

# MAINE STATE LEGISLATURE

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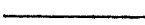
**LEGISLATIVE RECORD**

OF THE

**Seventieth Legislature**

OF THE

**STATE OF MAINE.**



**1901.**

**SENATE.**

Augusta, February 21, 1901.

Senate met according to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Seleger of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

Bill, an act relating to the taxation of certain deposits in savings banks and trust companies. This bill came from the House reported ought not to pass. On motion by Mr. Staples of Knox the bill with the report was laid on the table pending the acceptance of the report in concurrence.

**READ AND ASSIGNED.**

An act additional to chapter fifty-one of the Revised Statutes in relation to railroads.

An act to amend chapter 204 of the Public Laws of 1856, in relation to the municipal court of the city of Portland.

An act in relation to disorderly conduct and evasion of fares on street railroads, steamboats and ferries.

An act to amend chapter 172 of the Private and Special Laws of 1891, relating to the consolidation of certain railroad corporations.

An act additional to chapter 49 of the Revised Statutes relating to insurance.

An act to extend the charter of the Mutual Fire Insurance Company.

An act to amend section 5 of chapter 96 of the Private and Special Laws of 1899, and to authorize the Van Buren Water Company to increase the amount of its mortgage bonds.

Resolve in favor of Allegash road.

Resolve in favor of repairing the road between Patten and Grand lake.

Resolve in favor of road in Perkins' plantation.

An act to prohibit winter fishing in Great Watchie pond, and regulating the time for fishing in the tributaries of the same.

An act to prevent the throwing of saw-dust and other refuse stuff into the waters of McGraw, Ellis, East, North, Great, Long, Little or Snow ponds or either of their tributaries

situated partly in Kennebec and partly in Somerset counties.

An act authorizing and empowering the Great Northern Paper Company to erect and maintain piers and booms in the West branch of the Penobscot river.

An act to provide temporarily for the storage of water in the West branch of the Penobscot river. On motion by Mr. Jones of Penobscot, this bill took its second reading and passed to be engrossed, under suspension of the rules.

An act to prohibit bate fishing, so called, in Seven ponds, Seven ponds stream, Little Kennebago lake and the outlet of the same to the dam at the head of Kennebago Falls, and the outlet of Kennebago lake.

An act in relation to the taxation of street railroad companies.

An act in relation to the compensation of the sheriff of the county of Oxford, establishing a salary.

Senate Document No. 45, An act relating to academies. This bill came from the House with House amendments B and D.

On motion by Mr. Plummer of Penobscot, the vote whereby the bill was passed to be engrossed, was reconsidered.

The President read House amendment B.

Mr. PLUMMER of Penobscot—Mr. Chairman, I am willing to accept the amendment for the reason that it does not change in any way the purpose and effect of the section, but simply makes the requirement more definite. The section, as it stands in the bill, requires such reports to be made as the State educational department may from time to time require; and they could, under that authority, and undoubtedly would require the itemized statement referred to. There is no objection to having it specifically added to the section; and I move that the Senate concur with the House in the adoption of House amendment B.

The motion prevailed.

The President then read House amendment D.

Mr. PLUMMER of Penobscot—Mr. Chairman, I would like to know if the amendment covers line 3 in section 5, lines 1, 2 and 3?

The PRESIDENT—"In the first line of section 4 and 1st and 3rd lines of section 5."

Mr. PLUMMER—It should be the first, second and third. The word "Academy" occurs in the third. Also in the 5th line of section 5.

The PRESIDENT—It looks to the Chair, as though the amendment was incomplete.

Mr. PLUMMER—We can accept the amendment as prepared by the House, and then I can move for this further amendment.

On motion by Mr. Plummer of Penobscot, the Senate concurred with the House in the adoption of amendment D.

Mr. PLUMMER—Now I move that the word "Seminary or Institute" be inserted after the word academy.

The PRESIDENT—Will it not be safer to put the amendment in writing?

Mr. PLUMMER—Yes, I think it would be better.

Mr. VIRGIN of Cumberland—While the Senator from Penobscot is preparing that amendment, I have one that I wish to offer; and I will say that the reason I have not offered it before, or that I did not go before the committee, was that I could not get the facts necessary to prepare the amendment, or talk with the committee about it, until this morning, when I have received them. I move to amend Senate Bill No. 45 by inserting, after the word "annual" in the second line of section 6, the word "net"; and by inserting after the word "funds" in the second line, the words "after payment of interest on its debt," so the section as amended would then read: "No academy shall receive State aid under this act if said academy has an annual net income from invested funds after payment of interest on its debt exceeding sixteen hundred dollars."

The reason I offer this amendment is that Westbrook Seminary which is an institution of learning chartered by this Legislature a great many years ago, more than fifty, as I recall it, is an institution that by this section, standing as it does, unamended, will be deprived of the aid that we, its

friends think it is entitled to. I have received this morning a letter from one of the trustees who states that the income now from its securities and invested funds amounts to \$1675.00. It has an indebtedness outstanding of \$5000 on which it pays interest at 4½ per cent. of \$225, leaving a net income of \$1450. The amendment proposed by me would enable that institution to come then within the provisions of section 6, and within the other provisions of the bill, as I understand them; and that is the motive, and the only reason I have to offer it. I understand that a line must be drawn somewhere, but this institution comes within only \$75 more than the amount provided in section 6, and its net income is beneath \$1600, so I ask for the amendment for that reason.

Mr. McFADDEN of Lincoln—Mr. President, if the motion of the Senator from Cumberland is before the Senate, I hope it will not prevail, for I do not see any reason why it should. The institution of which he speaks is one which is in a densely populated community. It must have a large patronage. It is at the head of one of the great religious organizations of the State; and I will say further, that, two years ago when a special appropriation was made for this institution; and I raised some objection upon the ground that it was not a needy institution; and that I thought they could pay their running expenses from the large patronage which they had from the densely populated community, in which they are situated, and from the fact that they were at the head of a great religious denomination, the Hon. Senator from Cumberland, Mr. Burns, then a member of the House, stated that the appropriation was not asked for to pay the running expenses, and that the institution owed a debt, and that it was to help them out of debt; and the presumption in my own mind is that if they applied that money to the debt, as it was alleged at the time that they wished to do, that they have liquidated the debt, have cancelled it; and I do not understand how it should come up again to the advantage of the institution. I think the Senator re-

calls that. Now I made, at that time, no further objection, if I remember right, and I did not suppose that debt was coming up again, but here it is again. I do not see any occasion for such an amendment. An institution having an income is presumed to be out of debt. It ought to be. I do not see any occasion for adopting that amendment.

Mr. VIRGIN of Cumberland: In reply to the suggestion made by the senator from Lincoln, I will say that I have a very vivid recollection of the matter in going before the committee on education at the last session of the Legislature, and that the matter was presented in the form that the senator has stated that it was, to enable them to pay the debt. They used that money, all of it, to pay the debt that he has referred to. They still, at that time, had this debt of \$5,000, and they came originally to the Legislature two or three sessions ago for an appropriation that had been made for the academies in the State of \$10,000. It did not get the \$10,000. But I think in all it has received something like \$6,000—possibly eight thousand. If my memory serves me right, it is six thousand. The senator from Lincoln, and all the senators know that we always have our debts with us, most of us they stay by; and a great many of the institutions of learning throughout the State have debts, and they struggle along to keep their heads above water and to impart to the boys and girls of this State such an education as will fit them to become honored citizens of the State and of the United States, to which a great many of our boys when they reach manhood go, and the State of Maine is pleased to shine by the reflected light of the boys who have been educated within our borders, and have carried our name to the confines of this country. We are glad when they come back here. We hold out our hands to them. Now I say this institution which has done as good work in educating the boys and girls, as any institution within its borders, should not be selected out, and be deprived of the aid which I believe, and others of its friends believe throughout this State, it is entitled to. It is an institu-

tion now within the city of Portland. It derives its students from all over this State; and not only from this State but from other states; and such has been its history since its inception. To be sure it is connected with one of the large religious institutions of the State; but that does not determine the character, nor does it influence the religious beliefs of its students. Students of all religious beliefs attend the institution.

The average attendance at the institution is about 80 per term. Not only has it educated the boys and girls of this State, but other states, and it has educated children from Brazil and from Cuba—that part of the Western hemisphere that is now very largely in the minds and thoughts of the people of this country; and I have noticed, while Cuba has been under discussion, that the names of some of its foremost citizens are the names of boys who were educated in Westbrook Seminary. I did know some at the time when they were in attendance and I know by their acts now, that by the education that they received in Westbrook Seminary, they were made acquainted with our forms of government, and the principles that we all believe in; and I have faith to believe that the education that they attained in that seminary is now doing good work in the island of Cuba. As I said, I see no reason for singling out this institution; and thought it might be allowed, with the amendments made to that section, to make them explicit, to come within the provisions of the bill and to get the assistance from the State that I believe should be given it.

Mr. BURNS of Cumberland: Mr. President, The committee on education, four years ago, was asked for \$10,000 by the Westbrook Seminary. I have no doubt if that amount had been granted at that time, that the seminary would never have asked anything individually of this Legislature; but our committee recommended \$4,000, which was granted by this Legislature; and I see no reason at this time why Westbrook Seminary should not be treated on the same basis as other similar institutions; and I favor the amendment proposed by the senator

from Cumberland, Mr. Virgin, and I hope it will have a passage.

Mr. PLUMMER: Mr. President, I would like to have my amendment presented.

Mr. WEEKS of Somerset: If the senator from Penobscot will pardon me for a moment. I have a question which I desire to ask the senator from Cumberland, Mr. Virgin. I would like to ask the senator how much the debt of the Westbrook Seminary is and what the interest is, and how much money is practically really involved in this case.

Mr. VIRGIN of Cumberland: As far as I understand it, from the letter I have received this morning, the debt of the seminary, the debt which is mentioned here is a note for \$5000 that was incurred in repairing the institution and making it a place where the boys and girls of this State could be properly cared for and educated. There is a small floating indebtedness that the institution takes care of out of its tuition and out of its income and out of donations by friends of the institution and money paid by the trustees out of their own pocket to carry it along.

Mr. WEEKS: How much is the interest on the debt?

Mr. VIRGIN: \$225, as it stands here in this letter.

Mr. WEEKS: So that practically, the amount involved by this amendment carries with it \$225?

Mr. VIRGIN: So far as that item goes, yes. That would leave the net income \$1450, and bring it within the law.

Mr. WEEKS: Now I would like to ask the senator another question. Whether he is absolutely sure that this is the only institution that will be affected by this amendment?

Mr. VIRGIN: I have no knowledge of any other institution, its income, or the amount of its indebtedness, if it has any. It is a matter my attention has not been called to, as my duties called me in another direction, but I know that it is the institution I have put in the amendment for.

Mr. WEEKS: I understand this amendment will affect a great many academies in the State of Maine; and

that it carries with it a great deal more than \$225, which is involved in the Westbrook Seminary case. I am so informed by the senators about me. If I understand the parliamentary standing, the real pending question is upon the amendment offered by the senator from Penobscot.

The PRESIDENT: The Chair so understands it. The amendment of the senator from Penobscot, amendment E, is to amend by inserting in line 2 and line 5 of section 5, after the word "Academy," the words "Seminary or institutes." This seems to be in accord with Amendment D. already adopted in concurrence.

The question being put upon the motion to adopt Amendment E., presented by Mr. Plummer of Penobscot, the motion prevailed, and the amendment was adopted.

The PRESIDENT: The pending question is now upon the adoption of the amendment offered by Mr. Virgin of Cumberland, Amendment F.

Mr. PLUMMER of Penobscot--Mr. President, I agree, heartily with everything the Senator from Cumberland has said in praise of Westbrook Seminary. I deny, however, that the committee on education singled that institution out in framing this general law, and so framed it as to cut that institution out of any appropriation. The limit was of invested funds. The income therefrom was fixed without reference to that institution, or any particular institution. It was agreed upon after a great deal of discussion and investigation, as an equitable thing, taking a part of the institutions of the State into consideration. Now, inasmuch as this matter has been brought into this case, and inasmuch as, when this bill passed this Senate the other day, receiving its several readings, and passing to be engrossed, without objection and without the offer of any amendment, I suggested to Senators that I would not object to having opportunity given for examination and amendment, if desired, when the bill should have passed through the House and come back to the Senate. In accordance with that assurance and understanding, I now move that the bill lie upon the table and be especially

assigned for Tuesday next.

Mr. VIRGIN of Cumberland—Mr. President, I want to say one word which may not be in order on the motion to lay on the table. I want to say that I had no idea of charging any member of the committee, or anybody in fact, with singling out Westbrook Seminary. I doubt if Westbrook Seminary was in the minds of any one of the committee at that time. They would have no reason for singling it out. They had no knowledge if its income. I had none to place before them, and I do not think there was any motive on their part or on the part of anybody to single out the institution. The institution, unfortunately comes within the prohibition of the bill as drawn by the committee and presented by them as being the best thing they could do under the circumstances. That is simply the reason that I make the remarks that I do. They had no knowledge—they could not have singled it out if they had tried to.

Mr. PLUMMER of Penobscot—I wish to move, in connection with may motion that the bill, as amended, and the amendment be printed for the information of the Senate.

Mr. PRINCE of Oxford—If the amendments are going to be printed, I should like to offer one to which I think there can be no possible objection. As I understand Section 3rd as amended in the House would read: "Any town or precinct providing free tuition for its High school scholars in any academy, seminary or institute." I want to add after the "Institute" the words "or free High school," so that it may read, "Any town or precinct providing free tuition for its High school scholars in any academy, seminary, institute a free High school shall receive," etc. I will write out that amendment; and I wish to say, in this connection, that there can be no possible objection to this amendment. For instance, in our town, in Buckfield we have a very good free High school. Take the towns of Sumner and Hartford, they have no free High school, and have none under the law, and no academy to which they can send, so they desire the benefit of sending to

our free High school in Buckfield; and I can see where there can be no objection. I will write out the amendment and present it.

Mr. PLUMMER of Penobscot: I consent to the offering and printing of the amendment offered by the senator from Oxford.

Mr. MCFADDEN: I wish to offer an amendment, if they are all to go in and be printed, and that is that Section 3 be stricken from the bill; and my reason for this is simply to equalize. This is a great year for equalization—equalization of taxation and other burdens, and why should not favours be equalized as well. We have upon the statute books of Maine what we call a free High school law; and it gives not exceeding \$250 to each town that maintains a free High school, and that is the limit, and I submitted an order which has been before the committee on education, suggesting an increase of the free High school, but they have not seen fit as yet—I do not know what they may do—to report anything favorable upon that order. Now this general academy bill I approve of to this extent. It is better than the log rolling which has been prevailing where each institution comes and rolls its private claim through by the help of all the other claimants; but I do not see any special reason when the academies are given by this bill from two to four times as much as is given to the free High schools, which are just as good, the only difference is the name. I do not see why there should be added the provisions of the free High school act, so that they get the advantage of the provisions made in the first sections of this bill; and then have added to them the provisions of the free High school act. It is not equitable. It is not fair. It is not in the best interests of education. The free High schools are doing more work in this State than the academies—they fit more for the colleges, as data that I have in my possession will show. Besides that, they give an initial education to thousands who never go near the colleges. The academies do the same thing to some extent, but not to a quarter part the extent that the free High schools do, because the aggregate attendance of the

free High school is, well I should say ten times what the aggregate attendance at the academies is. I think therefore that it is only a reasonable thing to strike out this Section 3, which gives the academies already favored to the extent of double, treble and quadruple the State aid that is given to the free high school—to strike out this provision which gives them also the advantage of the free High school law. My amendment is simply to strike out Section 3.

Mr. WILSON of Washington: The gentleman misconstrues that section entirely, That section is for other towns, surrounding towns that have academies, and if the town doesn't maintain a free High school, and sees fit as a town, to send its scholars to an academy, they can be reimbursed to the extent of one-half the tuition that it costs them, not to exceed \$250, provided the town does not maintain a free High school. In regard to the number of scholars that attend academies, and those who attend free High schools, the gentleman must remember that there are 215 free High schools and 37 academies. That needs no further argument.

Mr. MCFADDEN of Lincoln: That suggests another amendment—to add after the word "precinct" the words "other than the one in which the academy is situated."

Mr. WILSON of Washington: That is the meaning of the rule, now.

Mr. MCFADDEN: If the senator will assent to that, and the other members of the Senate will do so, I will agree to that, by adding after the words "in the town or precinct," the words "other than the one in which the academy is situated."

Mr. PLUMMER of Penobscot: Mr. President, I will withdraw my motion to table and to specially assign to next Tuesday, and ask for consideration of the amendments at this time. The senators whom I had promised to allow the matter to lie on the table at this time, have withdrawn their request to that effect, and leave me free to make this disposition of the matter.

Mr. NOBLE of Franklin: Mr. President, I very much hope this bill may go through this morning, without tak-

ing time for further controversy. I have a great deal of confidence in the committee who prepared this bill. I think they have made a thorough study of it, and done the best thing possible in the production of this bill. I think, if we add, or try to add too many amendments, we shall be likely to upset the whole plan and be back just where we started at the beginning of the session. I am glad the senator from Penobscot has withdrawn his motion to lay on the table, and I trust the bill may go through without further discussion.

The PRESIDENT: The pending question is on the adoption of the amendment of the senator from Cumberland. The amendment is, to insert after the word "annual" in the second line of Section 6, the word "net," and by inserting after the word "funds" in the second line the words "after payment of interest on its debts."

Mr. NOBLE of Franklin: Before that motion is put, for the benefit of senators, I would like to read from the report of the Westbrook seminary, during the year July 1st 1899 to July 1st, 1900.

"Amount of endowment, \$34,942.

"Value of grounds, buildings, etc., estimated, \$40,000.

"Total assets of institution, \$74,942.

"Income from invested funds during that year, \$1282.50.

"State appropriation, \$2000.

"State High school fund—or for tuition, rather, \$2342. And from other sources, enough so that the total amount of expenses, during that year was \$5,558.78."

Now, Mr. President, as I understand from the members of the committee, the way they figure this matter, Westbrook seminary would receive under the present arrangement of this bill at least \$500. I submit that it is a wealthy institution—that it has considerable revenue from tuition and other sources, and that it is not a safe proposition to try and amend this bill whereby many other institutions will be affected, as suggested by the amendment of the senator from Cumberland. If it were to affect this institution alone, there would not be so much objection; but, as I understand it, there are several in-



stitutions that the amendment affects, thereby throwing the whole bill, as it were out of poise, and making a different bill from that suggested by the committee. I trust the amendment may not prevail.

Mr. VIRGIN of Cumberland: Mr. President, I have no desire to jeopardize the passage of this academy bill. I believe it was drawn by the committee with a great deal of care and after a great deal of deliberation, and I am informed, since last on my feet, by members of the committee, that they had Westbrook seminary in mind, relying upon the statement just read by the senator from Franklin, which has not before come under my attention. It was only with a view to making Section 6 so plain that it could not be understood in its provisions so that they would include Westbrook seminary, that I offered the amendment. As I said before, I have a letter this morning stating the income from the invested funds to be \$1675. I have no doubt the reported income in the statement read by the senator from Franklin, is the income after deducting such interest and such other expenses as the official who made the report, deemed necessary. If that is the net income of the institution, and my information received this morning, from an official of the institution is incorrect, I have no desire to press the amendment. It was simply to bring the matter where there would not be any doubt, and this institution might come within the provisions of the bill that I offered this amendment.

Mr. BRYANT of Somerset: Mr. President, the institution in my place I think has about the same attendance as the Westbrook seminary, I believe about the same force of teachers, and the expenses are nearly the same, not quite. But I was thinking, if we had an invested fund that yielded us even \$1400, we would be pretty well satisfied. Under this bill I think Westbrook seminary will now get \$500, and we probably would get \$1000, but even then they would be in far better shape than we. I should hate to see any one school singled out for any deprivation of income under this bill; but I think that several other institutions would be af-

fectured by the amendment. As time goes on and some of these academies and seminaries increase others would still keep coming in. It seems to me that the bill as drawn by the committee and presented to us is in the best possible form we could get it.

Mr. PLUMMER of Penobscot: Do I understand that the senator from Cumberland withdraws his amendment?

Mr. VIRGIN of Cumberland: Yes, I will withdraw the amendment.

Mr. PRINCE of Oxford: Mr. President, I will say in regard to the amendment that I proposed, I am told by senators here that the High school bill already covers by former legislation the point I had. In reading the section, this morning, it occurred to me that it might be a benefit to the towns not having a High school where they have to pay taxes to support others, that they have this privilege of sending their scholars into another town to a free High school; and I would ask the senator from Penobscot, if this is the fact?

Mr. PLUMMER of Penobscot: My impression is, Mr. President, that it does. I would like to be supported in that by any other senator who has definite knowledge in regard to the matter.

Mr. PRINCE of Oxford: When I spoke, I said senator, I meant members of the House. There certainly can be no objection to this amendment providing the law does not already cover it. I did not intend to offer any. When I saw the gentleman had amended the bill so that it would be obliged to return to the House, I thought an amendment of this kind to go back with it, certainly could meet with no objection. But, if the law already covers this point, I will withdraw it.

Mr. PLUMMER of Penobscot: Mr. President, I do not wish to assure the senator from Oxford that it does. I simply said that was my impression. I will say further, that impression has been made since I have been within this chamber, this morning, and is not formed from any information which I had upon the subject before. I do not think, however, that as a matter of practice it is done under the free High school law. If any gentleman present knows of an instance under his own

observation, where it has been done, that solves the question.

Mr. NOBLE of Franklin: It has come within my personal experience that two towns abjoining me join forces and support a free High school and have the benefit of the free High school appropriation of the State.

Mr. PRINCE of Oxford: That does not cover this case. I know from Sumner and Hartford they sent scholars to Buckfield, and towns have paid their tuition without receiving any remuneration from the State. Now certainly, this bill has got to go back to the House as already amended, and I see no reason why this amendment should not be inserted, so that Sumner and Hartford, and towns that have to bear their portion of the tax that is paid for free High schools should not have the privilege of sending their scholars to our free High schools as well as academies. The academies are far distant from any of these towns. So, Mr. President, I wish that this amendment, so simple as it is that it can be of no possible objection, may be inserted.

The PRESIDENT: The Chair will state the amendment on the part of the senator from Oxford. It relates to Section 3, line 2, to amend by inserting after the word "institutes" in line second, Section 3, the words "or free High schools," so that the section as amended my read as follows: Section 3—Any town or precinct providing free tuition for its High school scholars in any academy, seminary, or free High school shall receive State aid to the amount of one-half the sum expended for such instruction, provided no town shall receive to exceed \$250, in any given year; and provided further that no town shall receive aid under this act if a free High school of standard grade is maintained in said town.

Mr. PLUMMER of Penobscot: I would suggest that the words or institute has been left out there, and that it be inserted by the Chair.

The PRESIDENT: The secretary calls my attention to the fact. It was simply left out in copying.

Mr. NOBLE of Franklin: Mr. President, It seems to me that is introducing a matter a little foreign to this

measure. I have no doubt the matter of free High schools was fully discussed by the committee during their consideration of this bill. I know it was brought up at the hearing. I feel very positive that the point suggested by the senator from Oxford, is fully covered by the general law. If he finds that it is not covered by the general law why not have the general law relating to free High schools amended, and let this academy measure, as it has been prepared, as it has passed the House, go along on its passage. For my part I am unwilling to jeopardize this measure and throw it back into the House and into discussion upon so small a point and this point which can be covered by amending the law in relation to free High schools, if such an amendment is necessary, which I very much doubt. I hope the senator will not insist upon his amendment to this bill.

Mr. PRINCE of Oxford: I am informed that former legislation positively covers this case, and I am informed so by the department of education; and I desire to withdraw the amendment which is amendment G.

Mr. WEEKS of Somerset: Mr. President, this seems to be a kind of class meeting, at which almost all of us are giving their experience, and in which the senator from Cumberland and the senator from Oxford have acknowledged their sins and asked forgiveness of the Senate; and in which the senator from Penobscot, Mr. Plummer, seems to be class leader. Now I have a constituent who sent me an amendment which he desires to offer to the bill. I do not want to offer it, but, then, having acknowledged my sins and asked forgiveness of the Senate—

The PRESIDENT: If the senator from Somerset will pardon me,—the pending amendment is now the amendment offered by the senator from Lincoln.

Mr. WEEKS: I do not propose to offer this amendment at the present time. I am trying to get a little information. I am trying to read the amendment that has been sent to me by one of my constituents, and I would like to have the matter explained by the senator from Penobscot. I know as little about this matter as the ordinary lawyer

knows about religion. The amendment sent to me is as follows: "Scholars between 8 or 10 and 21 years and sufficiently advanced in their studies may attend any academy on such terms and conditions as may be agreed on by the trustees of the academy and the school committee of the town, and such school committee may expend from common and High school funds of their town a sum not exceeding that which such scholars would be entitled to draw on an equitable division of said fund the whole number attending school in their town.

Now if the senator from Penobscot, who has so graciously acted as our class leader will take this matter up and explain it to the Senate, I think that I will not offer the amendment. (Applause).

Mr. PLUMMER of Penobscot: Mr. President, I think I shall have to be recorded as opposed to this amendment for the reason that I believe an academy receiving special favor from this State in the shape of appropriations of from \$500 to \$1000, should be an academy and not a kindergarten. I do not believe that we should prove the way by the action of this Senate to have children of tender years, not older than 10 years, who ought to be in the kindergarten or the primary school, or the intermediate school, put into these academies in order to swell the number and lower the grade and standard of the institution. I do not believe in that policy; and I may say here, as well as at any time, that it was the policy of the committee in framing this bill to raise rather than to depress the standard of these institutions. We graded these institutions with reference to the amount of appropriation from the State which they might receive in order to excite and raise the ambition of those institutions and those who control them, so that they might build up their institutions and enable them to pass from the lower grade to a higher; and we placed the lowest grade so high that there would be a marked distinction between an institution receiving \$500 over and in addition to the \$250 of High school money which they might receive under certain conditions the same as a High school. Such

an institution should be graded so high that there should be a difference between it and an ordinary High school. Now, the effect of this amendment will be to lower the dignity and grade of these academies; and, for that reason, I am opposed to it, and ask the Senate to vote it down.

Mr. WEEKS of Somerset: After the oratorical exuberance of the senator from Penobscot, I certainly should not have the face to press this amendment, which I have asked him to discuss. (Applause).

Mr. MCFADDEN of Lincoln: I want to saw a word, if any amendment is in order. The senator from Penobscot has just stated, as I understand, that these academies can have the advantage of the free High school law as well as of the provisions of the first sections of this bill; and the senator from Hancock—excuse the error—from Washington and the senator from Penobscot are both on the educational committee and do not seem to agree. I want to read a line or two which led me to think that the act provided for giving these academies the advantage of both laws.

Any town—any town—that is the language—or precinct providing free tuition for its High school scholars in any academy—any academy—shall receive State aid to the amount of one-half the sum expended for such instruction.

Now if we do not take in the academies, if it does not apply to the towns where the academies are situated, I cannot unerstand the English language. I say that it is unfair. Why, the friends of the academies are most unfair in their arguments. They will take a free High school of the lowest grade, one that perhaps is receiving \$250, where some little town has struggled to have better schools and has not raised as much as \$250 and have only provided perhaps two terms a year, and they will compare that little school that is receiving perhaps \$250 or \$300 a year, with an academy which is receiving \$1000 or \$2000, and then dilate upon the discrepancy and inferiority of the free High school. Good Lord! Who wonders that they are inferior? When you give to the academy three or four time as much as you give to the free High school—when you discriminate

against them in that way, is it any wonder? In the towns where the free High schools are able to make an effort themselves they make an effort themselves. They tax themselves to have the school of a higher grade; and the State certainly ought to do as well by those people as by the people of a town that does not put its hand in its pocket to the extent of one cent. We have been giving them, and we give them by th first section of this bill anywhere from \$500 to \$1000 and now this section three provides that they shall have an advantage of the free High school act too. It is an outrageous inequality in distributing the school funds of the State and I hope it will be stricken out.

Mr. VIRGIN of Cumberland: While we are on this subject of school funds I have a few facts on this matter that might interest the senators. I had occasion to glance in some casual way at the appropriation bill which I understand is coming up at the proper time; and I find that one of the first items there was the school fund and mill tax. I had some curiosity to see how it was made up and how it was distributed. Now there has been something said about th unfairness of the distribution of the funds of the State for educational purposes. That fund—the school fund and mill tax for the year 1900 was \$532,204.24 and that was divided among the cities and towns of this State as provided by law. The city of Auburn had 4498 scholars. It receives of the school fund and mill tax \$11,375.31. It pays a State tax of \$19,143.71. The town of Brunswick has 2179 scholars. It received \$5,510.63, and it pays a State tax of \$10,685.17. The city of Portland has 14,469 scholars and receives from the State from that school fund \$36,591.68 and pays a State tax of \$129,054.66, or four times as much as it receives. I have a list of the rest of the cities. I have a list of the towns and plantations, giving the number of scholars and the amount of the school fund that they receive and the amount of the State tax they pay. Deer Isle has 766 scholars. It receives \$1937.19 of the school fund and mill tax for educational purposes in its town and it pays \$989.15 of State tax. Fort Kent

has 1148 scholars. It receives \$2906.23 and pays \$540.77 tax. It receives back more than five times of the whole State tax it pays. Stonington has 564 scholars. It receives \$1436.24 and it pays in State tax \$548.99. These are extreme cases. In the county of Androscoggin no town receives more money of the school fund or mill tax than it pay State tax. In Aroostook 66 towns and plantations receive more money than they pay in State tax. Cumberland in two towns receives more money than it pays in State tax. In Franklin 11 towns and plantations receive more. In Hancock 26 towns receive more money than they pay in State tax. Kennebec 2, Knox 6, Lincoln 5, Oxford 8, Penobscot 31, Piscataquis 13, Sagadahoc 1, Somrset 16, Waldo 7, Washington 45, and in York no towns receive more money than they pay State tax. I do not think it will be profitable for the Senate to go into an exhibition of the unfairness of the distribution. Some distribution must be made. Educational facilities must be provided for the boys and girls of the State; but I do not think we shall reach any profitable result if we begin to criticize the distribution of the tax at the present time.

Mr. MCFADDEN of Lincoln: The distribution, Mr. President, which the senator refers to is made upon a basis that is universal through the State, that is the number of scholars; and it is made for the purpose of giving the scholars of this State an equal chance in the way of education. In that light it is fair and equal.

Mr. PLUMMER of Penobscot: Mr. President, I do not think the matter brought into this discussion by my friend from Cumberland is really germane to the bill. It is interesting as a general dissertation on the subject of education in the State of Maine. My friend from Lincoln criticized section three of this bill, and I wish for his information and consideration to read a little from section one where it says "and provided that the amount paid by the State to any academy under this act shall be expended by the said academy for instruction during the year for which payment is made; and shall not exceed the total income of said academy from all other sources. That

was put in there in order that the town in which the academy was located might be required, in case the academy as in the case with a large majority of the academies of the State was not fortunate enough to have an income from invested funds, to do something towards the support of that academy in order to secure this appropriation from the State; and as provided by that section, a portion of which I have read. They are obliged in some way to find a sum to be used for the purposes of that academy from some source or other, either to be paid out of their pockets or to be paid in some way equal to the amount which they receive from the State. Then we felt that there might be in outlying towns which were too small or too poor to support a free High school, boys and girls that would like to take advantage of the opportunities and privileges of this academy in a central town, but who would not be able to do so; and in order to encourage them and give them some assistance in obtaining this higher secondary education, we made the provisions of section three, that any town or precinct providing free tuition for its High school scholars in any academy shall receive State aid to the amount of one-half of the sum expended for such instruction—so that if those outlying towns saw fit to take up this matter and provide for a school for their advanced pupils in these academies, the State would re-imburse them to the extent of one-half of the amount thus provided; and we believe this is in the right direction. We believe this is in the interest of a wider dissemination of the advantages of advanced school privileges on the part of the State and that it should be encouraged; and to my mind that is one of the best sections in this bill. I hope that the criticism of my friend from Lincoln will not find lodgment in the minds of the Senate. I believe he has made no motion with reference to this section.

The PRESIDENT: The senator from Lincoln has offered an amendment to strike out the third section of the bill.

Mr. PLUMMER: I hope then by all means that the amendment will not prevail.

Mr. MCFADDEN of Lincoln: Mr. President, I agree fully with the sentiments of the senator from Penobscot relative to other towns than those in which the institution is situated. If they provide free tuition, having no free High school or other institution where their scholars can be accommodated, I agree with him fully upon that point—that the State should in equity provide and pay one-half; and I acknowledge, too, in this class meeting, that I did not fully comprehend the provision in the first section which he has explained. I have been so busy with other things that I had not studied the act as much as I ought to have done. Considering this, and as I now understand, I withdraw the amendment.

Mr. WEEKS of Somerset: Mr. President, I am glad that the Senator from Lincoln has been converted. Now we can have a love feast. (Applause.) There was one thing I wanted to allude to further. I understand from the senator from Cumberland that the mill tax, so called, is distributed among the towns and cities according to the number of children—scholars under 21. Now if the fathers and mothers of Portland are not doing their duties in that respect, we countrymen are not to blame for it. (Applause.)

The PRESIDENT: House amendments "B" and "D" are adopted, Amendment "E" proposed by the senator from Penobscot, has been adopted.

The bill as amended was passed to be engrossed.

A communication was received from the secretary of State, transmitting report of the bureau of industrial and labor statistics.

On motion of Mr. Weeks of Somerset, the same was referred to the committee on labor.

#### REPORTS OF COMMITTEES.

Mr. McFadden, for the committee on taxation, on bill, an act to tax deposits in the savings banks and trust companies of Maine, reported ought not to pass.

On motion of Mr. Staples of Knox, this bill and the accompanying report were laid on the table pending the acceptance of the report of the committee.

Mr. Whitehouse, for the committee on railroads, telegraphs and expresses, on bill, an act authorizing the Mil-bridge & Cherryfield Electric Railroad Co. to construct and operate its railroad across Narragausus river in Mil-bridge, reported ought to pass. Bill tabled for printing under the joint rules.

Mr. Murchie, for the committee on railroads, telegraphs and expresses, on bill, an act to incorporate the Poland Telephone Co., reported same in a new draft, under the same title, and that it ought to pass. Bill tabled for printing under the joint rules.

Mr. Vickery, for the committee on congressional appointment, on order or the Legislature relating to apportioning the State into districts for the choice of members of Congress, reported accompanying bill under title an act to apportion representatives to Congress and that same ought to pass. Laid on the table to be printed under the joint rules.

Mr. Morrison, for the committee on military affairs, on bill, an act to amend Chapter 266 of the Public Laws of 1899, relating to the militia, reported same in new draft, under the same title, and that it ought to pass. Bill tabled for printing under the joint rules.

#### PASSED TO BE ENGROSSED.

An act to cede jurisdiction to the United States over certain property of the National Home for disabled volunteer soldiers.

An act to amend Section 2 of Chapter 166 of the Private and Special Laws of 1887, as amended by Chapter 40 of the Private and Special Laws of 1899, relating to the Fort Fairfield Village Corporation.

An act to amend Section 17 of Chapter 60 of the Revised Statutes as amended by Chapter 178 of the Public Laws of 1897, and as amended by Chapter 94 of the Public Laws of 1899, relating to change of name in divorce proceedings, and relating to the care, custody and support of minor children, of divorced parents.

An act to amend Section 17 of Chapter 128 of the Revised Statutes as amended by Chapter 130 of the Public Laws of 1899, relating to tramps.

An act to authorize Robert Jordan to maintain a wharf into the tide wa-

ter of New Meadows river in Brunswick, county of Cumberland.

Resolve authorizing the land agent to release the State's interest in Bar island in Hancock county.

An act to amend the charter of the Osipee Valley Telegraph and Telephone Co.

An act to amend Chapter 61 of the Public Laws of 1887, as amended by Chapter 319 of the Public Laws of 1897 relating to loan and building associations.

An act to incorporate the Union Boom Co.

An act to incorporate the Pleasant River Improvement Co.

Resolve in favor of a bridge over the St. Croix river in the town of Masardis.

Resolve for State pensions.

Resolve in favor of Laura J. Darling of Lee, for State pension.

Resolve in favor of the permanent employment of a cataloguer for the Maine State library.

An act to provide for the retirement of commissioned officers of the militia or the National Guard of the State of Maine.

An act prohibiting the taking of shell fish from the shores and flats of Little Whaleboat island in the town of Harpswell.

An act to amend Chapter 104 of the Public Laws of 1899, relating to the salary of the judge of the municipal court of Bath.

Resolve favoring legislation by Congress to equalize extra pay of United States volunteers.

An act to provide temporarily for the storage of water in the West Branch of the Penobscot river.

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

#### JUDICIARY.

By Mr. Weeks of Somerset—An act to amend the charter of the Waterville municipal court. (Under suspension of the rules.)

#### MILITARY AFFAIRS.

By Mr. Morrison of York—Resolve in favor of William J. Maybury, surgeon general.

#### TAXATION.

By Mr. Dudley of Aroostook—Petition relating to equalization of taxa-

tion.

**PASSED TO BE ENACTED.**

An act to amend Section 55 of Chapter 6 of the Revised Statutes, as amended by Chapter 235 of the Public Laws of the year 1893, relating to taxation of express companies.

An act to incorporate the trustees of Springfield Normal school.

**FINALLY PASSED.**

Resolve in favor of Maine State library.

**ORDERS OF THE DAY.**

Resolve favoring legislation by Congress to equalize extra pay of United States Volunteers.

This resolve was introduced by Mr. Morrison of York, and on his motion the same received its two several readings and was passed to be engrossed, under suspension of the rules.

On motion by Mr. Prince of Oxford, the Senate adjourned.

**HOUSE.**

Thursday, Feb. 21.

Prayer by Rev. Mr. Newbert of Augusta.

Papers from the Senate disposed of in concurrence.

An act to provide for returns of telegraph and telephone companies to the State, came from the Senate referred in non-concurrence to the committee on taxation. In the House on motion by Mr. Plummer of Portland, it was laid on the table.

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

**JUDICIARY.**

By Mr. Harris of Auburn—Bill, an act to amend Section 17 of Chapter 17 of the Revised Statutes relating to stationary engines. (Received under a suspension of the rules.)

By Mr. Beal of Bangor—Bill, an act to amend Section 10 of Chapter 157 of the Private Laws of 1895, relating to title by descent. (Received under a suspension of the rules.)

**LEGAL AFFAIRS.**

By Mr. Smith of Waterboro—Bill, an act restricting the rights of the Saco Water Power Co. (Received under a suspension of the rules.)

By Mr. Staples of York—Bill, an act to ratify, confirm and define the character of the York Water Co. (Received under a suspension of the rules.)

By Mr. Hill of Belfast—Petition of C. F. Ginn and 480 others, voters and tax payers of the city of Belfast, in favor of the repeal of the State constabulary law. (Received under a suspension of the rules.)

**MILITARY AFFAIRS.**

By Mr. Dudley of Augusta—Resolve in favor of the city of Augusta for aid rendered to soldiers in the war with Spain.

By Mr. Brewster of Lisbon—Resolve in favor of the town of Lisbon. (Received under a suspension of the rules.)

**INLAND FISHERIES AND GAME.**

By Mr. Mead of Bridgton—Petition of J. P. Burrill of Westbrook and 29 others favoring the screening of the outlet of Sebago lake; of Leroy B. Nason and 41 others; of Frank Gibbs and 63 others, all for same.