

# MAINE STATE LEGISLATURE

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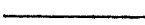
**LEGISLATIVE RECORD**

OF THE

**Seventieth Legislature**

OF THE

**STATE OF MAINE.**



**1901.**

## SENATE.

Augusta, March 20th, 1901.

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

Prayer by the Rev. Mr. Roberts of Gardiner.

Journal read and approved.

Papers from the House disposed of in concurrence.

## READ AND ASSIGNED.

An act to amend Chapter 296 of the Public Laws of 1885 relating to evidence of witnesses at coroner's inquests. House amendment A adopted in concurrence.

An act in relation to political caucuses in the city of Lewiston.

Resolve for the revision and consolidation of the Public Laws. This bill came from the House, passed by that branch under suspension of the rules, and, on motion by Mr. Virgin of Cumberland, the bill took its second reading and passed to be engrossed.

An act to enable the town of Houlton to purchase the stock and franchises of the Houlton Water Company. On motion by Mr. Burleigh of Aroostook, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to legalize the doings of the town of Farmingdale in annual town meeting. This bill was passed in the House under suspension of the rules; and, on motion by Mr. Murchie of Washington, the bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to legalize the doings of Asher H. Mayo, as justice of the peace and quorum. In the House passed under suspension of the rules; and, on motion by Mr. Murchie of Washington, the bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to amend Section 2 of Chapter 16 of the Revised Statutes relative to public drains and sewers. House amendment A adopted in concurrence.

An act to secure the preservation of testimony given in trials of murder.

Resolve in favor of A. J. Cameron. On motion by Mr. Burns of Cumber-

land, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of normal school trustees.

An act to fix the amount of allowance for clerk hire in the office of adjutant-general. On motion by Mr. Virgin of Cumberland, this resolve took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of the Bath Military and Naval Orphan Asylum. On motion by Mr. Virgin of Cumberland, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of the Rev. C. S. Cummings, chaplain of the first regiment of the National Guard. On motion by Mr. White of Androscoggin, this resolve took its second reading, under suspension of the rules, and was passed to be engrossed.

An act to build a bridge from Indian Island in Sebago lake to the mainland. House amendment A adopted in concurrence.

An act for the better protection of shell fish within the towns of West Bath and Brunswick. House amendment A adopted. On motion by Mr. Whitehouse of Sagadahoc this bill took its second reading, under suspension of the rules and was passed to be engrossed.

Resolve in favor of Max Dondis. On motion by Mr. Weeks, this resolve was laid on the table pending its second reading.

Resolve in favor of the town of Rockport for taxes unlawfully assessed. This resolve not printed, passed in the House, under suspension of the rules. On motion by Mr. Fernald of Androscoggin, took its second reading, under suspension of the rules, and passed to be engrossed.

An act in relation to corporations, and to provide for a revenue therefrom.

To this bill Mr. Weeks of Somerset offered an amendment, as follows: Amend Section 9, by adding at the end thereof, the following sentence: At any such meeting, any incorporator may be represented by power-of-attorney.

general or special; but nothing in this Section shall authorize any officer to sign any certificate of organization by attorney.

Mr. Fernald of Androscoggin stated that the matter had been discussed fully before the committee on taxation, and that the matter involved in the proposed amendment was fully considered, that good judges estimated a probable revenue of \$150,000 to \$180,000 from the operation of the bill, as drawn, and that the committee, as a whole were opposed to any amendments that might be offered; and that he hoped the amendment would not prevail.

Mr. Weeks of Somerset spoke in favor of the adoption of the amendment, saying that the proposed amendment was an important one, that we are undertaking this corporation business on a wholesale plan, and it does not seem to be the policy of the State, to make organization difficult, but just as easy as possible. He stated that the bill removed the limit of capitalization, to which he had no objection, and that, with this amendment incorporated in the bill we should probably organize a hundred more corporations in the State than without it. I think I can see the "nigger in the wood-pile." The organization of foreign corporations in Maine has been largely confined to York and Cumberland counties, and that it is the design of the attorneys of those counties to keep the organization of corporations there. I claim that country attorneys have some rights in this matter. I believe that we should be placed upon the same basis that Cumberland and York county are. He further stated that he was informed that the provision was originally in the bill, but was omitted by mistake, and that he thought the amendment should be adopted for these and other reasons.

Mr. Virgin of Cumberland, spoke against the adoption of the amendment, saying that the bill had been carefully considered by the committee and that the Grangers who have this matter very much at heart had examined it and that it met with their unanimous approval. He stated that

the provision in question was incorporated in the original draft, and had been considered by the committee and sub-committee and was omitted purposely, because the committees did not believe it was a proper clause to go into the bill, that there was nothing to prevent non-resident incorporators from coming here either in person or by proxy to organize; that there was possible question about it, but that he had no doubt it had been done, and that the records of the State would show that fact in many instances. Mr. Virgin further said: "The senator from Somerset is mistaken when he says it is confined to the lawyers of Cumberland county and York county. If I am correctly informed, and I have it from the lips of the gentleman himself, one of the attorneys in Augusta has organized some of the largest corporations that have been organized under the general law in the State of Maine. \* \* \* Various counties in the State have organized corporations in the same way. I claim it is not necessary or advisable that this should be in the bill."

Mr. Plummer of Penobscot, stated that he thought the rate of taxation provided for in the bill was too low—that it could have been made greater without materially lessening the amount of business, and the revenue of the State considerably increased. But the committee considered the matter very fully, and its features met their approval. He stated that he thought the proposed amendment would make it easier for non-resident incorporators to organize here and that he could see no possible harm in the amendment.

Mr. Weeks of Somerset, spoke further in support of the amendment.

Mr. Fernald of Androscoggin, stated that, as a farmer and not as a lawyer he supposed that this bill was to get some revenue for the State, but that the discussion would indicate that the revenue was to go to attorneys. As a member of the committee he stated that the matter had been fully discussed and considered by the committee.

Mr. McFadden of Lincoln, also a member of the committee, said that he could not see wherein the bill discrim-

inated against country lawyers, that it seemed to him parties coming here to organize would be most likely to go to some attorney who had been recommended to him whether it should be in Portland or some other city. He stated that the hearings on the subject had been long continued and exhaustive; that the attorneys, while interested in the welfare of the State, were more interested in their own revenue, and wanted the tax cut down to the very lowest limit; and the committee had been careful to leave all interests free; and that he hoped the amendment would not prevail.

The question being put upon the adoption of the amendment, Mr. Weeks called for a division, which was had, and the President announced that nine had voted in favor of its adoption and 14 had voted against its adoption, and that the motion to amend was lost.

Mr. Fernald of Androscoggin, then moved that the rules be suspended and that the bill take its second reading at the present time. To this Mr. Weeks of Somerset objected, and Mr. Fernald thereupon withdrew his motion, and the bill having been read was assigned for its second reading.

An act to abate the taxes on township No. 4, range 5, west of the Kennebec river in Somerset county, came from the House passed under suspension of the rules.

On motion of Mr. Fernald of Androscoggin, it took its second reading under suspension of the rules and was passed to be engrossed.

An act to fix the compensation of the clerk of courts in Androscoggin county. Passed under suspension of the rules in the House.

On motion of Mr. Fernald of Androscoggin, took its second reading under suspension of the rules, and was passed to be engrossed.

An act to repeal Section 62 of Chapter 27 of the Revised Statutes, as amended by Section 7 of Chapter 366 of the Public Laws of 1885, relating to constables. This came from the House with two committee reports from the committee on legal affairs, the majority report being ought to pass. Minority report, ought not to pass. The ma-

jority report was accepted in concurrence.

An act to incorporate the Androscoggin Telephone Company. This came from the House with a majority and minority report of the committee on railroads, telegraphs and expresses. After discussion the Senate non-concurred with the House in the adoption of the minority report, and on motion of Mr. Fernald of Androscoggin, the bill was indefinitely postponed.

An act to amend Section 21 of Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, relating to the taking of deer in September for food purposes and relating to non-residents going upon the wild lands of the State. This came from the House with two reports, A and B, of the committee on inland fisheries and game, report A accepted in the House. This bill came from the House amended by House amendment A and was tabled temporarily, on motion by Mr. Weeks of Somerset. Subsequently, with the consent of Mr. Weeks, the matter was taken from the table, House amendment A adopted in concurrence, and on motion by Mr. Burleigh of Aroostook, the bill as amended took its second reading under suspension of the rules and was passed to be engrossed.

An act to increase the pay of the members of the Maine Legislature, to prohibit the use of railroad passes or other free transportation on any railroad in this State by members of the Legislature.

This bill was accompanied by a majority and minority report. The Senate concurred with the House in adopting the majority report, ought not to pass.

Resolve to apportion 151 representatives among the several counties, cities, towns, plantations and classes in the State. House amendment A adopted in concurrence. Assigned for the next session.

Resolve to provide means for the examination of claims for State pensions. Passed in the Senate to be engrossed, now comes back from the House amended.

On motion of Mr. Weeks of Somerset, the vote whereby it was passed to

be engrossed was reconsidered; and on his further motion the Senate concurred with the House in the adoption of House amendment A; also House amendment B. The bill as amended was then passed to be engrossed.

Resolve in favor of the town of East Livermore. Passed to be engrossed in the Senate, now comes back from the House referred to the next Legislature. The Senate concurred in this action.

An act to incorporate the Long Pond Improvement Company.

On motion by Mr. Jones of Penobscot, the Senate reconsidered the vote whereby this bill was passed to be engrossed in the Senate; and on his further motion the Senate concurred in the adoption of House amendment A. The bill as amended was then passed to be engrossed.

An act to authorize the county commissioners of Somerset county to borrow a sum of money with which to build an extension to the court house at Skowhegan in said county. Passed to be engrossed in the Senate, now comes back from the House amended.

On motion by Mr. McFadden of Lincoln, the vote whereby this bill was passed to be engrossed was reconsidered. House amendments A and B were severally adopted in concurrence. The bill as amended was then passed to be engrossed.

Resolve in favor of Beecher Putnam, secretary of the committee on legal affairs. On motion by Mr. Plummer of Penobscot, this bill took its second reading under suspension of the rules and was passed to be engrossed.

An act to amend Paragraph 3 of Section 6 of Chapter 6 of the Revised Statutes, as amended by the Public Laws of 1895. On this bill the House voted to refuse to join in a committee of conference.

On motion by Mr. Plummer of Penobscot, the Senate adhered.

#### PETITIONS, BILLS, ETC., PRESENT-ED.

By Mr. White of Androscoggin, act to legalize the present pipe system of the Butler Spring Water Company.

On motion by Mr. White of Androscoggin, this bill, without reference to a committee, and without printing,

took its two several readings and was passed to be engrossed.

By Mr. Buck of Hancock, resolve in favor of the town of Mariaville in the county of Hancock, with statement of facts accompanying the same.

On motion of the same senator this resolve was referred to the committee on legal affairs.

#### ORDERS.

On motion by Mr. Virgin of Cumberland, it was ordered, that when the Senate adjourn it be until Wednesday, March 20th, at 2.30 o'clock P. M. This order was subsequently amended to read Wednesday, March 20th, at 3 P. M.

On motion by Mr. Wilson of Washington, it was resolved, that 500 copies of the eulogies delivered in the Senate, March 14th, 1901, upon the late Senator Joseph Y. Hodsdon, be and the same hereby are ordered to be printed and bound in pamphlet form for the use of the Senate.

#### READ AND ASSIGNED.

Resolve in favor of protecting the records in the secretary of State's office.

An act to amend Chapter 137 of the Public Laws of 1887, as amended by Chapter 313 of the Public Laws of 1893, and as further amended by Chapter 330 of the Public Laws of 1897, relating to the service of subpoenas before disclosure commissioners.

An act to incorporate the Greenville Water Company.

#### REPORTS OF COMMITTEES.

Mr. Virgin for the joint special committee on order of the Legislature relating to amending the joint rules, reported accompanying order, to amend joint rules by adding thereto rule 18, relating to reference of acts and resolves to appropriate money to appropriate committees, and that the same should be adopted.

Mr. VIRGIN of Cumberland: This matter of changing the rules is important. While it does not affect the present Legislature, the committee thought some rules should be added to the present rules, so that when the next Legislature meets in the ordinary course of events they would adopt the rules of the preceding Legislature. The senators will recall the fact that considerable criticism has arisen in connection with the passage of resolves making appropriations of money. It was deemed advisable by the committee on rules, composed of the President of the Senate, Senator Plummer of Penobscot, and myself (Mr. Virgin of Cumberland), joined on the part of the House by the Speaker of the House, and by Representatives Chase of Portland, Parkhurst of Bangor, Pattangall of Machias, and Gardner of Patten, that the rule of which I have a copy be adopted; and this provides that every act and resolve appropriating money shall be referred to an appropriate committee for consideration; and when the same has

been reported back to the branch in which it originated, it shall then be referred to the committee on appropriations and financial affairs, and no further action shall be had in either branch until the same shall have been reported back by such committee.

It has been deemed advisable that that committee shall take into consideration the financial standing of the State, and know the amount of money available to pay appropriations with; and in all probability that committee, after getting possession of these resolves, will keep them until some late day in the session, and bills and resolves relating to charitable matters, etc., will be reported back to the branch in which they originate. In that way manifest unfairness will be prevented. We all know that older members of the Legislature having experience in such matters, when they come here the first of the session, have an advantage over the newer members, whose resolves go until the last of the session and often meet with considerable opposition.

On motion of the same senator, the accompanying order was adopted.

Mr. VIRGIN: In order to carry out the suggestion of the committee, it was found necessary to change the name of the committee on financial affairs; and to that end I introduce the accompanying order, changing the name of the committee on financial affairs to that of committee on appropriations and financial affairs. The order was adopted. The same senator for the same committee reported accompanying order amending Rule 1 of the joint rules, by striking out the words "Insane Hospital" and inserting in lieu thereof the words "in public charities and State beneficiaries." The order, as presented, was passed.

On motion by Mr. Burns of Cumberland, Senate document No. 146, resolve in favor of protecting the records in the secretary of State's office, took its second reading and was passed to be engrossed.

On motion by Mr. Plummer of Penobscot, House report of committee on bill, an act to amend Section 3 of Chapter 103 of the Public Laws of 1895, in regard to the incorporation and control of telegraph and telephone companies, said report being ought not to pass, was taken from the table, and on the further motion of that senator the report of the committee was accepted in concurrence.

On motion by the same senator, Senate document No. 143, an act relating to the incorporation and control of gas and electric companies, was taken from the table, and on the further motion of that senator the report of the committee was adopted in concurrence, said report being ought to pass.

An act to amend Section 1 of Chapter 102 of the Public Laws of 1895, relating to the incorporation and control of gas and electric companies. This bill took its first reading, and was assigned for the next session.

On motion by Mr. Plummer of Penobscot, Senate document No. 142, an act to

repeal Chapter 103 of the Public Laws of 1895, relating to the incorporation and control of telegraph and telephone companies with accompanying report, ought to pass, was taken from the table. On the further motion of the same senator, the bill was amended by striking out all after the enacting clause and substituting new sections. On motion by Mr. Virgin of Cumberland, this bill as amended was laid on the table.

The committee on taxation, on bill, an act to repeal Chapter 86 of the Public Laws of 1895, relating to the taxation of vessel property, submitted a majority and minority report. The majority report being ought not to pass, the minority report being ought to pass.

On motion by Mr. Fernald of Androscoggin, this bill was laid on the table.

An act to amend Sections 5, 6, 7, 17 and 18 of Chapter 23 of the Private and Special Laws of 1899, entitled an act to establish a municipal court in the town of Newport.

An act to incorporate the York Harbor Village Corporation.

An act relating to the duties and compensation of the reporter of decisions in the supreme judicial court.

An act to amend Section 4 of Chapter 132 of the Revised Statutes, relating to criminal jurisdiction of magistrates.

An act to amend Chapter 66 of the Public Laws of 1899, relating to the jurisdiction of municipal and police courts.

An act relating to and amendatory of Chapter 276 of the Private and Special Laws of 1899, entitled an act to incorporate the Crystal Ice Company.

An act relating to actions for libel.

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

An act to supply the town of Lubec with pure water.

An act to amend Section 5 of Chapter 100 of the Public Laws of 1891, relating to camp fires.

Bill, an act to authorize East Machias to aid in a general hospital.

An act relating to the taxation of costs in municipal and police courts.

An act in relation to political caucuses in towns.

An act to amend Section 4, Chapter 202, of the Private Laws of 1899, entitled an act for the better protection of sheep in the town of Perry.

An act to incorporate the Bethel Sewer Company.

An act to define the duties of harbor masters in towns and plantations and for the regulation of harbors and anchorages.

An act to amend Chapter 81 of the Public Laws of 1895, relating to certain property ordained for pious uses, the legal custodian of which is unknown.

On motion by Mr. Staples of Knox, Senate amendment A was adopted.

An act authorizing the inhabitants of Orono to supply the town of Orono with pure water.

An act to provide for an assistant clerk for the board of railroad commissioners.

An act authorizing the construction of a wharf into the tide waters of Casco bay in Phippsburg, county of Sagadahoc.

An act to incorporate the Skowhegan Trust Company.

An act to incorporate the Calais Trust Company.

An act to incorporate the Knox Trust and Banking Company.

An act to incorporate the South Portland Trust and Banking Company.

An act to incorporate the Waldo Trust Company.

An act to incorporate the Hallowell Trust Company.

An act to amend Chapter 213 of the Private and Special Laws of 1895, authorizing Simeon G. Davis, his associates and assigns to construct and maintain a wharf and boat house in Lake Maranacook in the town of Winthrop.

An act to amend Section 11 of Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899.

An act additional to and amendatory of Chapter 230 of the Private and Special Laws of 1891, relating to ice fishing in Boyd lake in the country of Piscataquis.

An act allowing the propagation of beaver by Henry McKenney in the waters of Enchanted stream in Somerset county.

An act preventing the taking of fish from Ross and Conroy lakes in Littleton and Monticello, in the county of Aroostook.

An act relating to the duties of the board of State assessors.

An act to fix the compensation of the county commissioners of the county of Androscoggin.

Senate document No. —, an act to prevent the shooting of human beings by persons in pursuit of game and game birds.

An act to incorporate the Bonny Eagle Power Company of Standish, Me.

On motion by Mr. Titcomb of York, Senate amendments A and B were severally adopted. The bill as amended was passed to be engrossed.

An act in relation to political caucuses in the city of Bangor.

On motion of Mr. Adams of Penobscot, Senate amendment A was adopted. The bill as amended was passed to be engrossed.

An act to incorporate the Prout's Neck Water Company.

On motion of Mr. Weeks of Somerset, Senate amendments A, B and C were severally adopted. The bill as amended was then passed to be engrossed.

#### **PASSED TO BE ENACTED.**

An act in relation to the salaries of the justices of the supreme judicial court.

An act to amend Chapter 96 of the Public Laws of 1895, relating to collateral inheritance tax.

An act to amend Section 43 of Chapter 285 of the Public Laws of 1897, relating to sea and shore fisheries.

An act relating to the Standish Water and Construction Company.

An act to extend the charter of the Waldoboro Water and Electric Light and Power Company.

On motion of Mr. Weeks of Somerset, bill, an act to increase the compensation of the sheriff of the county of Lincoln, was taken from the table. That senator then offered the following amendment: "Provided, however, that said salary shall be in full compensation for all services as sheriff excepting fees for attending courts and for service of precepts in civil actions." On the further motion of the senator, the bill, pending the adoption of the amendment, was laid on the table.

On motion of Mr. Morrison of York, the bill whereby House bill 413, an act to incorporate the Bonney Eagle Power Company was passed to be engrossed, was reconsidered. On further motion by the same senator, the bill was laid on the table.

On motion of Mr. Adams of Penobscot, the Senate adjourned.

#### **Afternoon Session.**

Senate called to order by the President.

#### **READ AND ASSIGNED.**

Resolve in favor of appropriation for repairs of the Normal School building at Gorham.



An act providing for State roads and for the improvement thereof.

An act to regulate membership and rights of membership of the Penobscot Tribe of Indians.

Resolve in favor of aid to build a bridge across the Kennebec river between the towns of Bingham and Concord. This came from the House referred to the next Legislature. The Senate concurred.

An act amendatory of Chapter 18 of the Revised Statutes, and all subsequent acts relating to the repair of highways. Came from the House, reported ought to pass, read and accepted; and indefinitely postponed. The Senate concurred in the indefinite postponement of the bill.

Resolve in favor of the Maine Eye and Ear Infirmary. This came from the House accompanied by two reports. Majority report, ought not to pass, minority report ought to pass.

On motion by Mr. Burns of Cumberland, the resolve with the reports were laid on the table and on motion by Mr. Burleigh of Aroostook, same were ordered to be printed. Specially assigned for tomorrow.

A communication was received from the commissioner of sea and shore fisheries, transmitting report of special commissions appointed by the Governor to compile the sea and shore fisheries law of the State of Maine with accompanying proposed bills, first, an act to repeal certain private and special laws relating to sea and shore fisheries; second, an act consolidating and simplifying the laws relating to sea and shore fisheries. Under suspension of the rules and without printing the bills took their several readings and were passed to be engrossed.

Resolve in favor of William J. Matthews.

This resolve was indefinitely postponed.

On motion of Mr. Morrison of York, the act to incorporate the Bonney Eagle Power Company was taken from the table and on motion of Mr. Titcomb of York, the vote was reconsidered whereby amendment B was adopted.

The bill, together with amendment A as adopted, was then read twice and passed to be engrossed.

On motion by Mr. Weeks of Somerset, bill, an act relating to junk and second hand stores, was taken from the table and on further motion of that senator the bill was indefinitely postponed.

On motion by Mr. Fernald of Androscoggin, bill, an act relative to the taxation of vessel property was taken from the table.

Mr. FERNALD: This bill is one of the most important before this Legislature. It created great interest among vessel property owners and they appeared before the committee in large numbers as opposed to any change in the present system. The committee, with the exception of Senator McFadden, were unanimous in the report that the bill ought not to pass. I move that the majority report be accepted.

Mr. MCFADDEN: Mr. President, I hope the motion will not prevail. I know, Mr. President, that it is hard for one man to show that eleven or eight opposing him have been stubborn and unreasonable. It was never my luck to serve on a jury. I was drawn upon a jury in the State of Georgia once. They have there a civil and a criminal court. This was a criminal term and I was there at the empannelling of five juries, each of them upon capital cases, and in every instance the State passed to the prisoner and the prisoner very promptly filed a peremptory objection so that I did not have to stand out upon any of those occasions against 11 men, as I might have done and thought I should have done if empannelled.

In order that we may understand the subject before us, I wish to call the attention of the Senate to the provisions of Chapter 86 of the Laws of 1895, which the bill that I report in favor of seeks to repeal. The objectionable features are in the first section, which impose a tax of \$20 a ton gross tonnage for new vessels completed on or before the first day of April in each year, reduced at the rate of one dollar per ton for each additional year of age until they shall have reached the age of 17 years, after which time said vessels shall be taxed upon a value of \$3 per ton gross tonnage.

This proposition undertakes to tax vessel property without any reference to its value as compared with other property, or as compared one piece of vessel property with another. It proposes to tax the longshoreman's skow in which he carries rock weed, mill edgings or sawdust, and which does not cost \$20 a ton to build, at the same value per ton that is put upon the best constructed steel ship that is built in the city of Bath or anywhere else in the State. It proposes to put the same value of \$20 per ton upon the mil-

lionaire's yacht which may cost \$500 per ton; and that right in the face of the constitutional provisions contained in Section 8, Article 9, of the constitution of Maine. And what is the defense for this outrageous order to the assessors of the municipalities of this State? It is that vessel property is not productive. If that was true today it would be no excuse for violating the constitution of the State, but it is not true. There is no property in the State, if we except possibly the wild lands, that is paying a better per cent. upon the investment than vessel property; and in evidence of that I point you to the ship yards of the coast and ask you when did you see them more full of contracts or busier and with more work in prospect than they have today? There is being settled in one of the probate courts of this State an estate of almost two millions of dollars which has been acquired in building and sailing vessels. The American Ice Company, that model of unselfishness, owns a vast amount of carrying tonnage—barges, schooners, tug-boats and almost every class of vessel property; and those are the classes that this law, Chapter 86 of the Laws of 1895, favors.

Now at the hearing upon this question who came here, the poor or the rich? The poor people of this State who are wronged by this law and who had complained to me privately and asked me to use my best endeavors to have it repealed, did not come here. They cannot afford to. Their taxes take all their surplus earnings. They have to trust to the sense of justice, reason and fairness of this Legislature and they depended on an honest and upright verdict.

The plea to retain this upon the statute books is the old plea that "you will kill the bird that lays the golden egg." Now I have heard so much of that this winter that, if you will pardon me, I will say something in a general way of that fowl. The first notice we have of her is by one Aesop and he relates that a neighbor of his had a hen—that is the way it is recorded—that is the way it came down to us; and it means goose, and you will be convinced that I am right about this before I get through. He relates that the woman thought the goose contained a mass of gold within her and so killed her and found nothing—and he stopped right there. He does not relate the fact which undoubtedly was such, that the woman run out of pin money and that her conduct became the unfavorable subject of comment among her neighbors and she went into a decline and followed her victim to the tomb. Now, sir, it occur to me that if that woman had lived in modern times she would not have committed a blunder. If she lived today and was acquainted with the recent history of Washington county, she would simply have furnished that goose with an abundant amount of sea water and encouraged her in her industry instead of killing her. (Laughter.) And if you want any further light upon this I respectfully refer you to the honorable senators of that county.

Now, sir, having established, I think, the fact that it was a goose and not a hen, I have something to say about the characteristics of that family of birds. I was an extreme alarmist when I was a small boy—three or four years old. The family that I then had under guardianship and in my employ kept a flock of geese; and I used to go out on pleasant days and try to get on pleasant relations with those geese, but I never could—they would commence cackling before I got anywhere near them and would stick out their heads and hiss at me so that I was generally scared away and finally gave up all effort at cultivating amicable relations with them.

A little later I stumbled upon a story in Roman history and, as I do not suppose any other senators ever read the same story, I will briefly relate it. The period to which my story alludes is some 400 years before the beginning of the Christian era. At that time Rome was not an imperial city. It was quite a town, to be sure—it had existed some 300 years; but in evidence that it was not imperial I can say that there were three toll bridges across the Tiber and the Roman people had not at that time conceived the imperial idea of compelling the surrounding tribes to assist them in transforming those bridges into free bridges. They did this later, you know—that is to say, they became imperial—sat on seven hills and ruled the world and did many other things that they ought not to have done. Well, about that time the Gauls and wicked people that lived up in the northwest swept down upon Rome and drove the Roman garrisons from their outer defenses and compelled them to take refuge in the citadel which was situated on the Capitoline hill and in close proximity to it were the temples of Jupiter, Juno and Minerva.

Now the Gauls having driven the Romans into their citadels, the soldiers looted the city and burned it and, then laid siege to the city. I cannot say how long the siege had continued. I shall not draw my imagination for anything, but one night when the Roman garrison were all sleeping the Gauls made an assault. I will say that in the temple of Juno there was a flock of geese—how they happened to be there is not very material to my argument, but I will say that there are two explanations of this, one being that the bird was sacred to Juno and that a flock was always kept in her temple, and the other is that when the garrison of Roman soldiers had all retreated from their outer works into the citadel they gathered up all the geese they could find and took them along with them and turned the sacred temple of the queen of Heaven into a commiseriat. As to which of these is the correct explanation I refer you to the honorable senator from Aroostook and the honorable senators from Oxford and the honorable senator from Piscataquis. They have been there and know how it is themselves, and can give you expert testimony.

Well, upon the night in question the Gauls succeeded in getting a foothold on the top of the Capitoline hill—some hundreds of them; and the first one that put his foot on the top of that hill waked up those geese and they set up such an awful cackling that they aroused the garrison who, not knowing that the Gauls were already up the heights, without stopping for their shirts, rushed out, and when they saw those Gauls they grabbed them with one hand by the blouse collar and the reinforced seat of their pants and, raising them above their heads, carried them to the highest pinnacle of the Tarpeian rock and hurled them down that frightful precipice to certain and ignominious death.

Well, sir, the Gauls below suddenly became conscious that something had happened and desisted; and when in the morning they saw the mangled remains of their comrades who had led the attack lying in a gory mass at the foot of that Tarpeian rock their gall subsided. (Laughter). They struck their tents and they struck a B line for the Alps and they did not stop until they got beyond them. The garrison watched them until they were out of sight and then almost overcome with gratitude they repaired to Juno's temple to express their gratitude to the geese. They fondled them and caressed them and sent out and got pollywogs and other delicacies and treated them in every way to show the appreciation of the wonderful deliverance which had been wrought by their watchfulness.

Now, sir, ever since that memorable night the whole American family have cultivated the qualities of watchfulness and alarmfulness; and the tax committee realize that. They know it. They have been before us this winter upon every subject and they have always claimed to be the goose that laid the golden egg, and they were always terribly alarmed. They told us in almost every instance that they were bearing all the burden they possibly could bear and that one more feather would break their backs and press their breast bones into the earth. We have been influenced, I have no doubt, a great deal too much by these alarmist representations.

Senator McFadden discussed at great length the unconstitutionality of the present bill.

Mr. Staples of Knox also spoke in support of the minority report.

On motion by Mr. Fernald of Androscoggin the majority report ought not to pass was accepted by the Senate by a vote of 13 in favor to 7 opposed.

On motion by Mr. Buck of Hancock, the two bills relative to the fish and game laws referred to in this report were taken from the table, and on his further motion received their two several readings and were passed to be engrossed.

On motion by Mr. Plummer of Penobscot, bill, an act relating to the duties of State superintendent of schools was taken from the table and on his further motion took its two several readings and was passed to be engrossed.

On motion by Mr. Wilson of Washington, resolve in favor of permanent cataloguer for the State library was taken from the table and referred to the next Legislature.

On motion by Mr. Weeks of Somerset, bill, an act relating to the issue of stocks and bonds by quasi corporations was taken from the table.

Mr. WEEKS of Somerset: I move that the report of the committee be accepted.

Mr. NOBLE of Franklin: Mr. President. In these days when Trust are being denounced by all political parties alike, when the universal war-cry seems to be: "Trusts must be destroyed," it would seem an act of wisdom to investigate for a little this awful enemy which has been so often portrayed as an "octopus" reaching out its grasping and loathsome arms in all directions. It is not enough for political parties and legislatures to cry "Thief." They should rather proceed to bolt and lock the doors through which the so-called trusts are permitted to enter and rob the people.

I am well aware that the question of trusts is a profound one, and it is not my purpose to discuss it at length. Study it as we may, from whatever corrective theories we may, persuade ourselves that the whole system of trusts, or more properly great corporations, is all wrong, in the midst of our logic and reasoning someone points out with no less of logic and reason the material benefits derived from wise and economic combinations of brain and capital.

Strictly speaking, real trusts are a thing of the past. Their life was short. They were an aggregation of various properties, concentrated under one management. These properties were not bought, sold or transferred, but merely held in trust and managed for the benefit of the several owners. Hence the name "Trust." But their methods did not meet the approval of the courts were clearly repugnant to the principles of the common law, and they were repeatedly adjudged as contrary to public policy. So they decided to change their name if not their nature. They proceeded to legalize their existence by organizing into corporations, and are today, not trusts but great corporations.

Now these corporations are to a great extent essentially necessary to our prosperity. We are a nation of producers. We are able to produce each year twice what we can consume. We must, therefore, find markets for this over-production in order to keep labor employed and our people busy and contented. In order to compete with foreign cheap labor every economy of production must be employed. It is beyond question that, by saving the wastes of competition, the one great combined corporation can produce more cheaply and be more certain of securing foreign markets than can 50 individuals with the same aggregate capital.

This is illustrated by the Standard Oil Co. I speak of this, not that I endorse the methods of this company. Its methods are severely, and I doubt not justly, criticized. But we all know it has reduced the price of oil; it has improved the standard of its product; and is adding \$60,000,000 annually to the amount of our exports.

Shall we then join in the popular clamor for the destruction of trusts? The man who, without study and investigation, clamors for the utter annihilation of all the great corporations is demanding a penalty for over-capitalization, mismanagement and monopoly, that would be more disastrous to the public than the existence of all the trusts with all their present liberties. Better by far to clip their wings that they may not fly beyond the reach of the people. Better by far to regulate than to destroy.

But how can we regulate? What evil, incident to corporations, shall we first attack?

All honest combinations of capital, however large, for a legitimate profit, incidentally cheapening the cost of the product to the public, are clearly beneficial. No injury can result from such combinations. The injury comes when the promoters of such combinations issue a large amount of watered stock to which the public must pay tribute—stock representing no value, being in effect a creation of new capital at the expense of the public, and calling for

its proportionate share of profits derived from the enterprise.

Not only is this proposition true of our great industrial corporations throughout the country, but is especially true of the quasi public corporations, such as railroads, water and light companies. In the State of Maine there are, today, millions of dollars of such capital—capital created by mere fiction of law—capital that has become a mortgage upon the business industries of our State at the expense of the public, benefiting the few who have taken advantage of the laxity of our State law relating to the issue of stocks by these corporations. When such a corporation is created and authorized to issue more stock than the amount of capital actually invested in the enterprise, an extra and unnecessary burden is placed upon the public which must be borne as long as such capital stock exists. To illustrate this proposition: Take any water company in the State. If the system has been built by a private corporation upon an issue of bonds with an equal amount of stock, largely given to promoters, the patrons of the company must pay not only the interest on the bonds—an interest on the capital actually invested—but are asked to pay additional interest on all such stock.

Moreover, whenever any question arises as to the service received by the public, or the prices charged for that service, the full amount of such bogus stock is taken into consideration, and it is assumed that the income must yield a fair return upon all such stock before any concessions are granted to the public.

Another imposition upon the public made possible and permitted by our present laws. A railroad corporation finds that its earnings are increasing, that dividends declared upon such an amount of earnings would in time bring about a public demand for a reduction in its rates charged for public service. Stock is at once issued, under various pretences, which, though not a dollar goes into the treasury of the company by the sale of this additional stock, serves the purpose intended, viz: To reduce the percentage

of profit in the eyes of the public. This is not a theory, a mere possibility, it is a startling fact, an assertion, the truth of which may be easily proven.

Again we can see from the commissioners' report that the street railroads of the State are capitalized at various amounts, from about \$10,000 to \$50,000 per mile. Now it is a recognized fact that \$10,000 or \$12,000 per mile is the average approximate cost of this class of railroads. The difference then between this amount—the actual cost of the enterprise—and the amount at which it is capitalized, represents that which goes into the pockets of the promoters. It is the great sum that is given away as a bonus to those who push such enterprises along; the great sum to which the public must pay perpetual tribute. But it is claimed by these same promoters when obliged to admit the truth of this last statement that it is no imposition upon the public—that a 5-cent fare is as small as the people demand; that it is nobody's business how great the over-capitalization, as long as the 5-cent rate is not increased. This is in fact a demurrer on their part, a confession of the facts by a simple "What of it?" If a 5-cent fare is sufficient to pay a reasonable interest upon the stock and bonds of such roads capitalized at \$50,000 per mile, what fare would be required to pay interest upon \$10,000 per mile, the actual cost of such road? "The poor we have always with us." There are many who would purchase six tickets for 10 cents who cannot now afford to patronize these roads, even at the 5-cent fare.

How does this over-capitalization effect taxation—the revenues accruing to the State in the way of taxes? As often as the question of increasing the tax on these same railroads has come up for consideration by their attorneys they have come before the legislative committee pleading poverty and their inability to pay any greater tax to the State. But I submit that the vast amount of watered stock upon which they pay dividends is the chief reason for this inability to pay more liberal taxes. So it appears to me a logical fact that by allowing this excessive capitalization our statutes permit these

corporations to put themselves into such condition as to avoid their just burden of taxation as well as their duty to give the public the lowest rates of service consistent with a fair income. In other words, a part of the earnings that is constantly going into the pockets of promoters should be going into the treasury of the State in taxes.

Such enterprises are often pushed through by these promoters when there is not sufficient public demand and necessity for the same, to the damage of individuals and even municipalities. There are many towns in the State, within my personal knowledge which will for years to come suffer under the burden of excessive taxation from having voted credit to these premature and too much promoted enterprises.

It is claimed that the rates of all such corporations should be regulated by competition. But competition always and always has been an expensive method. If there exist two corporations where one could as well serve the public, the public must ultimately pay the cost of supporting the two when only one is needed. Many of these corporations are in their very monopolies. It is best that, to a certain extent, they remain so. The only true policy of the State, it seems to me, would be to allow corporations of this nature to be created only when the public actually needs them, and whenever their rates of service exceed a reasonable income on the capital invested, compel them through the Legislature or the court to reduce their rates. To emphasize this proposition, no permanent relief from these burdens can result from competition as the wastes and costs of competition must in the end be borne by the public itself. Relief, however, will come when we limit the number of corporations and consequently the amount of capital invested, and then restrict them to a reasonable income thereon. In other words, regulate by legislation rather than by competition. In this way only can the public receive the best service at the lowest rates.

The gentlemen who object to a measure like the one under discussion profess great solicitude for the welfare of

our State. They claim to believe that such a law would stifle and retard enterprise, would prevent the growth of present industries and the birth of new ones. This point might have been well taken a quarter of a century ago, when quasi-public corporations in this State were to quite an extent experimental. But conditions have changed. Such corporations are no longer an experiment, but have demonstrated their ability to earn liberal dividends, in many instances even upon highly diluted issues of stocks and bonds. It would hardly seem necessary, therefore, to hoodwink the public any longer, a privilege extended by our present law. Rates of interest, too, have been materially reduced and investment paper pays so small an income that beyond question there is extant an unlimited amount of capital for every honest enterprise promising a fair return for the money actually invested.

The necessity then of this excessive watering of stocks and bonds—if there ever was such a necessity—no longer exists. Why, then, should our statutes permit excessive over-capitalization to the temptation of the avaricious and unscrupulous? Better by far to stifle now and then an enterprise of such a nature than that the people for years to come should pay tribute to fraud and extortion. If any such inducements are to be actually allowed and are needed, it would be far better for the public if a limit were established and a definite bonus were provided and set apart by statute for promoters, than that they should secure the lion's share as is too often the case under the present law.

Quasi-public corporations are created by the people. They perform a public service, a service that the State might properly perform for itself. Where then can we find any reason or excuse for misleading the public in the issuing of stocks and bonds, an act that would be a lasting disgrace if done by the State itself?

These corporations should never be permitted to do what the State itself could not do with propriety. They are under obligations to the people for their existence and support, and the

people are certainly entitled to efficient service at the lowest rates consistent with a fair profit. Are they getting those rates? They do not know nor is there any way of finding out under the present law.

It is an astonishing fact that one-fifth of the wealth of this country is invested in railroad securities. In this State during the past year the holdings of this class of investments by our savings banks alone, have increased by more than \$6,000,000. More than ever before, then, does the safety of such investments become a matter of vital importance to the 185,000 people of our State, who have funds in our savings banks, more than ever before does it erect the State itself which looks to these same savings banks for \$450,000 of its annual revenue. The very law that permits quasi public corporations to place their stock and bonds on the market should reveal to the would-be purchaser of the same the actual value thereby represented.

We have long recognized the wisdom of the law providing for the examination and publicity of the affairs of banks and insurance companies. It was not the purpose of this bill to turn the search light of publicity upon the affairs of quasi public corporations, only so far as relates to future transactions. It is not surprising that they object to an expose of their past record. If the rule publicity should be applied, the people of the State would hold up their hands in holy horror at the amount of mortgage they have permitted upon their own resources by the over-capitalization of these corporations.

Enact this measure into law and it will provide for that degree of publicity which will afford the people future protection and will make impossible the greatest evil incident to trust and monopolies. It is time, even in the State of Maine, that investors should know something of the actual assets of the corporations whose stocks and bonds are offered in the markets. It is time that the people who pay tribute to these corporations should know how great that tribute must be in order to return a fair profit on the

capital invested. It is time that legislatures should better understand the real conditions of these corporations that they may place thereon their just and equitable portion of taxation.

It may be urged that the people are not asking for such a law—that there are no demands or petitions for such protection. I answer that it hasn't been generally discussed and the people know but little about its provisions. I feel, however, that there is a demand for legislation of this nature, that there is a very strong sentiment in favor of just such restriction upon our great corporations as this bill provides. Very few with whom I have spoken concerning it have denied but that it was just and right, and that some time it should be enacted into law. I am pleased to say, too, that many of the strongest and best men, all over the State, have given the principle and the substance of the measure their hearty approval.

There is another reason, too, why such a law should at once be put upon our statutes. For the past year or two, the platform of every political party in the State or the nation has emphatically declared against the evils of trusts and monopolies. Here, then, is an evil—and the greatest evil incident to these great corporations—that may be corrected. It is a growing evil, growing in frequency, growing in amount, growing in the abhorrence with which it is regarded by the public. Will the Legislature of Maine stand by the principles of those platforms and declare, by the passage of a corrective measure like this, that those platforms were not myths—were not illusions—were not symbols of flagrant hypocrisy?

Mr. President, I fully appreciate the difficulty of getting legislation of this nature past the watchful attorneys of the corporations. Already a bill is well on its way, making even more liberal our corporation laws. Some day, however, as suggested yesterday, by the senator from Somerset, some day, the people will awake from their lethargy, will demand and will receive justice, even at the hands of a Maine Legislature.

Mr. Staples of Knox also spoke in favor of the acceptance of the report.

Mr. White of Androscoggin said that he desired to make a personal explanation inasmuch as he did not find himself in harmony with the committee before which the matter was considered, but instead of filing a minority report he had reserved to himself the right if he saw fit to explain his position.

Mr. Burleigh of Aroostook stated that if the proposed bill had been in force at the time the construction of the Bangor & Aroostook Railroad was commenced, that the road never would have been built.

Mr. Virgin of Cumberland endorsed the senator from Aroostook and spoke at length against the report.

The question being put upon the acceptance of the report of the committee that the bill ought not to pass, the motion prevailed and the report of the committee was accepted.

Resolve in favor of Eastern Maine Insane Hospital was discussed at considerable length. Senator McFadden speaking against the resolve and Senators Vickery of Kennebec and Feltice of Oxford in its favor.

The motion of Senator McFadden that the resolve be indefinitely postponed was lost and the bill took its second reading and was passed to be engrossed.

An act in relations to corporations and to provide for a revenue therefrom took its second reading under suspension of the rules and was passed to be engrossed.

#### FINALLY PASSED.

Resolve in favor of repairing road between Patten and Grand Lake.

Resolve in favor of road in Perkins plantation.

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

Resolve in favor of Perkins plantation.

#### PASSED TO BE ENACTED.

An act to incorporate the Long Pond Improvement Company.

An act to amend Section 145 of Chapter 82 of the Revised Statutes as amended by Chapter 174 of the Public Laws of 1893, entitled an act relating to exceptions and stenographers.

An act to amend Section 3 of the Public Laws of 1895, relating to the incorporation and control of telegraph companies. On motion of Mr. Virgin of Cumberland this bill took its several readings at the present time and was passed to be engrossed.

On motion by Mr. Burns of Cumberland, resolve in favor of Allegash road was referred to the next Legislature in concurrence.

#### PASSED TO BE ENGROSSED.

An act to amend Section 1 of Chapter 102 of the Public Laws of 1895, relative to the incorporation and control of gas and electric companies.

## HOUSE.

Wednesday, March 20.

An act authorizing Melville E. Ladd and Robert Oran to construct a weir between Muscongus island and Indian island.

An act relating to taxation of certain deposits in savings banks and trust companies. On motion by Mr. Staples of Knox, Senate concurred with the House in accepting the report ought not to pass.

Report of the committee on temperance on order relating to abolishing the office of State liquor commissioner was taken from the table, and on motion of Mr. McFadden of Lincoln was referred to the next Legislature.

An act to abolish the board of county commissioners. This bill was indefinitely postponed.

An act to amend Chapter 137 of the Public Laws of 1887 as amended by Chapter 313 of the Public Laws of 1893, as further amended by Chapter 330 of the Public Laws of 1897, relating to service of subpoenas issued by disclosure commissioners, took its second reading and was passed to be engrossed.

An act to incorporate the Greenville Water Company.

An act to amend Chapter 296 of the Public Laws of 1885, relating to evidence of witnesses at coroners' inquests.

An act to enable Henry L. Stickney and Charles R. Goodrich to build a bridge in Sebago lake between Indian island and the mainland.

An act to amend section 2 of Chapter 27 of the Revised Statutes, relating to the construction of public drains and sewers.

An act to repeal Section 62 of Chapter 27 of the Revised Statutes, as amended by Chapter 7 and Chapter 366 of the Public Laws of 1885, relating to State constables.

An act to secure the preservation of testimony in trials for murder.

An act in relation to political caucuses in the city of Lewiston. On motion by Mr. Little of Androscoggin, laid on the table pending its passage to be engrossed.

The following joint standing committee, submitted their final reports: Education, banks and banking, sea and shore fisheries, libraries, Maine State Year Book, legal affairs.

On motion of Mr. McFadden of Lincoln the Senate adjourned.

Prayer by the Rev. Mr. Lewis of Gardiner.

Papers from the Senate disposed of in concurrence.

Resolve in favor of clerk and stenographer to the judiciary committee, comes from the Senate passed to be engrossed under suspension of the rules. In the House the rules were suspended, the resolve was read twice and passed to be engrossed in concurrence.

The committee of conference to which was referred bill, relating to poll taxes, reported that they were unable to agree.

On motion of Mr. Plummer, the report was laid on the table, pending its acceptance.

An act to extend the charter of the Dexter Safe Deposit and Trust Company, comes from the Senate read twice and passed to be engrossed under a suspension of the rules. In the House the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.

An act to fix the terms of the supreme judicial court in the counties of Franklin, Knox, Sagadahoc, Somerset and York, comes from the Senate amended by Senate amendment A.

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

Mr. Sanborn of Webster, presented petition of W. A. Alexander and others of Androscoggin county in the town of Wales, in favor of increasing taxation on foreign corporations and wild lands. (Placed on file.)

The committee on financial affairs presented minority and majority reports in regard to bill relating to the Maine Eye and Ear Infirmary.

Mr. Carleton of Winthrop, moved that the minority report be substituted for that of the majority, and pending the vote, that the matter be laid on the table and assigned for this afternoon.