, reported "ought to pass" on bill "An Act to secure proper and uniform records in municipal courts and provide for record books, supplies, etc."

The report was tabled, pending acceptance, on motion of Mr. Oakes of Auburn.

First Reading of Printed Bills.

At Act establishing a close time for fishing on Thompson pond, from September first to January first of the following year.

An Act changing the close time for fishing in Long pond, in Cumberland county.

An Act to prohibit the hunting of ducks and other water fowl in Merry-meeting bay, Eastern river and the Kennebec river below Gardiner and Randolph bridge, by the use of steam, naphtha or gasoline boats.

An Act to permit ice fishing in Fourth Buttermilk and Little Benson

ponds, in Piscataquis county, during the month of February.

An Act regulating the close time for fishing in Sandy and Half Moon streams and their tributaries, and the tributaries to Unity pond, in Waldo county.

An Act to close the tributaries of Big Concord pond, in the town of Woodstock, Oxford county. (Tabled pending first reading on motion of Mr. Cushman of Woodstock.)

An Act to amend Chapter 321 of the Private and Special Laws of 1903, relating to the taking of smelts from tributaries of Upper Kezar pond, in Lovell, Oxford county.

An Act to regulate fishing in Moxie pond, in the county of Somerset.

An Act to amend that portion of Section 3 of Chapter 407 of the Private and Special Laws of 1903 relating to the time and number of fish that can be taken in the streams lying wholly or partly in the towns of Freeman and Salem.

An Act to prohibit fishing at all times in the tributaries to Squa Pan lake, in Aroostook county.

An Act to prohibit ice fishing in Brewer pond, sometimes called Hynes pond, in the towns of Orrington and Bucksport, Penobscot county.

An Act to prohibit the throwing of sawdust and other mill waste into Fish river down as far as the dam of the Fort Kent Lumber Co., also in the tributaries of said river.

Mr. Laliberte of Fort Kent offered the following amendment, by striking out after the word "as" in the third line the words "the dam of the Fort Kent Lumber Co.," and inserting the words "the foot of Eagle Lake and three miles of the Wallagrass river from its mouth up."

The bill was then read once, and on motion of Mr. Holmes of Caribou, pending its second reading the bill was tabled and the amendment ordered printed.

An Act for the protection of ducks.

An Act to improve the channel of Crooked river.

An Act to authorize the improvement of Chandler's river for log driving purposes.

An Act to amend Section 95 of Chap-

ter 49 of the Revised Statutes, relating to notice of injury to casualty insurance companies.

An Act to amend Section 11 of Chapter 23 of the Revised Statutes relating to the relocation of highways.

An Act additional to Chapter 49 of the Revised Statutes, relating to insurance.

An Act to incorporate the Roach River Dam Co.

An Act to assist in building a free bridge across Sheepscot river between the towns of Wiscasset and Edgecomb.

An Act to amend and enlarge the corporate powers and purposes of Greenville Light and Power Co.

Resolve in favor of the town of Gray for reimbursement for money paid on account of Riley Plantation.

Passed to be Engrossed.

An Act to fix the salary of the Governor.

An Act to extend the powers of the trustees of the Bangor Theological Seminary.

An Act to extend the charter of the Patten Telegraph and Telephone Company.

An Act to incorporate the Harmony and Wellington Telephone Company.

An Act to incorporate the St. Francis Telephone Company.

An Act to enable William G. Barter to construct and maintain whiers near Whittemore's cove in the waters of Penobscot bay.

An Act granting permission to John L. Goss to construct and maintain a bridge across Moose Island bar in the town of Stonington. (Tabled pending third reading on motion of Mr. Hale of Portland.)

An Act to authorize the Mainstream Lumber Company to erect a dam across Mainstream in the town of Harmony.

Resolve in favor of F. J. Allen of Sanford.

Resolve in favor of I. K. Stetson, Bangor, Maine.

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

Passed to Be Enacted.

An Act relating to the bills of ex-

penses of State and county officers.

An Act relating to the taking of scallops in the Bagaduce river, so called, between the towns of Castine and Brooksville, in the county of Hancock, from March first to November first in each year.

An Act to prohibit scallop fishing in Bluehill bay from the first day of April to the first day of November in each year.

An Act to amend Chapter 15 of the Revised Statutes of Maine, relating to education.

An Act relating to fishing in the tributaries to Anonymous pond.

An Act authorizing the codification of the sea and shore fishery laws.

An Act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this State, and authorizing the acquisition thereof.

An Act for the better protection of shell fish within the town of Freeport in the county of Cumberland.

An Act to incorporate the Mount Desert Trust Company.

An Act to amend an Act approved, February 9th, 1905, in relation to the assessment of taxes on the estates of deceased persons before the appointment of executors or administrators of such estates.

An Act pertaining to the duties of the cattle commissioners.

Finally Passed.

Resolve for an appropriation for the use of the commissioner of sea and shore fisheries.

Resolve providing for the screening of Sabattus pond, Androscoggin county.

Resolve in favor of the Western State Normal school at Gorham.

Resolve in favor of repairing Mattawamkeag bridge.

Resolve in favor of Lee Norman Academy.

Orders of the Day.

An Act to amend the city charter and city ordinances of the city of Gardiner in relation to the election of the city marshal and street commissioner, also petition accompanying the same, came from the Senate, that branch insisting on its action in receiving the act and petition under a suspension of the joint order, and

asking for a committee of conference.

On motion of Mr. Higgins of Limerick, the House receded and concurred with the Senate in receiving the bill and petition out of order.

The bill and petition were then referred to the committee on legal affairs.

Report of the committee on temperance in regard to the Sturgis bill, came from the Senate, that branch having adopted the report "ought to pass."

On motion of Mr. Oakes of Auburn, the reports and bill were tabled and Wednesday of next week assigned for their consideration.

On motion of Mr. Baldwin of Boothbay Harbor, the report of the committee on shore fisheries, reporting "A" ought to pass in new draft, "B" ought not to pass, on bill relating to the use of seines in Penobscot river and bay, was reassigned for Wednesday of next week.

On motion of Mr. Briggs of Auburn, majority and minority reports of committee on mercantile affairs and insurance, reporting "ought to pass" and ought to pass in new draft, on bill, To establish law uniform with other states relative to insurance policies, was reassigned for Thursday of next week.

On motion of Mr. Buzzell of Old Town, the vote was reconsidered whereby the House refused to receive, under suspension of the joint rule, bill to incorporate the Milbridge and Cherryfield Street Railway Company, and on further motion by the same gentleman the joint rule was suspended for the purpose of receiving the bill, and on further motion by Mr. Fuzzell it was referred to the committee on railroads and expresses.

On motion of Mr. Tracy of Winter Harbor, the report of the committee on counties, reporting ought not to pass on bill to set Isle au Haut from Hancock and annex it to Knox, was taken from the table, and on further motion by Mr. Tracy the report was accepted in concurrence with the Senate.

Taxation of Railroads.

Unfinished business: Majority and minority reports of committee on taxation, reporting "ought not to pass" and ought to pass in new draft, on bill, To amend Revised Statutes relative to taxation of railroad companies.

Mr. MERRILL of Skowhegan: Mr. Speaker and gentlemen of the House: It

is rather embarrassing to me this morning to ask again your patience to consider the report that was discussed at the yesterday morning session. There are a great many things that I would like to say but time will not permit. There have been many objections raised to the passage of this proposed bill, and one especially that at this time we do not need the money which the bill will produce, that the treasury is already amply supplied with funds. I wish to call your attention to the condition of the treasury. The total amount of appropriations pending before the committees on March 8th, 1905, including the first appropriations made of \$1,598,000, amounts to \$2,047,546.62. The total amount now pending before the committee on appropriations, which includes the appropriation for Insane asylum and State School for Boys, and other institutions, amounts to \$332,000. The fixed charges in the appropriation bill, salaries, about \$150,000. The estimated expenses of the Legislature, \$95,000. Making a total of \$2,624,650.20.

Now, where is this money to come from? The estimated receipts for 1905 are \$2,249,770; cash on hand Dec. 31st, 1904, \$245,000; making a sum total of \$2,494,000, or a deficit, Mr. Speaker, of \$230,000. Now, when I submit to you, when these men of the third House—and it was quite as large this morning as this House—when I submit to you that there is a deficit in relation to the appropriations we must make to carry on the affairs of this great State for the next year of \$230,000, pray tell me where you are to get the money? Pray tell me whether what has been whispered in your ears that we do not need the money is true or not? Need it! Why, we need not only what this bill calls for, but more. And how are we to get it? The method that the State has to raise its revenue is by taxation, and taxation alone. These expenses must be met and if we do not appropriate the money this year, then two years hence when we come here we shall have to appropriate the money with which to do it.

I want to call your attention to the Bangor & Aroostook Railroad. I think it got its charter in 1891. I want to call your attention particularly to the rate of taxation that is paid by that railroad. About 15 years ago the gentlemen who were putting through the scheme of building that railroad came

to this House and got a law passed whereby, in consideration that they would transport the troops of the State of Maine in times of insurrection or war over their line of road free of expense, the State should in consideration of that agreement on their part rebate 95 per cent. of their taxes; and they made that contract with the Bangor & Aroostook railroad to continue for 20 years or until the year 1911. So while the Bangor & Aroostook railroad is taxed by the assessors in the regular manner of other railroads, there is a rebate of 95 per cent. taken out of that tax. It is a contract that those men were able to make with this Legislature. Upon what plea? Oh, that the State of Maine should help favor that glorious county of Aroostook. I am not finding fault with that contract. I say it was made in good faith. Carried out to the letter. But why should they come in here and fight this bill when they are paying merely .05 of the part of the tax that is assessed upon them today? Would it be a burden to that line to have this bill become a law? Consider this question as men of business and men of affairs. You are here to act as men acting in the interests of the whole State. I know that it will be said that four years ago the railroads came in here and said, "No, we are not paying what we ought to pay, we will pay more." And who fixed the rate? It was fixed by the taxation committee, the bill was reported and the chairman of that committee was the president of a railroad in the State of Maine. He is either here on the floor of this House or in it somewhere; I have seen him here this morning. He has been here constantly working with the members of this House asking them to vote against this bill. He was the chairman of the committee that reported that tax bill four years ago. I do not wish to be understood, and far be it from me to say, that the gentleman was not acting honestly and faithfully; but is it possible for a man to act disinterestedly where he has hundreds of thousands of dollars invested in a proposition? I say it is impossible for a man who has a large investment in a certain kind of property and it is made to pay a higher rate of in-

come into the public treasury,—I say it is impossible for that man to act disinterestedly. Human nature will not allow it.

I want you to consider for a moment that little road, the Portland & Rumford Falls, and I ask you if it is a burden for them to pay 6 per cent. upon their gross transportation receipts? Look for a moment on page 153 of the railroad commissioners' report for 1904. We find stocks owned by that railroad, International Paper Company preferred, \$3700; Oxford Paper Company, \$700,000; Rumford Falls & Rangeley Lakes R. R. Co., common stock, \$190,000; bonds owned by the railroad, Oxford Paper Company, \$666,000; International Paper Company, debentures, \$183,000; International Paper Company, first mortgage, \$20,000; making a total of \$1,952,000 owned by the Portland & Rumford Falls railroad of stocks and bonds. Are they able to pay the paltry tax of 6 per cent. upon their gross receipts for transportation? One of the richest propositions within the borders of the State, if not the richest, is the Portland & Rumford Falls railroad, their operating expenses lower than any other railroad in the State of Maine, 53 per cent. and a fraction of their gross earnings, leaving 47 per cent. income. I submit if it is just to say that the average man throughout the State shall pay upon his property over 2 per cent. annually and this rich corporation owning \$1,900,000 of stock and bonds which are paying a good income every day in the year,—I ask you if it is right for you to say that I shall pay more than 2 per cent. upon my property and they pay six mills upon theirs. Why, some members of this House have talked to me as though a railroad corporation or any other corporation was something that was different from an individual. What difference is there between corporate property and individual property? A corporation is merely a combination of individuals with corporate power and when one man drops out the organization still continues, it is endless but it is made up of individuals, and the property that is invested in corporate stocks and bonds and property of different kinds should be subjected to the

same rate of taxation as though it were owned by the individual himself.

Take the Bangor & Aroostook railroad. We find that they issued their stock, a large amount of it. How much has it cost the stockholders of the Bangor & Aroostook railroad, and how many of them are there? There are 13 men, according to their report of June 30th, that own over 400 miles of the Bangor & Aroostook railroad. Only 13 stockholders; and pray tell me if you believe that they are men who need your fostering care and tender mercy upon a question of taxation? Do you believe that they are the poor men of the State of Maine? Are these 13 the widows and orphans of the State of Maine, or are they the rich men of the State who come here and ask you practically to exempt them from taxation? You must meet this question, and I want you to meet it fairly and honestly. How much did they pay for their stock? The treasurer of that company told me that they put into that Bangor & Aroostook railroad 10 per cent. of the stock and the stock was issued to them, and that is every dollar that the stockholders ever put into it, and the rest was received from their earnings and from the bond issue. What is their stock worth today? It is worth \$150 a share. I so stated before the committee. One of the members of the House,—I mean the third House,—the morning that this bill was introduced into the House met me,—he knew what the bill was,—and he smilingly met me and said, "You have laid a china egg." In other words, the gentleman of the third House immediately informed me that there was no life in the bill, that there was no innate power whereby the bill could ever become an active living creature. Gentlemen, it is for you to say to the people of Maine whether it was a china egg or whether it is one that will act and bring forth life and bring into the treasury of the State of Maine something with which to meet the bills that we have got to meet. They paid 10 per cent. for their stock, and last year they issued a dividend of 3 per cent., or, in other words, a dividend of 30 per cent. on every dollar that they invested. Is that such an investment as cannot stand a tax of

seven or eight mills on the dollar? No but the bill don't tax them that. Under this bill the Bangor & Aroostook railroad, if they paid that other 95 per cent. of the tax which rebates, then they would not pay only one-sixth of 2 per cent. or about three mills on the dollar according to the valuation of their property. Is that a hardship? If it is, I think that hardship ought to be taken from their shoulders.

Another objection to the acceptance of the minority report is that if you increase the rate of taxation they will immediately increase their rates upon their line. I propose to make the bald statement that the exact opposite will be the result, that it will reduce the rates in freight and passenger traffic in the State of Maine by taxing the railroads somewhere near what they ought to pay, and I can prove it from history. In 1901 the railroads of the State paid an increased tax by the action of this Legislature, and since 1901 their freight rates have diminished and their passenger rates have diminished throughout the State. Why? The railroad interests of the State of Maine knew in 1901 that the people were aroused, that they were about to do something, and they came in here and apparently they said, "Oh, we are willing to do this." What do you suppose the foundation of this fight of the railroads is against this tax upon their property? It is not the paltry sum that they will pay into the treasury. It is the idea that the people of this great State have taken it into their own hands to say that these great corporations do not run their Legislature and do not run the business affairs of the State of Maine. That is the great principle, and that is what fills up the lobby of this State House today with the railroad magnates, and their hired men throughout the State. And that is what they want to do, they want to stifle and keep the hands of the people off. It is not the tax by any means. I say to you, Mr. Speaker and gentlemen, this is a proposition of the greatest importance to the State of Maine. The minute you pass this bill and they understand that the people of the State of Maine are to have a voice in this question of the management of their own affairs, when you pass that bill

they will recognize at once the people's power and authority, they will recognize at once that the people are awake to their own interests; and when they realize that they will realize another fact, that upon our statute books that authority is given to the Legislature, if they undertake to increase their rates on freight or on passenger traffic, that it is all in the hands of the Legislature. They want to keep your hands off, I say, and that is the reason they come around with these arguments and visit practically every member of this House and try to influence him as best they may against this bill.

Now, Mr. Speaker and gentlemen, I have taken a good deal of your time. But this is a very important matter, it involves \$225,000 to the State treasury this very coming year. It is a great deal of money. It should be carefully and candidly and honestly considered; and when you vote upon the acceptance or the rejection of this minority report I hope you will vote according to your honest convictions of what is right in this particular case. I don't want your minds and your judgments warped by the argument that the wild lands and other corporations are not paying their share. The wild lands, the telegraphs, the telephones and the express companies are not paying their fair share, but that has nothing to do with this proposition. Every proposition stands on its own bottom, and let it stand or fall according to the merits of each individual case. Why should we accept this report? If you accept it, in two years time when you undertake to tax wild lands and telegraphs and telephone corporations, instead of having a solid phalanx of every corporate interest in the State of Maine coming to confront us, we will have these railroad men with us. They will say, then, "They have made us pay taxes, now we will make you pay taxes;" and we will gain help from that quarter to tax other property that is not being taxed in the State of Maine. I say there is not a wild land owner in the State but who is opposed to this bill today. Why? Because when they see the ice broken in one place they know it is much easier to break in another.

There are others who desire to speak on this question. I know that

the argument will be made that a gan to change this well established majority of the committee has voted policy.

against this measure and that the voice of the committee should be listened to by you. Gentlemen, it will not be the first time on the floor of this House that a majority report of a committee has been turned down and the minority report accepted. I remember a bill that came from the judiciary committee with a unanimous report and it was unanimously turned down by the House, and I think you did right. You understand and I understand how things are put through committees. Now, when you vote, vote your conscientious convictions; and I submit if you do you will vote to accept the minority report.

Mr. REED of Portland: Mr. Speaker and Gentlemen of the House, I do not rise with the intention or expectation of answering the argument of the gentleman from Skowhegan. The study of many years which he has devoted to the subject, the exhaustive manner in which he has presented it to this House, is precisely what I should expect from a gentleman of his recognized ability and great learning; and however much I may differ from him in the general conclusions which he has drawn, I certainly feel that the House owes to him a debt of gratitude for so clearly and so fairly presenting for our consideration this difficult and intricate problem. Another reason why I would not attempt to answer the gentleman from Skowhegan is the fact that I believe that most of us in a very large measure agree with what he says. We all admit that taxation is necessary. We all admit that the taxation should be justly and fairly placed, and bear fairly and justly as far as the ingenuity of man can devise. And I go farther in regard to this bill, and for the purposes of taxation I entirely agree with the gentleman from Skowhegan that the method which has been devised for the taxation of railroads is correct, that it is good, and that there is no disposition at this time on the part of this House nor on the part of the gentleman from Skowhe-

The question then comes upon the issue as it is presented to us, whether it is proper time and whether the bill that he has presented is the proper bill. He has referred to the question of the report of your committee. I agree with him that it is the duty of this House to over-turn the report of a committee which is wrong. But the committee had an opportunity to take evidence upon this question and to examine it in a way that you have not examined it; and I believe it is far from the intention of the gentleman from Skowhegan—although we might have inferred that from his remarks—to reflect on any member of this committee, or to suggest that any action that they took is not as honest and well considered as he would take himself. I do not believe that he intends to impute to any member of this committee any injustice.

Mr. MERRILL: Not in the slightest.

Mr. REED: The gentleman agrees with me and I was sure he would. And I think I may say, as far as the evidence which this House generally and usually accepts, the jury is on the side of the majority report.

I wish to call attention to another matter that the gentleman from Skowhegan has elaborated and to that extent make use of his earnest words; perhaps I may put it in a somewhat different way, but I mean this, that the railroads above and beyond almost all other corporations and individuals are completely at your mercy. We can raise this tax from four per cent to six per cent or to ten or twenty, and I know of no law that limits it anywhere. We can take away the entire revenues from the road. There is no limit. It is a question of discretion on the part of this Legislature where we shall stop. We may go further than that. After we have taxed the railroads as we choose beyond what is bearable, when they feel that in order to protect themselves and to save

their property they must raise their rates, we can take the position that the rates shall be determined by law, and it is in your power to determine it, and you can fix those rates and you can fix their taxes at such a figure as to absolutely bankrupt every road in this State. We have all the power there is; but will the gentleman propose to use it? What we are to determine is what is just and fair and right under all the circumstances in the case. That is the question that is before us. We realize that great responsibilities as they rest upon us should not tend toward rashness but towards conservatism. This power of taxation is the greatest power we possess, and I cannot believe that this House desires to exercise it otherwise than justly towards all alike. A private individual has opportunities to conceal much of his personal property. He can shut it up in his strong box and escape taxation. The property of the railroad does not escape. It is all open, and the advantage of this particular law that we all favor is that it gives complete opportunity to the assessors to reach every part of the property of the railroads.

There is one question which I wish to consider in a little different way from what the gentleman from Skowhegan has considered it. I do not believe that he meant it to be taken in the way which I am afraid some members of this House may have taken it. You remember how he referred to the orphans, that they should be cared for and protected. I do not believe the gentleman from Skowhegan would be any more willing to protect those orphans and provide for their maintenance than I. Has he referred to other appropriations desired by various members in their own sections? Suppose we should go to the gentleman from Skowhegan and say, "When you propose a tax measure in this House, don't consider the justice of the thing in itself. We have got an asylum here, you have something in Skowhegan that you want to provide for, and if this bill goes through we will get it." What would he say to

you? Would he not be the first to tell you that he would vote upon the question of taxation on its merits and not take home to his constituency a dishonest dollar? He would say, "Don't allow this great measure to pass through here by any system of log-rolling. I have too much confidence in all the members of this House to believe that a single vote would be influenced by a consideration of this kind. Vote upon the measure upon its merits."

Now, let us consider the actual conditions as they exist. I am not going to attempt to go into this vast detail of figures but will confine myself to a short period of time. In what little I have to say about figures, I shall put them in round numbers to present the idea that I have of the conditions as they exist. The twenty railroads in the State of Maine, great and small, paid in the year 1904, \$418, 868 and \$10,913 for the expenses of the railroad commissioners, making in all approximately \$430,000 collected from the railroads in this State. In addition to that the railroads have paid the local rate of taxation upon every depot and every shed and every particle of property whether within the location of the road or not in all the towns and cities in the State. They are taxed in the towns and cities upon their property precisely as you and I are taxed. In the cities and towns they pay the full tax on all property located there. This excise tax varies all the way from fifty dollars paid by the Monson Railroad up to \$208,000 paid by the Maine Central Railroad. The local tax has increased five thousand dollars in round numbers from 1903 to 1904. The entire State tax for 1904 assessed upon all the cities and towns of this State was \$970,475. The railroads now pay within a small fraction one-half of the entire tax assessed by the State on cities and towns. Now, if we add to that the local tax which they pay, I think you, will find that it will amount to a trifle perhaps more than one-half what is paid to the State by all the towns and cities in direct tax. Now, how does that strike you? Don't that seem to be fair? Of the twenty roads

only twelve pay a dividend. Don't it seem as though these roads are doing pretty well if they pay half as much as all the rest of the State?

The Maine Central Railroad and the Boston & Maine Railroad together paid within a very few dollars of \$300,000 in taxes in the year 1904—three-fourths of the entire railroad tax and one-third of the amount assessed on all the property in the State. But we have heard from the gentleman from Skowhegan another proposition with which I wish to agree, and that is that we should not consider the valuation of the property but the ability to pay taxes. Now, gentlemen, bring this matter home to yourselves, and for the time being suppose your tax should be assessed in a somewhat similar manner, not upon your real estate or personal property but upon your ability to pay. What would be your ability to pay? We eliminate the entire subject of value; we must not take in both ways. If we are going to assess a tax on ability to pay we must consider that question of ability. How do you determine it in your own case? You would not determine it upon what property you had. You would determine, in the class of business you were conducting, your ability to pay upon the profits of your business. What represents the profits of the railroad business? Dividends. Now we cannot in this discussion determine just how much they carry in the way of an emergency fund, how much they carry to provide for possible accidents, and all those things; but cannot we come down to this plain simple principle that every great business enterprise is conducted for profit, and that the shareholders of these railroads are the owners of the railroad, and that they will take out of these railroads in dividends what they can fairly take out in profits? We want them to provide better cars and faster trains and better service, and when they have done that and met the public demand, don't they then figure out all the dividends that they fairly can? It seems to me that it is a fair statement. First, then, the Little Somerset Railroad. It has never paid a dividend since its organization in 1868, but its tax last year was \$1445. I think they pay up to their ability. Take the Maine Central Railroad. Their stock is approximately \$5,000,000 and they paid in dividends in 1904, \$348,000. It paid in taxes, excise and

municipal, more than \$250,000. What does that mean? This great corporation, the Maine Central Railroad, in distributing its profits between its stockholders and the State, for every \$3 in profits it has paid to its stockholders, it has paid \$2 in taxes to the State. Supposing in your own individual case that for every \$3 which comes out of your business as a net profit you pay \$2 in taxes in the municipality in which you live? Would you or not consider that a fair and reasonable tax?

The gentleman has referred to the Rumford Falls Railroad, a road that has built a city in the wilderness; that went out into the wilderness and added great enterprises to our State and gave employment to thousands of our inhabitants. This tax besides being just has in it a principle of growth, and it seems to me that the argument in regard to the assessment upon the Rumford Falls road cuts both ways. In 1900 the tax on that road was \$082. In 1901 it was \$9931. In 1902 it was \$13,557. In 1903 it was \$20,414. In 1904 it was \$24,864. That means that the tax collected from the Rumford Falls Railroad in 1904 is 600 per cent. more than was collected from that same railroad in the year 1900. It is almost three times as much as it was in 1901, which was the first year of the increase of the tax. The Maine Central Railroad in 1901 paid \$145,266 in taxes, in 1904 they paid \$208,299, an increase of \$63,000 upon that road alone from 1901 to 1904; and on that same basis for 1905 the increase of this tax will be \$70,000, which is approximately the same as the entire amount of taxation paid upon all the wild lands of the State, which constitute, I am told, two-fifths of the entire area of the State. The railroads are the builders up of the State, and more than most any other property are entitled to our fostering care. The large roads, to be sure, are able to take care of themselves; the smaller ones need our care. Let us consider for a moment what these roads have done for the people during this time in a financial way. You are all aware that the cost of living, of materials, of labor, has increased in recent years. Outside of the State of Maine railroads have found it necessary to increase their freight rates, and in a few instances their passenger rates, and this increase has been in several instances as high as 10 per cent. I am informed. What has the Maine Cen-

tral done during the past four years? The Maine Central during this period has given us the two-cent transferable mileage; it has given us during this period additional trains and better cars and service. They have in many ways improved their stations and their roadbed and are going to give a better public service than they ever did before. I take this road because it is the one about which I personally know the most. What have they done in a financial way? If the Maine Central Railroad had received in 1904 the same amount exactly per passenger per mile which it received in 1901 when this law was first passed, they would have made from passenger traffic alone \$223,315 more than they did. If they had received the same rate per ton per mile in 1904 as they did in 1901, they would have received from freight \$147,355 more. This without running an additional train to the trains that they have run this year and without incurring any additional expense, for it would be on the same amount of traffic, and that would amount to 371,160, which may be properly considered as a dividend paid to all the citizens of the State who have used these roads either for passenger traffic or for freight. They paid in dividends \$348,000; so that this one road in the very last year has paid back, I may say in dividends, to the citizens of this State \$23,000 more than it has paid to its owners. That is to say, this reduction gratuitously made without any urging has amounted to a dividend to the citizens greater by \$23,000 than the entire dividends they paid to their stockholders. Does that seem as though we should urge upon them greater taxation? If it does, then I am in favor of it. If they need this stimulus I want to give it to them.

Now, in regard to what we ought to do. Four years ago this general corporation bill was passed. The railroads are not alone in this, telegraph and telephone companies and street railroads were all considered. A committee of the Grange which always has had the best interests of our State at heart, appeared and gave expression to their opinion. This matter was all talked over and a tax bill was arranged which under all the circumstances seemed to be fair to the State, fair to the electric and steam railroads, fair to the telegraph and telephone companies, and without one dissenting voice, if I am correctly informed, those bills were all passed and there was

established the great system of corporation taxation which we now have and which is working so beneficially for the citizens of this State. Why should we disturb it? The gentleman from Skowhegan has said to you that it was stated at that time that if we wished to change this, the Legislature could do so in two years. Mr. Tuttle was before that committee and he made a speech. He was there once, I am informed. And this is what he said: "If all the states had a low stock valuation, it was because of the unprofitableness of the railroads. This State does not tax upon the stock but upon the gross earnings; but in other states where the stock would, by reason of the prosperity of the railroads, be high, they said: That is an easy way—let us fix it that way. You have tried both. This has stood the test of years. It has been to the supreme court of the United States, if I recollect right, and been pronounced legal, and if you ask my advice—I do not like to intrude it—I should say: Keep your form of law, make such changes as are necessary to bring an increased taxation and wait. You have another Legislature two years hence; and if you are not satisfied you can make yourselves satisfied. This is not for all time."

That is, he evidently meant if this method of taxation is not satisfactory you can change your method at any session of the Legislature. It is a well-known fact of course that we can change it, but I do not think it is fair to do so. I do not believe for a moment that any business man would propose such a course. You know that the roads of this State could not conduct their business interests under such a shifting form of taxation.

Where has this bill originated? The gentleman from Skowhegan, I understand, prepared a series of petitions. With them he prepared a letter setting forth what it was proposed to do, and he gave them to the members of the House and others and they were sent out in considerable numbers. This bill was tabled on the 17th day of January, it was the second bill, I think, introduced in the House. It has laid on the table all these weeks. But why does not the gentleman from Skowhegan refer to the petitions? Why don't he show this popular demand, this rising up of the people, this resistance

to wrong? He tells you that a lobby of the Grange are here to prevent the passage of this bill. Who in the name of Heaven ever before heard in this State or in any other, of a lobby of the Grange to urge unjust discrimination against the people for the benefit of a railroad corporation? He attempts to accuse this great organization which represents more men and women than any other in this State, all disinterested, of being in the intrust of the railroads! What are they here for? I tell you, gentlemen, if the Grange is here today represented by a committee, they are here to keep faith with the people; they are here to keep faith with the corporations; they are here for the purpose of preventing what they believe is an injustice or to maintain what they believe to be just. The strongest argument I could put before this House is the lobby, if you choose to call it such, of the Grange opposed to this minority report. I am willing to leave it right there; and, gentlemen, if in regard to measures of taxation we will follow the Grange, we shall not very far err in our conduct.

What I mean to say is this: The law as we have it is just and fair, fair to the roads, fair to the State and working well in practice. There is no reason for singling out the railroads alone for increase in taxation. Let it alone just as it is, and rest assured that when the people of this State demand a further tax placed on railroads they will let you hear from them with no uncertain sound.

Mr. BELLEAU of Lewiston: Mr. Speaker, it is not with the intention of participating in this debate that I now ask the indulgence of this House for a moment. But as a member of the committee on taxation who subscribed to the majority report now under discussion, I feel it my duty to say a word at this time.

Mr. Speaker, what is the real question before this body? We are asked to substitute a majority report for a minority report, but the question goes deeper than this. We are called upon to amend Section 25 of Chapter 8 of the Revised Statutes relating to the taxation of railroad companies; so that the real question before us is whether or not more taxes should be levied on the railroad corporations of the State.

It was my pleasure to serve in this House six years ago when came the cry and the clamor from all over the State for more taxes from the corporations in

general, and also cheaper transportation from the railroads.

And while the Legislature of 1899 did nothing along these lines, some good came out of the agitation, for it secured to the people the two-cent mileage and cheaper transportation generally.

But the agitation did not stop there. The question of securing more revenue for the State was kept before the public in such a way and to such an extent that when the Legislature of 1901 opened its doors this matter had to be faced and receive consideration at its hands, but I shall not weary you with any details. Suffice it to say that the committee on taxation for the year 1901 took the matter up, and through the ordinary channels advertised its meeting. Gave hearings which were fully attended; and upon the paramount issue that the State needed more revenue, a general law was passed giving the State revenue sufficient to meet honorably all its obligations then and for time to come.

This adjustment of taxation giving to the State an increased revenue proved true and satisfactory, as it had been prophesied and anticipated. So that after four years the House gets it fresh from the Governor's lips that our finances are not only in good condition, but in such good condition that the taxes can and should be reduced.

The railroads which are singled out in the bill under discussion have paid, ever since, an increased tax.

One railroad paying a tax then of \$145,000 paid \$162,000 in 1902, an increase of \$17,000. The same road paid in 1903 \$184,000, \$208,000 in 1904 and will pay under that same law \$215,000 in 1905. An increase, as can be seen, every year, and no reason why the increase shall not continue year after year under the laws of 1901.

Now, why so soon change the law? And I now submit, Mr. Speaker, that since such was the evidence before our committee that there remained but one plain duty to perform, and that duty was to report to the House, as it did, that this bill "ought not to pass."

And notwithstanding the amended minority report, also now before us, the question is changed in no particular. The question continues to be: Are we in need of more revenue? A member of the finance committee tells me that unless the unforeseen happens, taking into consider-

ation the appropriations so far voted and now in process of becoming laws, that there will remain a surplus of \$300,000 to \$400,000 in our State treasury after the adjournment of the Legislature.

Is that revenue enough?

The argument is advanced that we need other institutions; that we need the revenue for other worthy objects. That all may be, but when this Legislature shall have passed upon every measure that has come before its committees it would be neither more nor less than going out of its way, to provide for unborn projects and imaginary institutions.

This legislature would not be justified in raising more revenue than the need of the State demands. Where there is no sickness, the doctor is not needed. But I shall go a step farther: If the State needed more money, the time has not come that it should discriminate between the railroads and other money-making institutions of the State. It may be that the railroads are not paying taxes enough. It may be that railroad property should be taxed like any other property. It may be that none of us are paying our fair share of taxation. It may be that the wild land owners are not paying what they might and ought to pay to the State for taxes. It is the case of hundreds of men throughout the land.

It was pretty clearly demonstrated to our committee that one hundred millions of stocks in this State pays not a copper of taxes whatever. I have known men to pay taxes on just a house when they were reputed worth a hundred thousand in cash. The assessors are simply not doing their duty. We have law enough.

Mr. Speaker, in conclusion I repeat that if the State should be in need of more money, then no discrimination should be practiced between railroad property and any other property. Our duty would simply be to bring all under the same roof and make one and all pay their fair share of the entire burden. But, Mr. Speaker, if we are to believe our honored Governor, and if we can rely on the judgment of the committee on finance, the State has all the money it shall need until the Legislature meets again. And it will be an easy task and a pleasant duty for this House to stand by the report of the majority of the committee on taxation.

Mr. HASTINGS of Bethel: Mr. Speaker and gentlemen of the House, at this late

hour I do not propose to trespass upon the patience of the House by entering into a discussion of this question. The ground has been fully gone over by the gentleman from Skowhegan, and this is the second time that I have heard it discussed. I have listened to the eloquence of the gentleman from Portland and the gentleman from Lewiston; but the more I have heard this matter discussed, the more thoroughly am I convinced that the position of the minority on this question is correct; and as one of the signers of that minority opinion I wish to stand here and reiterate my belief in the soundness of the position of the gentleman from Skowhegan, and my confidence that his argument cannot be assailed. It is my judgment that it has not been assailed successfully today and that his position on this question is impregnable.

Mr. SWETT of Portland: Mr. Speaker, at this late hour I shall endeavor not to occupy the attention of the House longer than to present one fact to demonstrate the correctness of the position of the committee who favored the majority report. I merely wish to quote the opinion of a gentleman as well known in the State of Maine, in the United States, and perhaps throughout the world, as any man now living, a man who has succeeded in making what is perhaps the most successful individual enterprise ever started in the State of Maine. I refer to a gentleman whom you all know, Mr. E. P. Ricker. Every gentleman in this House is familiar with the business experience and career of Mr. Ricker. They have never objected to any taxation which has been put upon them and I believe they have done more to advance the material interests of the State of Maine than any corporation or railroad now existing in the State. They have increased the business of the farmer, the manufacturer and of the railroad; and a few years ago they were in a very bitter contest with the railroad notwithstanding the fact that they are perhaps more dependent on the railroads than any other interest to increase their business. But they felt at that time that the conditions were not what they should be for their business interests, that the rates were higher than the situation warranted, and that in all respects the railroads should make concessions and great concessions in the interest of the general public.

Now, Mr. Speaker, I shall add nothing, I do not think it is necessary, to what I have said; and I ask the gentlemen of this House, in voting upon this question, to consider the opinions of the gentlemen who has done so much to advance the interests of the State of Maine.

Mr. MERRILL: Mr. Speaker, I would like to ask the gentleman from Portland, a question. Is Mr. E. P. Ricker a director in the Maine Central Railroad?

Mr. SWETT: I don't know; I understand that he is.

Mr. POWERS of Houlton: Mr. Speaker, I wish to say just one word before this discussion is closed. I would like to ask this House who it is that pays the taxes of the railroads if you increase the tax? The farming community in my county and the people who send over the railroad the freight, believe that they pay the tax if any extra tax is placed upon the railroads. We believe that the shippers of freight will pay the tax, and my county is deeply interested in that. We sent out of that county last year eight thousand carloads of potatoes. If you increase the tax one cent on a bushel of potatoes, it amounts to five dollars on each carload, or \$40,000 that it would cost the farmers in my county for the extra freight that they would have to pay if the road raised its freight one cent on a bushel.

I agree with the gentleman from Skowhegan that if we could tax these railroads and have them pay it, if we could perhaps reduce the revenue which they receive in dividends, it would be one thing; but if by taxing them we immediately tax the people who send the freight over their roads, then we are taxing the class of people which my friend from Skowhegan claims he wants to protect and benefit, and that is the farmers and producers. If the gentleman wants to build workshops for the blind, if he wants to favor institutions for the needy, for the waifs of this State, let it be by direct taxation and then it falls on the rich cities and the rich centers here the wealth is. It falls equally. There is a great deal more wealth in our cities than the farming commun-

ities, and if you raise money by direct taxation you make it equal, whereas if you raise it by taxing the railroads it seems to me that you will go to one particular class and that class is the producer and the farmer and the person who owns the real estate. Those are the people that I understand my friend wishes to help; but it does seem to me, and I believe that is why the grangers of this State are here today opposing this bill, because they are the ones deeply interested, they are the ones who must pay this extra tax if you place it upon the railroads. Why, Gentlemen, a railroad is a quasi public corporation. They are given certain rights because they help the people. They help develop our country. Why is it that the provincial government today runs the Intercolonial Railroad, owns it and runs it at a loss every year of one-half million dollars? It is done simply that the farmers and those who have products to send to market can have an opportunity to do so. The provincial government runs that railroad every year at a loss, and according to their estimates it is half a million dollars. They do it to help the people who want to send to the markets the products of their labor. And where do they make up this deficit? They get it by levying a tax upon all the cities and upon the rich centers of that government.

I submit that if you tax the railroads they are going to have the same amount, of dividends on their stock, they are going to have the same amount of interest. You won't change that one particle however much you may tax them. And where it is coming from? It is coming either by cutting down the pay of the men who work for them, or in poorer service, or else it is coming out of the men who send the freights across this country. It might seem to you that this does not amount to much to the Bangor & Aroostook road because 95 per cent comes back under the charter. The gentleman has spoken of the charter given to the Aroostook road. It was an uncertain venture. No one knew whether it would pay or not, and the

men who put their money into it, while the gentleman claims that it was only a small amount, still it was a question whether those men would not everyone of them be ruined; but it proved to be a successful business enterprise.

Something has been said about the committee of a previous Legislature. I knew nothing about the committee which was here two or four years ago. This committee I do know. I know that the chairman of this committee is the man who set in agitation the law which gives to us the two-cent mileage. I know that the chairman of that committee is no friend to the railroad; and I find his name upon the majority report. I find also five other names on that report, and I am informed by the chairman that the other two who were not here to vote, wrote letters to him saying that they wished to be counted with the majority. Those men have had a chance to examine and find out the condition of things and to see where the burdens would fall; and I believe that that committee is entitled, with eight of them in favor of the majority report, to some credit in this House, and I hope that when this vote is taken that the minority report will not be substituted for that of the majority.

Mr. MERRILL: Mr. Speaker, I will try to be very brief, but I want to answer the gentleman from Houlton as to who will pay the taxes. He says if the tax is increased that the freight rates will be increased and the passenger rates, and that it will be a detriment to the farmers of the State. Let us go to the report of the railroad commissioners and see what a wonderful help the farmers would get. I will take the Portland & Rumford Falls road, because my book opens to that company, and under the heading of freight traffic we find that all the products of agriculture carried over that road pay 3.66 per cent. of the freight. How much is the farmer going to feel it? The products of animals, live stock, dressed meat, other packing house products, poultry, game, fish, hides and leather, cream, 98 per cent. of one per cent., making a total of 4.64 per cent. of the agricultural products and the products

of animals that is carried by the road. Now, won't it materially damage the farmer if you increase the tax upon that road? Let us see where their freight does come from. Products of the forest, lumber, pulp, wood and bark, 46.02 per cent. of the freight. Who owns that lumber? The great International Paper Company, 46 per cent. of the freight is made up of the lumber, wood and bark that is hauled by that road. Of paper they haul 17.18 per cent. making a total of 63 per cent. of their own products practically that they haul. I told you that that is the argument that would hold up here, that it was the poor farmer who would pay this tax. Did he pay the increase tax of 1901? No, the freight rates have been reduced and the passenger rates have been reduced, and if you pass this law they will reduce them still more.

The gentleman tells you that two members of the committee who did not sign that report have written letters to the chairman. Well, that is a very peculiar idea. He tells you that they heard and understood all about it and yet that they did not sign a report. They were not at the hearing and one of them has not been in this House nor upon the ground since the hearing. He is a member from Portland, serving upon the railroad committee. That is one of the other gentlemen who did not sign the majority report, and who sends a letter in here and asks that it be understood that he is for the majority report. I can say to you, Mr. Speaker and Gentlemen, there is not a member of the railroad committee of this House but what will vote against this bill. I knew it when the bill was drawn. There is not a railroad attorney in this House but what will vote against the bill. There is not a man in this House employed by a railroad but what will vote against it. I do not rely upon that class of men to help this bill through this Legislature.

The gentleman from Portland (Mr. Reed) very fairly and very candidly spoke of my position and I thank him for the kindly manner in which he discussed what I said, but he was mistaken in one thing, I do not allege that he did it intentionally, but he said that I stated that the grangers were here, as

a body, as a grange, opposing this bill. I made no such statement yesterday upon the floor of this House. I said a certain granger was here, and I was told by one of the high officials of the grange in the corridor of this House yesterday morning that he so understood it and had been told so. I have as much respect for the grange organization as any man on the floor of this House. There is no body of men in our State that has done more in the interests of agriculture and in developing the social interests of the people than the grange have done in the last decade. But I say to you that the grange is not opposed to this bill. When the gentleman tells you that that is the strongest argument in favor of the majority report, I say, as I said yesterday, that the grange interests of this State are in favor of this bill. He referred to the petitions that have come here and that I had not mentioned them. There are a great many things that I have not mentioned in relation to this bill. As to the petitions, you have heard them read as they have been presented here, and I say to you that the people of the State of Maine want this bill passed.

The gentleman from Portland (Mr. Reed) tells you that the profits of the road are measured by its dividends. I told you yesterday that the Maine Central Railroad laid up as a fund last year ending June 30th, or that their surplus increase was about \$1,900,000; and has any gentleman here said that it was not so? Not even the gentleman from Portland, (Mr. Swett) who tells you that one of the greatest business men, a man whose name is known from the Orient to the Occident, for which he wants to speak because he is not a member of this House, and he tells you who he is. He is my friend the Honorable E. P. Ricker, one of the directors in the Maine Central Railroad, and he don't want this bill passed. Gentlemen, take it home to your hearts and consider it and say whether you will stand with the Honorable Gentleman from Poland Springs with his wide spread humanity and business ability, chosen by the Maine Central Railroad, and being an owner of the stock of that great company, and my friend from Portland (Mr. Swett) representing the interests

of the people of the great State of Maine who wants to cast his vote with the director of that railroad and vote against this bill, because Mr. Ricker wants him to. (Laughter.)

Mr. SWETT: I desire to correct what is a wrong impression, that Mr. Ricker has used any influence with me direct or indirect or in any manner.

Mr. MERRILL: I did not mean to say to this House that he has used any influence. No; but the gentleman when he arose said that he wanted to just say a word and to state his reason why he was going to vote to sustain the majority report, and that was this gentleman who was so widely known and of such great business ability had said that he thought that is the way they should vote, and consequently I think it was a fair inference that he wanted to vote that way because the gentleman did. (Laughter.)

Mr. SWETT: I never said by word or implication that the gentleman wanted me to vote in any way, for or against the bill, never.

The SPEAKER: The gentleman from Skowhegan will proceed.

A MEMBER: Question.

Mr. MERRILL: I want to say to the gentleman who called for the question that you cannot get me off my feet in that way. (Laughter.) Now, the gentleman from Portland (Mr. Reed) tells you, in regard to the Portland & Rumford Falls Railroad, that they pay 600 times as much tax as they paid in the year 1901. That is it exactly. Until 1901 they did not pay anything. And now they are paying 600 times as much! And what are they paying in proportion to their valuation? There is not a gentleman who knows what the assets of that road consist of but what will say that they are practically worth a hundred cents on the dollar, and the present rate of taxation under this bill is just four-ninths of what it would be under a valuation if they paid what they are able to pay on their property. Now, they have rolled up an immense amount of wealth and I say that they should pay taxes here. When I first started out I did not pay any tax. I now pay 600 times as much, and you might call it a million times as much if you multiplied nothing by a million. I suppose it is the experience of every man in this House that his taxes have been increased if he has increased his property holdings. I am now taxed on every dollar I am worth and every dollar I am owing, and so are you.

Now, I say, Mr. Speaker and gentlemen, I call upon you again and ask you to vote your conscientious convictions upon this question; and I move you, Mr. Speaker, that the minority report be substitut-

ed for the majority report, and that the vote be taken by the yeas and nays.

The question being, shall the yeas and nays be called on the motion to substitute the minority report for the majority report,

The motion was agreed to.

The SPEAKER: All those in favor of substituting the minority report which is to increase the tax, will vote yes as their names are called; all those opposed will vote no. The clerk will call the roll.

YEA.—Allan, Cobb, Cole, Fulton, Hastings, Hill, Hodgkins, Holmes, Hussey, Hutchins, Jones, Jordan of Yarmouth, Merrill of Skowhegan, Oakes of Milford, Scribner of Charleston, Sparrow, Turner, Webster, White, Wilber, Witherspoon—21.

NAY.—Abbott, Albert, Ealdwin, Barrows, Baxter, Bean, Belleau, Berry, Bliss, Bradford of Livermore, Briggs, Burkett, Buzzell, Byron, Clark, Copp, Cushman, Davis of Benton, Davis of Guilford, Denison, Downs, Dudley, Fawsette, Foss, Gannett, Garcelon, Giddings, Goodwin, Grant, Gray, Hale, Hall, Hathaway, Higgins, Howes, Johnson of Hallowell, Johnson of Waterville, Jordan of Cape Elizabeth, Josselyn, Kimball, Knapp, Lanigan, Leighton, Leonard, Libbey, Longfellow, Marshall, Martin, Merrill of Dixfield, Miller, Milliken, Morey, Morrison, Mullen, Nash of Damariscotta, Newbegin, Newcomb, Norcross, Oakes of Auburn, O'Brien, Page of Hampden, Peacock, Pendleton, Percy, Philbrook, Poor, Powers, Price, Purinton, Reed, Russell, Sanborn, Sargent of Brewer, Sargent of Castine, Sawyer of Milbridge, Sawyer of Smithfield, Scribner of Springfield, Shaw, Shevenell, Smart, Smith of Madison, Smith of Saco, Staples, Stearns, Stevens, Swain, Swett, Talpey, Terreault, Thomas, Thompson of Orono, Thurlough, Tracy, Verrill, Walker, Washburn, Weatherbee, Webb, Whitmore—99.

ABSENT:—Blanchard, Bradford of Friendship, Bunker, Cousins, Hagerthy of Ellsworth, Hagerthy of Sedgwick, Hanson, Ingersoll, Irving, Jillson, Johnson of Calais, Kinsman of Augusta, Kinsman of Cornville, Laliberte, Littlefield, Lougee, Morton, Nash of Kennebunk, Page of Appleton, Perry, Putnam, Seavey, Sewall, Thompson of Roque Bluffs, Treworgy, Trickey, Tupper, Usher, Vittum, Witt—30.

So the motion was lost.

The question being on the acceptance of the majority report,

The report was accepted.

On motion of Mr. Gray of Paris, majority and minority reports of the committee on legal affairs, reporting "ought not to pass" and "ought to pass" on bill, relating to South Paris Village Corporation establishing a system of lighting, was re-assigned for Wednesday of next week.

On motion of Mr. Higgins of Limerick, resolve providing for an epidemic or emergency fund was taken from the table.

The resolve was then read a second time and was passed to be engrossed.

On motion of Mr. Kimball of Rockland, bill to amend Revised Statutes relating

to management and operations of railroads, was taken from the table, and on further motion by the same gentleman the rules were suspended, the bill received its three several readings and was passed to be engrossed.

On motion of Mr. Higgins of Limerick, resolve in favor of building bridge between Bingham and Concord was taken from the table.

The resolve was then read a second time and was passed to be engrossed.

On motion of Mr. Higgins, report of the committee on judiciary, reporting ought not to pass on bill, to amend Revised Statutes, relating to searches and seizures, was taken from the table, and on further motion by the same gentleman it was recommitted to the committee on judiciary.

On motion of Mr. Morrison of Eden, the rules were suspended and that gentleman introduced petitions in favor of tax on non-residents to shoot game birds, and on further motion by the same gentleman they were referred to the committee on inland fisheries and game.

On motion of Mr. Powers of Houlton, House order relating to land sold by the State for non-payment of taxes, was taken from the table, and on further motion by the same gentleman it was referred to the judiciary committee.

On motion of Mr. Hastings of Bethel, the rules were suspended and that gentleman introduced bill, An Act relating to the description of unincorporated public lands and townships for the purposes of valuation and assessment, and on further motion by Mr. Hastings they were referred to the committee on taxation.

On motion of Mr. Oakes of Auburn, bill relating to contagious diseases among cattle, was taken from the table.

Mr. Purinton of Bowdoin, offered an amendment by inserting in the ninth line of Section 2 after the word "purchaser" the words "provided no such certificate shall be required in case the cattle so sold shall have been tested within six months under the direction of the cattle commissioners and a certificate of health granted by them within that time;" also to amend Section 4 by striking out the whole of Section 4 from said document.

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

On motion of Mr. Baldwin of Boothbay Harbor, bill, to amend Revised Statutes, relating to sea and shore fisheries, was taken from the table.

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

On motion of Mr. Vittum of Concord, resolve in favor of the Maine School for the Deaf, was taken from the table.

The resolve was then passed to be engrossed.

On motion of Mr. Higgins of Limerick, Adjourned.