

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Thursday, March 9, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Cannon of Hallowell.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

The following bill was received in the Senate, under suspension of the rules, sent to the House referred to the committee on legal affairs, namely, bill "An act to amend the city charter and city ordinances of the city of Gardiner in relation to the election of a city marshal and street commissioner." The House returned the bill to the Senate, non-concurring with the Senate's action.

Mr. HESELTON of Kennebec: Mr. President, this is a matter that peculiarly interests the people of my section in this county. I move to insist, and that a committee of conference be appointed. It is a small matter to call to the attention of the Senate, but it is a large matter so far as it refers to the city of Gardiner.

The motion prevailed, and the chair appointed as such committee of conference on the part of the Senate, Messrs. Heselton, Putnam and Allen.

The same action also prevailed in relation to the petition which accompanies the bill.

On motion by Mr. Sturgis of Cumberland, the rules were suspended, and Senate bill No. 142, otherwise known as the Sturgis bill, took its second reading, and was passed to be engrossed.

House Bills Read and Assigned.

An act relating to plumbers and plumbing.

An act to confirm the organization of the Sebec Power Co. and amend its charter extending its corporate powers and purposes.

An act to amend section 2 of chapter 406 of the private and special laws of 1850, entitled "an act creating the Norway Village Corporation."

An act to extend the charter of the Buckfield Water Power and Electric Light Co.

An act to authorize the construction and maintenance of a wharf into the tide waters of Casco bay on the island of Little Chebeague, situated in the county of Cumberland and the city of Portland, Maine.

An act to authorize E. S. Everett and others to erect and maintain a wharf into the tide waters of Casco bay in the town of Freeport.

An act to amend section 23 of chapter 83 of the Revised Statutes, relating to orders for service.

An act relating to trustee process. (Tabled on motion of Mr. Staples of Knox.)

An act to legalize and make valid the acts of Phillips Village Corporation.

An Act to amend section 101 of chapter 4 of the Revised Statutes relating to harbors.

An Act granting Ethiel C. Blackman the right to maintain a ferry. (Tabled on motion of Mr. Gardner of Penobscot.)

An act to amend section 3, chapter 34, of the Revised Statutes relating to notaries public.

An Act to legalize and make valid the acts of the Phillips Village Corporation.

An Act to extend and amend the charter of the Waterville and Winslow Bridge Co.

An Act to amend Chapter 391 of the Private and Special Laws for the year 1903 relative to the Farmers' Telephone Co. enlarging its territory.

An Act to repeal the first clause of sub-division entitled "In Washington County" of Section 1, Chapter 407 of the Private and Special Laws of 1903 entitled "An Act to consolidate and revise certain laws relating to closing certain lakes and ponds to ice fishing, etc."

An Act for the protection of fish in the tributaries of Upper Kezar Pond, Oxford county.

An Act to amend Section 13 of Chapter 32 of the Revised Statutes relative to the manner of hunting and catching wild hares or rabbits.

An Act to prohibit the taking of oysters from Dyer's and Sheepscot rivers in the county of Lincoln.

An Act to repeal Chapter 264 of the

Laws of 1824, as amended by Chapter 459 of the Laws of 1827, and Chapter 258 of the Laws of 1887, relating to the fisheries in the waters of Vinalhaven.

An Act to amend Section 1 of Chapter 462 of the Private and Special Laws of 1897, relating to the taking of alewives in Bagaduce river.

An Act to amend the charter of the Augusta Trust Co.

An Act against the wilful destruction of fish in the bays, harbors or rivers of this State.

An Act prohibiting the use of titles ordinarily applied to banks and trust companies by other than duly authorized banking corporations.

An Act to extend the charter of the Bluehill Trust and Banking Co.

An Act to amend Section 19 of Chapter 77 of Revised Statutes relating to title by descent.

An Act regulating the sale of bonds and other obligations issued on the installment plan by foreign corporations.

An Act to incorporate the Fidelity Trust Co. of Portland, Maine.

An Act to amend Section 16 of Chapter 24 of the Revised Statutes relating to the law of the road.

An Act additional to Chapter 93 of the Revised Statutes relating to "mechanics' liens."

An Act to amend Section 12 of Chapter 140 of the Revised Statutes relating to coroner's inquests.

An Act to amend the Revised Statutes, Chapter 125, Section 48 relating to cruelty to animals.

An Act to incorporate the North Chesterville Light and Power Co. in the village of North Chesterville in the town of Chesterville and Farmington in the county of Franklin.

An Act to authorize the removal of bodies of deceased persons from the Freedom cemetery in the town of Freedom.

An Act to amend Section 1 of Chapter 59 of the Revised Statutes, by providing for the incorporation of yacht clubs.

An Act to amend Chapter 64 of the Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901, and Chapter 48 of the Private and Special Laws

of 1903, relating to the Wilson Stream Dam Company.

An Act to authorize the Emerson Lumber Company to erect and maintain dams across the west branch of the Mattawamkeag river in the town of Island Falls in the county of Aroostook.

An Act to regulate fishing in Mattawamkeag lake.

An Act to regulate fishing in Chepenticook lake, sometimes called Spednic lake, in the county of Washington.

An act relating to fishing in Lufkin pond, Franklin county.

An act to authorize the Mattawamkeag Lumber Company to erect and maintain piers and booms in the west branch of the Mattawamkeag river and Fish stream.

An act to incorporate the Van Buren Light and Power Company.

An act to incorporate the Hastings Brook Improvement Company.

An act to regulate fishing in the south branches of the Sandy river, in Franklin county.

An act for the protection of muskrats in the towns of Hartland, Harmony, Athens and Palmyra, in the county of Somerset.

An act to repeal chapter 415 of the private and special laws of 1903 annexing certain islands to the town of Phippsburg.

An act to regulate the purchase of milk or cream by creameries.

An Act authorizing Samuel Sylvester to build a wharf into the waters of Small Point Harbor, in town of Phippsburg, in said State.

An act to extend the charter of the Houlton and Woodstock Electric Railroad Co.

An Act to amend section 8 of chapter 117 of the Revised Statutes relating to constables.

An act to authorize the erection of dams, side dams, piers and booms in Higgins stream and Grant brook in the plantation of Brighton and town of Wellington, and in Buzzell brook in the towns of Wellington and Harmony, and to make improvements in said streams.

Resolve in favor of town of Edmunds in the county of Washington in aid of building a bridge across tide waters in said town on road leading through the town of Edmunds to Whiting.

Resolve in favor of the town of Greenbush.

Resolve for the purpose of completing the fish hatchery and feeding station at the Rangeley lakes.

Resolve to authorize the land agent to sell and convey certain lands owned by the State in Caribou, now used as a fish hatchery.

Resolve in favor of George N. Drost of Fort Fairfield.

Resolve authorizing a temporary loan for the year 1906.

Resolve in favor of the Norcross Transportation Co.

Resolve in favor of the town of Fal-mouth.

Resolve authorizing temporary loan of the year 1905.

An act to regulate fishing in the south branches of Sandy River in Franklin county.

An act to amend the charter of the Lubec Electric Light and Power Company.

An act relating to trustee process. On motion by Mr. Staples of Knox, this bill was tabled.

An act granting the right to maintain a ferry between Lincoln and Chester. On motion by Mr. Gardner of Penobscot this bill was tabled.

Resolve in favor of the Girls' Orphanage, under the auspices of the Society of the Sisters of Charity for the City of Lewiston. In the House, the House refused to accept the report of the committee, and substituted the resolve for the report of the Committee, that "the same be referred to the next Legislature."

Mr. PUTNAM of Aroostook: I move, Mr. President, that the report of the committee on financial affairs be accepted on the foregoing bill; and I ask that, when the vote is taken, it be by a yea and nay vote.

Mr. PLUMMER of Androscoggin: Mr. President, I would like to ask the indulgence of the Senate, as I wish to read the statement of facts in regard to this resolve.

"The Children's Orphanage was started under the direction of the Society of the Sisters of Charity twenty-six years ago on Walnut street, in the city of Lewiston, and they then had at this institution sixteen little girls. After their new hospital was built, the

old building were used for an orphanage for little girls and since that time there has been an average of about one hundred and twenty-five to one hundred and thirty-five yearly. There are now ninety inmates in attendance. The ages at which girls are received are between four and fourteen years of age. They are suitably clothed and fed and sheltered and at the present time of the ninety inmates thirty-six are without either father or mother. None of these children have any means of support. There have been over a thousand inmates in the last few years. Great care is taken in selecting homes for the children when they they are able to leave the orphanage, and no child leaves it until they are able to be self-supporting. Up to this time this institution has not received any aid from the State, but owing to the large and increasing numbers it is necessary to ask some assistance to carry on the work. Unless aid is furnished in addition to what they have it will be necessary to limit the work done by the Sisters of Charity in this direction. There has been no expense to the State in securing the buildings which the children occupy and consists of the old hospital composed of the Golder house and a wing 40x90, three stories in height."

Now, Mr. President and gentlemen, if I understand the report of this committee, I believe they think it to be right in taking this position: That so much money has been granted to Androscoggin that we should not ask for anything further for this purpose. I submit, that this is not a local institution; and although it is located in the city of Lewiston, there are thirteen cities and towns, and five different counties represented in this matter. It is distinctly a State institution. It is a saving of money for the State. By this institution, these girls are saved from the poor house and from vice. I submit, Mr. President, we should take the same action here as was taken in the House, and refuse to accept the report of the committee. It is a worthy institution; and if there is anything for which we should appropriate money that is worthy, this is one of the most

worthy. I will say as to the number of public charities, that two years ago, after the committee visited this institution and went through it, we could all see the amount of good work the institution is doing. I will say that any member of this Senate that will visit the institution may see what is being done there, and if you should you will vote for the appropriation asked for. I certainly hope the report of the committee will not be accepted.

Mr. PUTNAM of Aroostook: Mr. President: As President of the finance committee, I do not wish to oppose any worthy cause. I sympathize with the feelings of the Senator from Androscoggin in regard to the position of this institution, supported by the Society of the Sisters of Charity. This committee oppose it because of the little money they have to give to State beneficiaries, and they thought it fitting not to give all the aid that was to be given to one county, or to one charity, or one institution. The Senator from Androscoggin has just stated the reason why we turned this down. He says that two years ago as members of the committee on State beneficiaries they visited that institution. They did not then give any money to this branch of the Society of Sisters of Charity of Lewiston because the State had already appropriated money for two of the three charities controlled by that society. These people came before us three times. The same people. The first time we gave them \$17,000 or \$8,500 a year for each of the next two years, and when they came the third time, we said we thought we had used them well, and some of their people said: "You have used us well. We do not sympathize with the motive of the member from Lewiston who introduced this new resolve. It seems to us, that the three Senate members upon this committee especially have been fair and unprejudiced in this matter. I will state to you a fact which I think will bring before your minds how fair we were. The three members of this committee, from the counties of Washington, Aroostook and York, three counties which comprise a third of the area of the State and one-fourth

of its population, in passing favorably on bills calling for three-quarters of a million of dollars during the session of the Legislature, thus far have not appropriated one single cent for either of those three counties. I think that fact must emphasize to you, gentlemen, that we have not been influenced by any prejudice in regard to any institution, or by any prejudice against any institution. We endeavored to do what we believed to be fair; and to give to each matter the consideration which it was entitled to, and no more. In passing out this money we have felt that the city of Lewiston has been given all it is entitled to. It has received more than Bangor, and more than Bangor and Augusta, together. It seems to me, Mr. President, this action being unanimous on the part of the finance committee, that it should be sustained by this Senate; and I ask that, when the vote is taken, it be by yeas and nays.

The question being put, upon the motion to accept the report of the committee that the resolve be referred to the next Legislature, the yeas and nays were called for and ordered, and the vote being had, resulted as follows: Those voting yea were Messrs. Bailey, Clark, Heselton, Irving, Morse, Pike, Potter, Putnam, Shackford, Simpson, Sturgis (11). Those voting nay were Messrs. Allen, Bartlett, Brown, Furbish, Gardner, Knowlton, Owen, Philoon, Pierce, Plummer, Shaw, Staples, Stetson, Tartre, Tupper (15). So the motion was lost.

Mr. Plummer of Androscoggin thereupon moved that the resolve be substituted for the report. The same Senator called for the yeas and nays, which were ordered. The vote being had, resulted as follows: Those voting yea were, Messrs. Allen, Ayer, Bailey, Bartlett, Brown, Furbish, Gardner, Knowlton, Owen, Philoon, Pierce, Plummer, Shaw, Staples, Stetson, Tartre, Tupper (17). Those voting nay were Messrs. Clark, Heselton, Irving, Morse, Pike, Potter, Putnam, Shackford, Simpson, Sturgis (10). So the motion prevailed.

The bill thereupon took its first reading; and, on motion by Mr. Plum-

mer of Androscoggin, the rules were suspended, and the bill took its second reading, and was passed to be engrossed.

An act relative to the artificial cultivation of fish by riparian proprietors. On motion by Mr. Stetson of Penobscot, Senate amendment A, correcting the title of the bill was adopted. As amended, the bill was read and assigned.

An act to amend an act authorizing a topographic survey of the State. On motion by Mr. Philoon of Androscoggin this was tabled.

The following bill, petitions and resolves were presented and referred:

Mr. Mills of Hancock. Mr. President: I have here a bill which is drawn and presented with the idea of authorizing the town of Stonington to issue bonds for the erection of a school building. The town voted to do this at its annual town meeting last Monday; and in order that the bill may have time to go through at this session I ask that the rules be suspended, that it be received, take its several reading, and pass to be engrossed without reference to a committee.

Thereupon bill "an act authorizing the town of Stonington to issue its bonds for the purpose of erecting a school building," was presented by Senator Mills, and on his motion the same was received and took its several readings under suspension of the rules, and was passed to be engrossed.

Mr. Shaw of Sagadahoc presented, under suspension of the rules, "resolve in favor of the town of Phippsburg," which was referred to the committee on claims.

Six several petitions in favor of the Sturgis Bill were presented by Mr. Sturgis of Cumberland, and ordered placed on file.

Mr. Clark of Hancock also presented petition of S. S. Hanscom and 50 others for same, which was also placed on file.

Mr. Allen of York presented petition in favor of labelling proprietary medicines.

Mr. Morse of Waldo, Mr. Simpson of York, and Mr. Haselton of Kennebec also presented petitions relating to the

same matter, which were placed on file.

Orders.

On motion of Mr. Gardner of Penobscot it was Ordered that a message be sent to the engrossing office, requesting the return to the Senate of the bill "An Act to authorize the Farmington Village Corporation to take water for municipal and domestic purposes."

Read and Assigned.

An Act to authorize the Sanford Light and Power Co. to increase its capital stock, and to acquire the privileges and rights of the Atlantic and Shore Line Railway, etc.

An Act to extend the charter of the Union River Storage Co.

An Act relating to the Bar Harbor and Union River Power Co.

An Act to extend the charter of the Fish River Improvement Co.

Reports of Committees.

The joint standing committee on towns submitted their final report, "That they have acted on all matters referred to them." The report was accepted.

The Joint Standing Committee on Interior Waters submitted their final report, "That they have acted on all matters referred to them." The report was accepted.

Mr. Allen for the Committee on Judiciary on "Order of the Legislature relating to expediency of regulating by a general law the location and use of wires transmitting high tension electric currents," reported that same be referred to the next Legislature. Report accepted.

The same Senator for the same committee on bill "An act to incorporate the Sokokis Water Compnay" reported same "ought not to pass." Report accepted.

The same Senator for the same committee on bill "An Act to authorize the formation of corporations for the distribution of lectric poder," reported same "ought not to pass." Report accepted.

Mr. Potter for the same committee on bill "An act to reimburse the town of Chelsea," reported same "ought not to pass." Report accepted.

Mr. Mills for the committee on legal affairs on bill "An act to incorporate the trustees of Harmony Grange, No. 184," reported same "ought not to pass." Report accepted.

Mr. Pierce for the Committee on Legal Affairs on "Order of the Legislature relating to investigation of the right of the State to provide schooling for children residing upon territory belonging to the United States, and within the geographical limits of the State of Maine," report "legislation thereon inexpedient." Report accepted.

Mr. Shackford the Committee on Sea and Shore Fisheries on "Petition of T. C. Allen and 77 others of Harrington, and remonstrance of certain citizens of Harrington with relation to amendment to section 44 of chapter 41, to prevent fishing for smelts with bag nets on the flood tide in any of the tide waters in the town of Harrington," reported that the petitioners have leave to withdraw. Report accepted.

Mr. Furbish for the Committee on Inland Fisheries and Game, on "Report of Commissioners on Inland Fisheries and Game for 1904" reported legislation thereon unnecessary. Report accepted.

Mr. Irving for the Committee on Banks and Banking on "Forty-eighth annual report of bank examiner," reported that same be placed on file. Report accepted.

Mr. Potter for the Committee on Judiciary on bill "An Act to provide notice for beneficiaries under wills," reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An Act to amend chapter 415 of the Private and Special Laws of 1868, entitled An Act authorizing Drew Plantation to raise money for certain purposes," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Allen for the Committee on Judiciary on bill, "An Act relating to a speedway on the Kennebec river," reported same "ought to pass." Report accepted.

The same Senator for the same com-

mittee on bill, "An Act to authorize the building of a wharf at Cape Porpoise," reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An Act to confirm the charter and enlarge the powers of the old York Historical and Improvement Society," reported same in new draft under same title, and that it "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An Act to amend chapter 557 of the Private and Special Laws of 1893, entitled An Act to incorporate a Home for Aged Men of Bangor," reported same "ought to pass." Report accepted.

The same Senator for the same committee on bill, "An Act to incorporate the Saco River Electric Light and Power Company," reported same in new draft under same title, together with a supplementary bill, entitled "An Act to extend the powers of the Eastern Timber Company, so as to preserve the rights of the respective parties," and that both bills "ought to pass" under their respective titles. Report accepted.

Mr. Clark for the same committee on bill, "An Act to prevent the unlawful diversion of electricity," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Mr. Irving for the Committee on Railroads and Expresses on bill, "An Act to extend the charter of the Winterport, Frankfort and Prospect Electric Railway," reported same in new draft, and that it "ought to pass." Report accepted.

Mr. Irving for the Committee on Railroads and Expresses on "Petition of Seth M. Carter, receiver of the Phillips and Rangeley Railroad Company, praying for amendment to chapter 172 of the Private and Special Laws of 1891, and amending chapter 295 of the Private and Special Laws of 1901," reported bill, "An Act to amend chapter 172 of the Private and Special Laws of 1891, and of chapter 295 of the Private and Special Laws of 1901, relating to the consolidation of certain railroad corporations," and that the

same "ought to pass." Report accepted.

Mr. Clark for the same committee on bill, "An Act to extend the charter of the Camden Electric Railway," reported that the same "ought to pass." Report accepted.

Mr. Shaw for the Committee on Interior Waters on bill, "An Act to amend chapter 130 of the Private Laws of 1866, entitled An Act to incorporate the Sebec Dam Company, as amended by section 6 of chapter 26 of the Private and Special Laws of 1899, and further amended by chapter 141 of the Private and Special Laws of 1903," reported same in new draft under same title, and that it "ought to pass." Report accepted.

The same Senator for the same committee on certain petitions for "An Act to prevent plug and still fishing in Rangeley Lakes," reported bill, "An Act to regulate fishing in the Rangeley chain of lakes, so called in the counties of Franklin and Oxford," and that the same "ought to pass." Report accepted.

Mr. Irving for the Committee on Banks and Banking on bill, "An Act to extend and amend the charter of the Patten Trust Company," reported same in new draft under same title, and that it "ought to pass." Report accepted.

The Committee on Towns on bill, "An Act relating to moving buildings through the streets of cities and villages, reported same in new draft under same title and that it "ought to pass." Mr. Stetson of Penobscot, moved that the bill and report be tabled. The motion prevailed.

Mr. Shaw for the Committee on Salaries on bill, "An Act to amend section 1 of chapter 116 of the Revised Statutes relating to salaries of the Commissioners of Sea and Shore Fisheries," reported same "ought to pass." Report accepted.

Mr. Allen for the Committee on Judiciary on bill, "An Act to provide for the appointment of receivers of corporations," reported same "ought to pass," and his report was accepted.

Mr. STETSON of Penobscot. Mr.

President; referring to bill "An Act relating to moving buildings through the streets of cities and villages," I do not know as my motion was distinctly understood. The motion may have been covered by the rule—it was that pending the acceptance of the report it be tabled for printing.

The PRESIDENT: That is sufficiently covered, I think, by the rules.

Mr. Staples for the committee on legal affairs on bill "An Act relating to the York Light and Heat Company," reported same in new draft under same title, and that it "ought to pass." Report accepted.

Passed to be Engrossed.

An Act to amend Section 53 of Chapter 41 of the Revised Statutes relating to bounty on seals.

An Act to amend Chapter 119 of the Private and Special Laws of 1881, as amended by Chapter 122 of the Private and Special Laws of 1899 relating to the taking of spawn herring in Narragansett bay.

An Act to amend Chapter 9 of the Revised Statutes relating to the assessment of taxes on lands in places not incorporated.

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

Resolve in favor of Peter M. Nelson of the Penobscot tribe of Indians.

An Act to incorporate the Trinitarian Congregational parish of Castine, and to legalize the doings of said parish as heretofore known under the name of the Trinitarian Society of Castine, Maine.

An Act to amend Chapter 15 of the Revised Statutes relating to the educator of youth.

An Act to further regulate the analysis of food and agricultural seeds.

An Act to regulate the sale and analysis of food.

An Act to authorize the maintenance of piers and booms in the Baskahegan stream in Danforth.

Resolve to aid in building a road in Eagle Lake plantation.

Resolve in favor of George G. Weeks.

Resolve in favor of L. C. Morse.

Resolve in favor of R. D. Leavitt of Auburn.

Resolve in favor of L. M. Staples.

An Act to amend Chapter 266 of the

Public Laws of 1893, as amended by Chapters 128 of the Public Laws of 1899, 159 and 167 of the Public Laws of 1901, and 72 and 212 of the Public Laws of 1903, relating to the militia.

An Act relating to the compensation of trustees, visiting committees and the board of cattle commissioners.

An Act relating to the compensation of examining boards.

An Act to amend Section 11 of Chapter 116 of the Revised Statutes, relating to compensation of the executive council.

Passed to be Enacted.

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

An Act regulating fishing in Marble Brook, Marble Pond and Chase Brook and Blackstone Brook in Piscataquis County and Bolt Brook in Somerset County.

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

Orders of the Day.

Bill, "An Act to incorporate the Mil-bridge and Cherryfield Street Railway, received in the House under suspension of the rules, was received in concurrence under suspension of the order, and referred to the Committee on Railroads and Expresses.

Mr. MORSE of Waldo. I hold in my hand several bills and resolves upon which I have been awaiting a conference, having been appointed as chairman of a committee of conference. I have been unable thus far to secure a conference, and I move that these matters lie upon the table. The motion prevailed.

The President announced that House document No. 275, for which a Senate order was sent to the engrossing office, was returned to the Senate.

On motion by Mr. Gardner of Penobscot the vote was reconsidered whereby House document No. 275 was passed to be engrossed.

The same Senator thereupon moved the adoption of Senate amendment A, and on further motion by the same

Senator the bill and amendment were tabled, the amendment having been adopted.

Mr. GARDNER of Penobscot. Mr. President; I wish to ask the Senator from southern Aroostook if he will make an early assignment of the matter tabled by him yesterday, Senate document 159, in relation to the granting of additional power to the Eastern Manufacturing Co.

Mr. PUTNAM of Aroostook. I would be willing to assign that for Tuesday of next week, if that would be satisfactory to the Senator from Penobscot.

Mr. GARDNER. With the Senator's permission I would like to have that assigned for tomorrow. My reasons briefly are, that I myself, among others, am interested in this matter, and am anxious to have it heard when I am here. I may not be here at the time the gentleman assigns for a hearing, and if he is not to insist I should like to ask as a matter of courtesy to those interested in the bill, it having come from the committee with a unanimous report that he will consent to have it assigned for tomorrow.

Mr. PUTNAM. As a matter of senatorial courtesy to the senator from Penobscot I will assign it for tomorrow.

The bill was therefore assigned for Friday.

On motion by Mr. Putnam of Aroostook "Resolve providing for amendment to the constitution, relating to the taxation of wild lands was taken from the table. On further motion by the same Senator the Senate nonconcurred with the House in referring the resolve to the Committee on Legal Affairs, and on his further motion the same was referred to the Committee on Taxation.

On motion by Mr. Stetson of Penobscot Senate document 164, and House amendment A to Senate document No. 171, were taken from the table, the same being bill to incorporate the Foreside Water Co.

On further motion by the same Senator House amendment A was adopted, and as amended the bill took its second reading and was passed to be engrossed.

On motion of Mr. Mills of Hancock bill 'An Act to abolish the common council, and to increase the membership of the board of aldermen of the

city of Portland," together with accompanying report, were taken from the table, and the report accepted. The bill was read and assigned.

On motion by Mr. Potter of Cumberland bill to prohibit the sale of merchandise in bulk in fraud of creditors was taken from the table.

Mr. POTTER. Mr. President, since this bill was reported to the Senate the members of the Judiciary Committee have informally considered certain amendments, and have agreed to them. They are all included in Senate amendment A, to which there is no objection so far as I know, and I move that pending the adoption of the amendments the bill and amendments be tabled for printing. The motion prevailed.

On motion by Mr. Staples of Knox, report of committee on salaries "ought to pass" on bill relating to compensation of commissioners of Inland Fisheries and Game, was taken from the table. On further motion by the same Senator the report was accepted. The bill was read and assigned.

Mr. STETSON of Penobscot. Mr. President; I desire to offer Senate amendment A to Senate bill 222, as follows: "By adding at the end of said section the following words: The Governor and Council May Allow Such Sum As May be Necessary for Extra Clerk Hire, to be Paid Out of License Fees."

In explanation of the amendment I desire to say to the Senate that it was an oversight on the part of the Committee. Section 4 of this act repeals certain provisions which allowed compensation for clerk hire. This amendment simply provides for compensation for clerk hire, amounting to some \$200, which was repealed inadvertently in the bill.

The amendment was adopted. As amended the bill was read and assigned.

On motion by Senator Staples of Knox report of Committee on salaries "ought to pass" on bill relating to compensation of certain State officials, was taken from the table, and on his further motion the report of the committee was accepted.

The bill was read and assigned.

On motion by the same Senator "Re-

port of Committee on Salaries "ought to pass" on bill to enlarge the duties and fix the compensation of the Attorney General," was taken from the table, and on his further motion the report of the committee was accepted.

Mr. STETSON of Penobscot. Mr. President; is there not a House amendment to that bill?

The PRESIDENT. Yes, there is an amendment, as follows: "House amendment A, amend Section 8 by striking out in the fifth line after the word "legal" the words "and usual;" also amend Section 7 by striking out in the fifth line the word "shall" after the word "fe," and inserting in place thereof the word 'may.'

Mr. STETSON. I wish to have the Senate understand the amendment. I wish to move that we non-concur with the House in the acceptance of the amendment, and I wish to say in behalf of the motion, that the matter was thoroughly discussed by the special committee on salaries and fees in drafting this bill for the attorney general, and for the other officers of the State where they collected fees. To cite a particular case, in one of the counties where the law provided for the collection of legal fees, this official consulted a prominent attorney in the county, who ruled that certain corporation fees relating to certificates of corporations were not legal and statutory fees; and that therefore he had a right to collect them. It made a difference of some \$200 or \$2500 to that particular official; and this committee in drafting this wished to guard against any fees which might not be considered statutory, and therefore the words "and usual" were put in to cover some fees not legal or statutory.

For that reason I hope the amendment on the part of the House will not be concurred in.

Mr. CLARK of Hancock. Mr. President; I would like to ask the Senator from Penobscot if he has any objection to the other amendment. There are two amendments consolidated in one.

Mr. STETSON. I have no objection to the other amendment. I wish to divide that amendment.

The PRESIDENT. The House

amendment consists of two separate and distinct propositions. The Senator from Penobscot moves that the propositions be divided, and voted upon separately.

The motion prevailed.

On motion by Mr. Stetson of Penobscot the first portion of the amendment, namely, to amend Section 8 by striking out in the fifth line after the word "legal" the words "and usual," was refused adoption in concurrence.

On further motion by the same Senator the second portion of the amendment, "Also amend Section 7 by striking out in the fifth line the word "shall," after the word "he," and inserting instead thereof the word "may," was adopted.

The bill as amended was read and assigned.

Mr. POTTER of Cumberland. Mr. President; An Act to reimburse the town of Chelsea for pauper supplies, was reported this morning by the Committee on Judiciary "ought not to pass," and the report accepted. I have just been asked by a member of the Committee from the House to move that that vote be reconsidered, and that the bill be recommitted to the committee. I do not know on what ground the request is made, but I make the motion at his request.

The motion prevailed.

On motion by Mr. Clark of Hancock table document 18, being 19 petitions in relation to taxation of wild lands, was taken from the table, and on his further motion the Senate non-concurred in the reference of same to the Committee on Legal Affairs; and the same was referred to the Committee on Taxation.

On motion by the same Senator table document No. 24, "Report of Committee on Taxation," referred to Committee on Legal Affairs, on petitions praying for amendment to constitution, relative to taxation of wild lands, was taken from the table; and on his further motion the Senate non-concurred with the House in the reference, and the same was referred to the Committee on Taxation.

On further motion by the same Senator table document 25, "petitions 14 in number, in relation to taxation on wild lands," was taken from the table;

and on his further motion the Senate non-concurred in the reference, and the same was referred to the Committee on Taxation.

On further motion by the same Senator "Petitions 9 in number, in relation to taxation of wild lands, were taken from the table, and on his further motion the Senate non-concurred in the reference and the same were referred to the Committee on Taxation.

On further motion by the same Senator table document 29, petitions 7 in number in relation to same, were taken from the table, and referred to Committee on Taxation in non-concurrence.

On further motion by the same Senator table document 30, three petitions relating to same matter, were taken from the table, and in non-concurrence were referred to the Committee on Taxation.

On motion by Mr. Gardner of Penobscot Senate document No. 146, being the bill and majority report "ought to pass" of the Committee on Taxation on bill relating to taxation of mortgages of real estate; also minority report "ought not to pass" on same, were taken from the table.

Mr. GARDNER of Penobscot: Mr. President, before making a motion, which will be that the majority report be accepted, I wish to make a brief statement in reference to the majority report. Senator Randall of Cumberland was to be at our hearing, but has not been here since we signed our report. I have a letter and a telegram from him, asking that he may be considered, in fact, as on the majority report; and at a hearing on the same subject matter two years ago he was in favor of a majority report. With that explanation I move that the majority report of the committee on taxation be accepted.

Mr. PUTNAM of Aroostook: Mr. President, before that vote is taken I wish to make a few remarks. The subject matter of this bill, which is an old friend to the Senate and the House, is that any loan or mortgage of real estate be exempt from taxation hereafter, except in cases of such loan above the value of the mortgaged real estate. Practically this means that all

mortgages upon real estate shall be exempt from taxation, as it rarely happens that there would be any excess of mortgage. I oppose this bill because I regard it as one of the most wicked and invidious measures introduced into this Senate in the six years I have been here. I regard it as being aimed at the common people,—the laboring man, —the man who owns a small home, a farm, and who has no money out at interest. I regard it as a bill aimed at him, deadly in its effect, and as being for the benefit of the wealthy classes, who are able to loan money on mortgages, and reap the benefit thereof.

I will say that the whole trouble which causes this bill is not that the present system is unjust, not because it is wrong to tax mortgages upon real estate, but it is because those mortgages are not hunted out by the municipal authorities, by the assessors, and that property is not taxed. I oppose this upon three grounds,—First, because it is entirely theoretical and not practical, notwithstanding the action which has been taken in several States where mortgages akin to this are made growing out of Henry George's theory. Second, because it is not a square deal to the poor man, the laboring man. Third, I oppose it because while it is specialized and claimed to benefit the poor man, it is really a bill presented and backed by the wealthy men of our State who wish by this means to be exempt from taxation upon money they ought to pay a tax upon.

Now the history of this bill is this: Two years ago a similar bill came into this Legislature. In that bill it was sought to exempt money from taxation. The Senator from Penobscot was upon the committee of taxation that year, and he secured a unanimous report from that committee favoring that bill, and it was reported back to this Senate, and this Senate passed that bill, I regret to say, without a dissenting vote. It came into the House of Representatives, and there I was a member who laid it on the table. It was assigned for a hearing, we had a debate upon it, and it was beaten in the House by a vote of 110 to 8. I do not know what the action of this Senate will be today, but I

do know that this bill will not go through by default; there will be at least one vote against it, if not more; and I hope when it goes through the House, if this Senate passes this invidious measure, there will be recorded by the House—which is claimed to be nearer to the people than we are—a majority as large as that of two years ago against this bill.

Two years ago I examined into this matter of money at interest, and found there was probably eleven or twelve millions taxed in the State. The returns of the State assessors do not separate money loaned on mortgages on real estate from money at interest, so I cannot give figures on the whole State, but I can give two specific instances, my own town of Houlton in the northern wilderness is taxed today about \$270,000 for money upon mortgages on real estate. In two years there was an increase of \$40,000 on the amount taxed on mortgages on real estate. That yields the town of Houlton \$6000 in taxes today and that tax is paid by the wealthy men of Houlton—men who loan money upon mortgages not paid by the small farmer, not by the owner of a house and lot or a homestead, it is paid by wealthy men mostly. There are two men in the town of Houlton—the tax of one, an ex-Governor, being over \$60,000 money at interest; another gentleman over \$70,000. These two pay about half the total tax upon mortgages on real estate in Houlton; besides them there is about \$140,000 more which is taxed to about 25 other individuals.

What is that practical effect of this bill? You pass it and you will reduce the amount of taxes paid by the wealthy people of Houlton by \$60,000. You take out one-tenth of the taxable property of Houlton and instead of helping the poor man, as the Senator from Penobscot would have you believe, you take off one-tenth of the taxable property of Houlton and put it where? You take it from the tax of the wealthy man and put it upon the neck of the poor man. You increase the tax. Our rate there today is \$2.30 or \$2.25. If you pass this bill it will increase it two mills more. That is the

practical effect in Houlton of the passage of this bill.

Come to the town of York: There is today a tax of \$140,000 on money loaned out on mortgages upon real estate and it would yield probably \$2500 or \$3000 in taxes. If you pass this bill it cuts off that much from people of wealth and it places it upon the poor man. At the hearing upon this some two weeks ago I was present a part of the time, and I must say I expected, after listening to the arguments of my friend, the Senator from Penobscot, in favor of this bill that we would see a gathering of poor men and of small owners of property crying out for this bill. I came here and was surprised to find that not a poor man was here asking for this bill, not a representative of the Grange was here. I was here, and I saw one gentleman, a millionaire from Bangor, and a number of gentlemen from Portland—many wealthy men of the city of Portland—working for this bill before this committee. And I saw many hired attorneys here, gentlemen who were formerly members of this Senate, and of the House of Representatives, were here in the guise of attorneys working for this bill in behalf of wealthy clients.

It seems to me that the representative people here before this committee that evening were enough to kill. The senators who may have been present at that hearing cannot fail to have been impressed by the class of people who were here asking for this bill, and not by the class of people opposed to it. During the present session of the Legislature we have had efforts from members to find more taxable property in the State. I have listened to the earnest and able efforts of the Senator from Knox to increase the tax on railroads. What did we do? Instead of adopting this bill, and try to get more money out of the railroads and wealthy corporations we turned it down. Yesterday and today in the House of Representatives they are listening to the very able argument of the gentleman from Skowhegan, and are attempting to get more of a tax out of the railroads. I do not know the fate of his bill, but can imagine what it will be. We have listened to the reading of petitions and

bills, asking for increased taxation on wild lands. I do not know what the fate of those will be, but I imagine they will be turned down.

Now, instead of this Legislature adopting any of those measures, which are just and right, and which scheme to increase the tax upon the right man and the railroads and the wild lands, and other property which can bear it, what are we doing? Why, we are presenting the exhibition at the end of this session of trying to exempt that class of people from paying the tax they ought to pay. I say again the whole cause of this is not the justice of taking this tax off from these people, but because at the present time they are only paying a part of the tax. They fear that in Bangor, Lewiston, Portland, and other places there will be elected municipal officers as sincere and earnest in the performance of their duty as there are in Houlton and in York, who will take this property, and hence come here and propose to wipe this deal off the taxation slates, so there will be no further danger of their paying taxes on this property.

I asked a few days ago a prominent gentleman of the city of Augusta about it, and he says, "Why, gosh! don't let this pass: I have \$20,000 at interest today, and if this bill is passed they will find out who pays it." That is the sentiment animating the millionaire and the wealthy men of our State. If you want to exempt them from taxation and place it upon the poor man, this bill will do it.

I move that when the vote is taken it will be by a yea and nay vote.

Mr. GARDNER of Penobscot. Mr. President; naturally we have all listened with interest to the able discussion of this matter by the Senator from Aroostook. I realize it is late, and I shall ask the Senators here, in view of the senatorial courtesy of which I gave a fair exhibition, that they listen patiently to me, for it is a subject it will take some time to go over. I have the laboring oar; I have the statistics and figures necessary to convince you if possible that I am on the right side. The gentleman who opposes me is on the popular side; he appeals to prejudice and talks about the rich man.

Before I began the discussion of the

merits of this so called mortgage tax bill, or the bill which calls for the relief of double taxation in this State, I wish to make a brief statement of a personal nature. I do this because it has come to my knowledge that certain prominent gentlemen who are opposed to this measure are endeavoring in a general way to give an impression that I am selfishly and personally interested in the passage of this measure; and for that reason I wish to state here and now that the firm of which I am a member has never given a mortgage of any sort or description. Personally I never have given a mortgage of any sort or description to any party and in over 15 years of active business. I have never loaned, in the total, to exceed \$5000 in mortgage of real estate. It is incidental and accidental to my business, and has been no part of my business in the past, nor is it contemplated in the future. I make this personal statement for these reasons. My sole and whole motive in working for the passage of this bill is because I earnestly, conscientiously, heartily and thoroughly believe in the measure, and because I believe it will relieve the debtor class in this State, the poor man, men who are struggling to get homes, and to carry on their business, from the unjust burden of double taxation.

But I might state here briefly that I have been led to have an interest in this matter, because it has been my privilege—I may say—to serve during three sessions of the Legislature upon the committee on taxation; and for that reason I have had called to my attention many times this question of double taxation. The committee on taxation is made up not of men of any special interest; it is made up of men in all walks of life, and the subject matter which comes before that committee is considered as thoroughly, and at as great length, and at as protracted hearings as those of any committee at this Legislature. I am going to say that no man upon this majority report is interested at all personally in this subject, but they believe in it in the abstract, and because they believe the theory is right the committee considered this matter carefully and fully, and Senator Randall of Cumberland, who

was not able to be with us, heard the matter fully two years ago.

Now I am going to urge upon this Senate that they stand by the majority report of the committee upon taxation, which should include Senator Randall's name. As I say, we have considered the matter carefully and have heard hearings upon this matter two years ago.

In reply to the statement of the Senator from southern Argostook, that at those hearings there have appeared only wealthy men, I must take issue. In fact, Mr. Bass of the Bangor Commercial, a paper which has championed many times the interests of the poor man, and whose business is not to loan money upon real estate, but who is an owner of timber lands, came here without the solicitation of any one, but because he happened to be here and was urged to argue briefly the merits of this bill, as he has in many other matters. There were other gentlemen who appeared here, who were not wealthy men of Portland, but of the borrowing class, men interested in the development and upbuilding of the city of Portland, and who have found in carrying out their business that they are hampered in securing loans on the mortgage of real estate, and that the amount of money available for the purpose of building up the city of Portland and its suburbs has been curtailed on account of this unjust and unfair law, which discriminates as I claim—and as I think I can prove to any man in this Senate—against the borrowing class and poor man in our State. I urge upon the Senators here to support the majority report, a report which is conscientiously, carefully and honestly made, with no prejudice entering into it at all, and not influenced by wealthy men appearing before our committee to urge the passage of this bill.

There was a large delegation of savings bank men here, representing the savings corporations, who came here prepared to oppose the original draft, which was a copy of the Massachusetts laws, because our savings bank laws are different, and if the bill were passed in the original draft it would work an injury to the savings bank interests.

These gentlemen when they saw that the proponents of this bill substituted for the original bill the present bill, Senate 146, which was without complication, and which boldly, fairly and honestly, with no attempt at subterfuge, reached the subject matter, did not oppose it; and no savings bank can fairly appear here against this bill.

Now, gentlemen, with this statement of the committee remembered, and how we heard the hearings, etc., I will take up briefly the argument upon the merits of this bill.

There are but two original and rational objections to the passage of this bill, and these are: First, that it curtails and cuts off municipal revenue in certain sections; and the second objection is, that it is an exemption of the wealthy and loaning class from taxation.

I dispute both these assertions, and I think their premises are not correct, and that they do not lead to a logical conclusion; and in my feeble way I shall attempt here, with your permission and indulgence, because it is late, to argue the opposite of these assertions.

Now, first upon the matter of curtailing municipal revenue: I take the stand boldly and frankly that even if in certain sections the passage of this bill should curtail municipal revenue, still the bill should pass notwithstanding that fact, because that added revenue comes from double taxation borne by the borrowing class, and by the class that can least afford to pay added burdens of taxation. I submit to the Senators, if it is not an absurd proposition that the wealth of a municipality should be increased for the purpose of taxation to the extent they are in debt; for certainly the present law in the State of Maine that taxes mortgages finds more money for the purpose of taxation, and more property to increase the general tax list in proportion as that municipality and the citizens therein are in debt. It seems to me a peculiar situation.

Not to tire you too much, the statistics that I have to prove as I see it that the municipal revenue in the

different towns and cities would not be curtailed to any great extent, is the 14th annual report of the board of assessors of the State of Maine for the year 1904. In the recapitulation of the amount of money found in the State for purposes of taxation we find there is something like eleven and one-half millions of value taxed in this State under the column "money at interest." And in connection with that recapitulation let me state a fact here which the opponents of this measure do not fairly state. They would have men who are careless, or who are not looking into this, assume that all these loans are on mortgaged real estate, when the facts are that it includes not only the amount of loans on mortgages real estate, but includes any loans on collateral security or chattel mortgages or loans on notes of hand; and I submit it is unfair and unreasonable to assume that even a large percentage of that amount is on loans of mortgaged real estate. And in this connection I wish to refer to an argument which was made—and I imagine it was made somewhat carelessly by the senator from southern Arrostook two years ago as to the amount of money—

Mr. PUTNAM: It was a different bill.

Mr. GARDNER: The meaning and intent of the bill is the same. This bill applies only to mortgages of real estate. The question has been asked me: Why not exempt personal property from the conditions of this bill, if logically it is fair to do so? In answer to that I will say—it is the loans on notes of hand, chattel mortgages, and things of that sort, that need not necessarily be recorded. It is the class of loans on intangible property that escapes largely, and a mortgage is a matter of record. I say that to exempt mortgaged property from double taxation is to do a great favor to the borrowing class and the poor man in this State, because it is the man who must borrow who wants to build a home, and to develop his business, who gives security for a loan to secure money to carry on his business. It is the money of the poorer classes, who are

obliged to give security, and it is upon the mortgage of real estate. The man who borrows money on notes of hand, giving as security collateral such as bonds, stock, or anything of that kind, that man can take care of himself; but the man who is obliged to have a record of a mortgage and security on real estate he owns—he is the man who ought to have relief, because it is double taxation pure and simple.

Now as regards the revenue to municipalities, the total amount in this State is only eleven and one-half millions, and includes all these classes of negotiable and personal property which I have named, and I say it is unfair to assume that any large proportion of that is on mortgaged real estate—and the figures are given by one of the tax assessors in Portland, A. M. Smith, who presumably knows what he is talking about. That gentleman states frankly and freely that from his investigation, and such research as he has been able to make of the question as an assessor in that city, that instead—as the Senator from Aroostook stated two years ago—Portland would lose something like \$95,000 in taxes the total amount of recorded mortgages in that city, which cover during a period of three years, I believe he says, is less than \$200,000. It is evident that one of two things took place: Either that the people in Portland, because they wish to put money in there to develop the city to such an extent as they are able, are tax dodgers on mortgaged real estate—and that brings me to a point here,—the present law drives a man to one of two conclusions. A man who will not adopt any method of tax dodging in his own town must do one of two things, to secure a fair net revenue,—he must either charge his neighbor whom he obliges with a loan an added rate of interest, or he must dodge taxes.

I submit that in every case the lender includes in his interest rate what he fears and assumes his risk of taxation will be, and that the borrower pays it. I submit that that is axiomatic; you cannot get away from it—the borrower pays the tax.

Now, in going over the recapitulation here in the list of what the different counties, under the column "money at interest"—which, as I say, includes all these classes of property,—I find, first, that the county of Androscoggin, in that entire county, has \$111,080 of money at interest. There is but one of two conclusions you can draw there,—either the assessors and officials in the county of Androscoggin have been driven to nullifying that law in order to keep their money at home, or else there is no money in the county of Androscoggin; and I submit again that if you follow down this list in the column of "money at interest" you will find it is the practice in every municipality in this State, including both Houlton and York, to tax under the "doom" process. In other words, in spite of what the Senator from southern Aroostook may say, I believe that in his town, as well as in other towns, that they by an arrangement—not public—but by general acquiescence in this arrangement, that they doom the wealthy man for what they think those wealthy men will stand, without being forced to put their money outside the town limits, and into bonds, saving banks, or where it will be hidden from taxation.

I submit it as a proposition that in Houlton or York they cannot tax the money-lenders for the full amount, or even up to that proportion which they tax real estate, and have the money stay there and not dodge taxes, or go from that locality into other classes of investment. You cannot get away from the fact that the man who has \$1,000 in his pocket ready to loan—it is free money—he has it to invest; he is going to consider what the net returns will be, and if by legislative enactment we have put the burden of municipal taxation upon that money, if it is loaned on mortgaged real estate, where it is a matter of record it is sure to be found, you and I will not lend our neighbor that \$1,000 unless he pays an interest rate sufficient to make the net returns what we could get from an investment not taxed or hidden from taxation. And there you reach this proposition.

This present law of double taxation in the State of Maine drives from each municipality at least the money of the men who will not dodge taxes, or it drives that man to charge his neighbor an added rate. You cannot get away from it. It is as plain as that two and two make four. There is where my interest comes in. I submit that it is unfair and unreasonable to pass legislation, even if on the face of it, and as a matter of prejudice, you tax the lender, when as a matter of fact—substantiated by the United State supreme court, and by the courts of the States—but any tax upon the lender must be paid by the borrower. You cannot get away from that proposition. The borrower on real estate is the man who needs assistance.

I could quote several towns and cities in this State which practically pay no tax under the column of "money at interest," and if I had time I should like to go over these; and I will ask you, no matter how this question goes today, in the interests of future progressive legislation, that you will look the matter up, and I submit that you will find many municipal valuations of over a million and a half which does not pay a tax under the head of money at interest. Biddeford, Old Town, Brewer, Lewiston, do not pay anything. Portland does not pay anything that amounts to anything in proportion to the amount of money they have; and I am going to assume—not that these gentlemen are dishonest, or that they intend to do any wrong or that they have reached a final conclusion in favor of the rich man; but the conclusion that to take free money in any locality you either add to the interest rate or drive the money from that locality into another class of investments.

I will leave that matter there, so far as the towns and cities that do not pay a tax on money at interest. You will be as surprised as I have been to look this over, and I submit that any city or town that does not find any money for purposes of taxation under the column of "money at interest" certainly will not have their revenue cut off. And I am going to say that any town or city that does find it—and I do not exempt even the mortgaged property—I sub-

mit that those towns in a very short time, by the increase in building, by the amount of money you encourage to come into that locality, will have the tax list increased enough to really many times offset what they lose in the attempt to tax intangible property.

I think the senator from southern Aroostook, if he was not fearful of the people in his locality would censure him for stepping out on the broad plane of the greatest good for the largest number in this State, I believe he would be convinced that if you did not tax money at interest loaned in mortgaged real estate in his town, it would give an added incentive for men to invest money in that class of property in his town, and in a short time would have the realty increased so as to get many times what it is now. I am going to be personal about this question, and I say that I know, in spite of the representations which the Senator has made, that they are in fact taxing their wealthy men there on the "doom" plan, under a compromise arrangement to tax them for what they will stand; and I know one gentleman to whom personal reference has been made who has ten times over, who has money invested in mortgages for which he is taxed. They say he is taxed for something like \$60,000. I have known very recently that that gentleman, a former governor of this State, had one mortgage that amounted to \$90,000. They did not tax him for that.

Mr. PUTNAM. The mortgage is paid.

Mr. GARDNER. It never has been on the tax lists, and he has never been taxed for it. I also know that the same gentleman sold valuable tracts of timber land in the northern part of our State and received payment therefor, and I think I am safe in saying that a large portion of that went into loans in Aroostook county.

Mr. PUTNAM. I would ask for the courtesy of an opportunity to explain, if you will permit me we will take that matter up later and thresh it out.

Mr. GARDNER. I will yield as a matter of courtesy.

Mr. PUTNAM. The reference of the Senator is quite pointed with reference to an ex-governor of our state. That gentleman has owned 200,000 acres of

wild land in Aroostook and Penobscot for two years. He sold that, and in most cases gave bonds for deeds and took notes back. The title is still in him, and consequently is not subject to taxation in Houlton. The selectmen of Houlton have a young lady who goes to the office, and who makes a copy of every mortgage, and I will wager that he has not any so invested.

Mr. GARDNER. If the gentleman has the notes in his pocket for the sale of all that land, the paper company that bought are paying the taxes upon it. I will submit that he is not taxed on one-tenth of what he has got, and I will say it is on the "doom" plan, and if he has those notes in his pocket he evades taxation for many thousands of dollars. He is taxable for money at interest. I will submit that the arrangement in Houlton is this,—that the distinguished former governor of our state, and one of their wealthy men there loans large sums all over Aroostook county, and they collect an interest rate which is more than they can get in the Fourth National Bank in Boston, which the governor owns, or upon any investment in first-class bonds. They get larger returns and pay in Houlton just what the assessors see fit to doom them for, and the revenue they collect from the poor man there goes into their trousers pocket. And that is why they accumulate wealth there. It was my good fortune to drive around Aroostook county with the former governor on the stump in the last campaign, and you could hardly go through a section but he could name from one to ten farms he had mortgages on. (laughter.)

I will submit that when you tax him according to your own statement for only \$60,000, when we know he is worth ten times that amount, you are working on the doom plan.

I am going further. The Senator from southern Aroostook does not tell you the real reason for this proposed legislation. It is because Houlton sits like old Rome and collects tribute from every town in that county, and because she happens to be the home, location and residence of wealthy men,

who have made their money from Aroostook county by charging exorbitant rates of interest. When you tell me that ex-governor Powers or Mr. Plummer of Houlton are paying taxes upon all they own in mortgaged real estate, when they pay only on \$130,000 collectively, I know there is something wrong. The assessors in Houlton are no more honest than those in Portland. They are collecting taxes of these people for just what they know they will stand. There is no reason why the assessors in Houlton are any more honest or energetic than in any other town. It is unfair to oppose a measure which gives relief to the poor class all over the State because in the two sections of York and Houlton they are peculiarly situated.

Now I will leave the matter of reduced municipal revenue, and with your permission will take up the matter of whether it exempts the rich man from taxation. Some of my friends accuse me of leaning towards the Henry George theory. I do not care what it is; it has been my principle and practice that if I discover anything which I believe to be right and proper in my legislative capacity I am going to do it if I stand alone. Fortunately five other good men on the committee on taxation believe as I do, and there was no attempt to run anything through this committee, one of whom is present and will bear me out that there was a full and free discussion of the matter, and the committee voted to submit the report.

I think I have shown conclusively that in a majority of the towns and cities in this State we do not tax the money in the hands of wealthy men because it will either drive them out or because it will result in added tax upon the man who borrows, very body of men who have examined the tax laws in our different states have been unanimous upon the point that the borrower pays an added interest rate, whatever tax you put upon the money which he borrows, and in many of the states they have relieved entirely the loans on mortgaged real estate; and wherever you find a state contiguous to or adjoining another, like New Jersey, that exempts you will find in every locality

where they exempt money from taxation that the general tax list is wonderfully increased. You will find those places built up wonderfully. The Massachusetts law was noticed. They had some trouble, as we are, to get wholesome and progressive legislation, and they finally compromised on the Massachusetts law which makes the mortgagor and mortgagee joint owners for purposes of taxation. That seems fair on the face of it, but immediately in every mortgage there you find a clause which says that the borrower shall pay the entire tax upon the real estate, and in consideration of that he has the money at lower interest rates, and today the loans on first-class mortgages in the city of Boston are $3\frac{1}{2}$ per cent. on a par with the savings banks and everything else.

In this State wherever you find a money lender loaning his town at 4 per cent. you will find he is charging his neighbors anywhere from $2\frac{1}{2}$ to 3 per cent. more, because he is subject to taxation.

When you cannot get a dollar at a reasonable rate of interest in many sections, and you know that gentlemen can sit there and not contribute a cent toward that municipality by dumping it into the saving banks, I say there is great danger of creating a prejudice against the savings institutions of this State.

I hope the senators will vote for the majority report, for if you do not you will be doing a great injustice to the plain people of Maine. Any argument to the contrary is fallacious, misleading, and led up to by prejudice and self-interest, rather than on the broad plane of what is the best interests of our people. And I hope when you vote upon this matter that you will vote for the majority report of the committee on taxation "ought to pass."

The question being put, upon the motion of the senator from Penobscot that the bill in new draft exempting mortgaged loans from taxation "ought to pass" the yeas and nays were called for and ordered.

Those voting yea were—Messrs Ayer, Furbish, Gardner, Morse, Philoon, Pike, Plummer, Potter, Shackford, Shaw Staples, Stetson, Sturgis, Tupper—14.

Those voting nay were—Messrs. Bailey, Bartlett, Irving, Knowlton, Mills Owen, Pierce, Putnam—8.

The following pairs were announced—Mr. Curtis of Cumberland voting yea, with Mr. Allen of York voting nay; Mr. Simpson of York voting nay with Mr. Randall of Cumberland yea; Mr. Tarre of York nay with Mr. Clark of Hancock, yea.

So the motion prevailed, and the bill was read and assigned.

Senate document 141, relating to State printing, was at the request of Senator Stetson of Penobscot, taken from the table and Mr. Potter of Cumberland stated that he would assign a day for consideration of same at the next session and the bill was tabled.

On motion of Mr. Morse of Waldo, bill in relation to An Act to incorporate the Milbridge and Cherryfield Street Railway was taken from the table and under suspension of the rules referred to the committee on railroads in concurrence.

On motion by Mr. Ayer of Kennebec, the Senate adjourned to meet on Friday, March 10, 1905, at 10 o'clock in the forenoon.