

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

SENATE.

Tuesday, March 26, 1907.

Senate called to order by the President.

Prayer by Rev. Fr. Hamel of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

The following House bills which came up on first reading, on motion, under suspension of the rules, took their second reading and were passed to be engrossed.

An Act to incorporate the Calais Water District.

An Act to establish a municipal court in the town of Madison.

Resolve in favor of C. Bradstreet, clerk to the Committee on Banks and Banking.

Chase in favor of James A. Chase, mail carrier of the House.

Resolve in favor of W. G. Fuller.

Resolve in favor of F. H. Parkhurst, chairman of the Committee on State School for Boys.

Resolve in favor of W. S. Knowlton to pay expenses of investigation of office of State Superintendent of Schools.

Resolve in favor of L. S. Lippincott.

Resolve in favor of M. H. Hodgdon, clerk and stenographer to the Committee on Inland Fisheries and Game.

Resolve in favor of J. W. Gordon.

Resolve in favor of the messenger to the Committee on Railroads and Expresses.

Resolve in favor of the town of Gray.

An Act to amend Chapter 213 of the Private and Special Laws of 1903 as amended by Chapter 355 of the Private and Special Laws of 1905, authorizing the county commissioners of Cumberland county to erect a county building in Portland.

Papers in matter of disagreeing action of the two branches on reports A and B from the Committee on Public Buildings and Grounds on expediency of changing the location of the seat of government came from the House, that branch refusing to join the committee of conference and voting to adhere. On

motion of Mr. Parkhurst of Penobscot the Senate voted to adhere.

The address to the Governor in the matter of removal of Harry J. Chapman, judge of the municipal court in the city of Bangor, Maine, came up for consideration.

Mr. Parkhurst of Penobscot moved that the Senate proceed to consider the address by sections. The motion prevailed.

The sections of the said address were then severally read by the clerk and the Senate voted thereon as follows:

First. Because the said Harry J. Chapman, as judge of said municipal court of the city of Bangor, has willfully and grossly refused to convict persons charged in said court with the violation of the statutes prohibiting the sale of intoxicating liquors, in cases where the evidence against them was uncontradicted and was so strong and convincing that no person having the requisite qualifications for judge of said court have any reasonable doubt as to their guilt.

On motion of Mr. Parkhurst of Penobscot the Senate voted that section one be rejected.

Second. Because said Harry J. Chapman, as judge of said municipal court of the city of Bangor, has arraigned quitted persons charged with the illegal sale and keeping for sale of intoxicating liquors without having the respondents present in court at any time during the trial.

On motion by Mr. Parkhurst of Penobscot the Senate voted that section two be rejected.

Third. Because said Harry J. Chapman, as judge of said municipal court of the city of Bangor, has arranged outside of the dock exclusively, and usually in his office, persons charged with the violation of the statutes prohibiting the sale and keeping for sale of intoxicating liquors, while requiring drunkards and other persons charged with crime to be arraigned in the dock, thus discriminating in favor of persons charged with a violation of our prohibitory laws.

On motion of Mr. Parkhurst of Penobscot the Senate voted that section three be rejected.

Fourth. Because said Harry J. Chapman, as judge of said municipal court of the city of Bangor, has wilfully and corruptly held in his office for a long time warrants made and signed by him upon complaints for violation of the statutes prohibiting the advertising for sale of intoxicating liquors, in one case holding such warrant three months and three days.

On motion by the same Senator the Senate voted that section four be rejected.

Fifth. Because said Harry J. Chapman, as judge of said municipal court of the city of Bangor, has wilfully and corruptly refused to issue warrants against advertisers of the sale or keeping for sale of intoxicating liquors, and has stated as his reason for refusing to issue warrants in such cases that it costs the county about five dollars on each complaint.

On motion by the same Senator the Senate voted that section five be rejected.

Sixth. Because said Harry J. Chapman is, and for a long time has been, a stockholder, director and president of the Madine Cigar Company, a corporation engaged in the manufacture and sale of cigars in said Bangor, and many liquor dealers in said Bangor purchase cigars of said Madine Cigar Company for retail trade in their saloons, and said Harry J. Chapman has used, and does use, his judicial position and power as judge of said municipal court to promote the business of said Madine Cigar Company by wilfully and corruptly discriminating in his judgments and decisions in favor of liquor sellers, who are customers of said Madine Cigar Company, and against those who are not, thus clearly indicating to all liquor sellers in Bangor that it is for their interest to purchase their cigars of the Madine Cigar Company.

The same Senator moved that section six be rejected, and on this section the yeas and nays were called for and ordered. The vote being had resulted as follows: Those voting yea were Messrs. Barrows, Brown, Deasy, Hastings, Heselton, Houston, Mills, Page, Parkhurst, Philoon, Putnam, Rice, Simpson, Staples, Stearns, Tartre (16). Those voting nay were Messrs. Bailey,

Curtis, Eaton, Foss, Garcelon, Irving, Libby, Merrill, Proctor, Wyman (10). So the motion prevailed and this section was rejected.

Seventh. Because said Harry J. Chapman, as judge of said municipal court, has, without any authority of law, wilfully and corruptly reversed his judgments after sentence of liquor sellers to jail, and after an appeal has been regularly entered by them and allowed, and has accepted fines from such appellants in settlement of their cases, and has neglected and refused to enter such appeals in the supreme court, as required by law.

On motion of Mr. Parkhurst of Penobscot the Senate voted that Section 7 be rejected.

Eighth. Because the acts and proceedings of said Harry J. Chapman, as aforesaid, in administering his office as judge of said municipal court of the city of Bangor, encourage and protect violators of the laws against the sale and keeping for sale of intoxicating liquors in the city of Bangor, and nullify the proper and just operation of our prohibitory laws in said city of Bangor, and have a tendency to bring judicial proceedings into contempt, and excite disrespect for our courts and laws.

On motion by the same senator the Senate voted that Section 8 be rejected.

On motion by the same senator the Senate voted that the address as whole be rejected.

The following resolves were presented and referred to the committee on Appropriations and Financial Affairs:

By Mr. Eaton of Washington: Resolve in favor of clerk in the office of commissioner of Highways.

By Mr. Putnam of Aroostook: Resolve in favor of State House employees.

By Mr. Bailey of Somerset: Resolve in favor of stenographers to the recording officers of the Senate and House.

By Mr. Parkhurst of Penobscot: Resolve providing for the payment of witnesses, officers, and other expenses of the Chapman Trial.

Mr. Parkhurst of Penobscot: Mr. President: Some days ago there was passed a resolve making an appropriation for the Penobscot tribe of Indians. Under that Resolve there is disbursed to them the sum which is received by the State for rentals of the shores and their islands. Through a clerical error the sum, which is different in different years, was stated at \$3,434. The State Treasurer has advised the members of the committee that the correct sum to be returned is \$3,332 and the States intention is to disburse the exact sum received for shore rentals. I ask unanimous consent to introduce out of order, a resolve which has for its purpose the correction of this clerical error.

Thereupon on motion by the same senator "Resolve in amendment of a resolve entitled a resolve making an appropriation for the Penobscot Tribe of Indians, passed by the present Legislature" took its two several readings, under suspension of the rules, and was passed to be engrossed.

Passed to Be Enacted,

An Act to provide for the pay and care of the members of the National Guard for disability while in the service.

An Act to establish a Board of Education in the city of Augusta and to provide for a uniform system of schools therein.

An Act to prohibit the issuance and acceptance of free transportation by State officials over steam and other railways.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes, relating to the taking of smelts.

An Act to extend the close time on muskrats.

An Act relating to attendance of witnesses at court.

An Act relating to locations of street railroads.

An Act to incorporate the Goodwin Trust Company.

An Act to regulate the sale and analysis of food and drugs.

An Act to incorporate the Municipal Light and Power Company.

An Act for the protection of female deer in Cumberland county.

An Act to protect milk dealers and consumers against the unlawful use and destruction of milk cans and other receptacles.

An Act relating to proceedings to determine the title to goods in the possession of common carriers.

An Act to extend the close season on landlocked salmon and trout in Sebago lake in Cumberland county.

An Act to regulate fishing in Belgrade stream, so-called, in the county of Kennebec.

An Act to amend Sections 47 and 48 of Chapter 106 of the Revised Statutes, relating to proceedings to quiet title to real estate.

An Act additional to Chapter 54 of the Special Laws for the State of Maine for 1895, creating the Rumford Falls Village Corporation.

An Act to prohibit fishing in the brooks and streams flowing into George's river between the outlet of Quantebacook pond in Searsmont and the dam across said George's river at North Appleton and in the tributaries to said brooks and streams.

An Act to amend Section 3 of Chapter 143 of the Revised Statutes, relating to the State School for Boys.

An Act to incorporate the Somerset Trust Company.

An Act concerning the appointment of married women as guardians.

An Act to prohibit the carrying on of the business of bucket shops, so called.

An Act additional to Chapter 48 of the Revised Statutes, relating to savings banks.

An Act to amend Section 34 of Chapter 41 of the Revised Statutes, relating to bait barrels.

An Act in addition to Chapter 97 of the Revised Statutes relating to trespass and waste on real estate.

An Act to prevent the traveling of heavy teams on the highways of Brooklin from the 15th of March to the 10th of May.

An Act to amend Section 13 and 121 of Chapter 15 of the Revised Statutes relating to the mill fund and school tax.

An Act to amend Chapter 267 of the Private and Special Laws of 1905 in relation to Alfred Light and Power Company, and to legalize its issue of bonds.

An Act to regulate fishing in Swift

river and its tributaries in the counties of Oxford and Franklin, and to prohibit the throwing of sawdust and other mill refuse into said water.

An Act to amend Chapter 52, Section 7, of the Revised Statutes, relating to fraudulent evasions of payment of fares on steam railroads, street railroads, steamboats and ferries.

An Act making valid the organization and records and confirming the title of the trustees of the Methodist Episcopal church in Old Town and authorizing their sale of certain real estate.

An Act to amend Section 30 of Chapter 32 of the Revised Statutes, as amended by Section 7 of Chapter 132 of the Public Laws of 1905, relating to licenses to deal in the skins of deer and other wild animals.

An Act to amend Chapter 73 of the Public Laws of 1905, entitled "An Act regulating the sale of bonds and other obligations on the installment plan by foreign corporations.

An Act to amend Chapter 130 of the Special Laws of 1822 as amended by Chapter 550 of the Special Laws of 1823, relating to taking fish in Dyer's river.

An Act to provide for State aid and the expenditure of other public moneys in the permanent improvement of main highways on State roads.

An Act to provide for the remuneration of deputy sheriffs.

An Act to amend Section 116, Chapter 84, Revised Statutes, relating to witnesses.

An Act to amend Section 11 of Chapter 23 of the Revised Statutes, as amended by Chapter 79 of the Laws of 1905 relating to the boundaries of ways.

An Act to amend Chapter 6 of the Revised Statutes, relating to elections.

An Act to amend Chapter 139 of the Public Laws of 1905 relating to register of deeds.

An Act to incorporate the trustees of Machiasport bridge.

An Act relating to the assessment of taxes.

An Act additional to an act providing for an additional term of the supreme judicial court for the county of Oxford, approved by the Governor, March 9, A. D., 1907.

An Act to incorporate the Waldoboro Water Company.

An Act to amend Section 44 of Chap-

ter 41 of the Revised Statutes, relating to the taking of smelts.

An Act confirming certain proceedings of the town of Eden authorizing an issue of High school building bonds.

An Act to incorporate the Kittery Water District within the limits of the town of Kittery for the purpose of supplying the inhabitants of said district, likewise the remaining portion of said town, with pure water for domestic and municipal purposes.

An Act to amend Section 12, Chapter 135, of the Revised Statutes, relating to the challenge for jurors in certain criminal cases.

An Act to incorporate the Hancock and Sullivan Bridge Company.

An Act to create the office of State auditor and to define his duties.

An Act to amend an act incorporating the city of Waterville, and relating to the tenure of office of the members of the fire department of said city.

An Act to incorporate the Livermore Falls Water District.

An Act to amend Section 2 of Chapter 62 of the Revised Statutes, relating to divorce proceedings.

An Act for the preservation and better protection of ballots.

An Act to amend Chapter 364 of the Private and Special Laws of 1905 entitled "An Act to create the Portland Bridge District and to confer additional Powers."

On motion by Mr. Merrill of Cumberland the Senate voted to reconsider the vote whereby this bill was passed to be engrossed and on further motion by the same senator amendment A was adopted and the bill as amended was passed to be engrossed.

Finally Passed.

Resolve in favor of Bridgton Academy.

Resolve in favor of the enlargement and completion of the fish culture station at Raymond, Maine.

Resolve providing for the amendment of Section 17, Chapter 60 of the Revised Statutes, relating to the use of the score card by agricultural societies.

Resolve in relation to Fort William Henry in the town of Bristol.

Resolve in favor of Edward Fahey of Lewiston.

Resolve in favor of screening Pleasant pond in the county of Somerset.

Resolve in favor of the town of Union.

Resolve providing for the repair of bridges in Macwahoc plantation.

Resolve in favor of Mrs. Hannah McCabe, mother of the late Martin T. McCabe, of Company E, Portland.

Orders of the Day.

On motion by Mr. Proctor of Cumberland House Document No. 304, resolve to provide for maintenance of University of Maine, was taken from the table.

Mr. PROCTOR of Cumberland: Mr. President, senators and friends: My attitude towards the University of Maine is purely honorable and friendly. I have no evil motives or schemes involved in this affair. My position has long been defined in relation to the A. B. course. I have thought it proper to eliminate this branch of training, and I think so now. I tabled this bill Friday last for this express purpose. My constituents desire this and I am fulfilling their wishes in my movements. Of course some of the students from my district, perhaps, do not approve of my position, but I repeat, that I am acting according to the voice of the majority of my people in this matter. One of my reasons for abolishing this degree is because it was never intended to have been adopted in this institution according to the provisions and acts under which it received its incorporation. I will read you from the Maine School Report of 1901 the proof of my statements:

"By an act of Congress, approved July 2, 1862, it was provided that there should be granted to the states, from the public lands 'thirty thousand acres for each senator and representative in Congress' from the sale of which there should be established a perpetual fund, 'the interest of which shall be inviolably appropriated by each state which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture

and the mechanic arts, in such manner as the Legislatures of the states may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.' The act forbade the use of any portion of the principal or interest of this fund for the purchase, erection or maintenance of buildings and required each state taking the benefit of the provisions of the act 'to provide within five years not less than one college' to carry out the purposes of the act.

"Maine accepted this grant in 1863, and in 1865 constituted 'a body politic and corporate by the name of the trustees of the State College of Agriculture and the Mechanic Arts.'"

Now a little further down the page I find it reads as follows: (Reads)

You see it states explicitly for what purpose the institution was founded. It was the intention to furnish a college for the industrial and mechanical classes. There was no call for establishing another college to teach the same subjects that were already embraced in these other well-established colleges doing noble and efficient work. These same three colleges, Bowdoin, Bates and Colby, are devoting their whole attention exclusively to this particular class of training, viz, the Liberal Arts. There was no demand for it in the State College. No reason why this course should have been adopted except for the single purpose of spreading out and endeavoring to cover every conceivable accomplishment in training. There is no sense in trying to cover so much territory that nothing can be done well. It is better to excel in one thing than to have a semi-excellency in many things. Now, gentlemen, the president of this university will not attempt to inform you that there is a single branch of instruction taught at his institution that is so perfect, so complete in equipment and appointment, apparatus, etc., that it cannot in anyway be further improved upon. Allow me to refer you to some facts upon this topic. In the 1905 report of the University of Maine it says:

"There is still greater need than in the past for better quarters for this de-

partment, and the same need continues for an additional teacher who shall devote his whole time to the work. It is hoped that no more than one year will elapse before the needed improvements may be assured.

"During the past 10 years the percentage of engineering students to the total number in the university, excluding the College of Law, winter course in agriculture, and summer term, has ranged between 54 and 68 per cent. During the past two years it has remained nearly constant, and is at present about 64 per cent.

The graduates from these courses generally obtain employment in some branch of their profession and as a rule are rated favorably with those from the other institutions. In order that this rating may be increased, as well as kept up to its present standard, it will soon be necessary to increase the number of instructors, and add to the equipment of these departments. At present there are certain important subjects which it is impossible to include in the schedule due to this lack of instructors and equipment. An example of this is the course in theoretical hydraulics which is required in the course in civil engineering, and should be required of all engineering students. It is impossible to give any course along the lines of testing materials and hydraulic laboratory experiments. These last are especially important, and are usually taught in the first-class engineering institution.

Under the present system of instruction the heads of the engineering departments have to carry nearly 50 per cent. more classroom work than is advisable. An engineer, in order to keep up in his profession, should have some time to devote to practice, both for his own good and the advancement of his department.

"There is in addition a strong pressure for more instructors in the College of Agriculture.

College of Technology—Look what it says under the College of Agriculture. Again reference is made under the head of "needs," the paragraph beginning Agricultural Buildings:

"Agricultural building—The univer-

sity needs, and very soon, a large and completely equipped building for instruction in agriculture. The work is now scattered in at least four buildings widely separated, and none of them are adequate. Again, an entirely modern and commodious building for agricultural work would have the direct effect of emphasizing the genuine interest of the management of the university in its agricultural college, and as thousands of people in the State believe that agriculture was originally intended to be the chief line of instruction, they would observe that agriculture was treated in no way inferior to other lines of work. In truth it is not, and also in truth was the Morrill grant intended to apply to other lines of education as well as to agriculture. But a distinctive and elegant structure for agriculture could not fail to satisfy a large part of the population of Maine as well as to afford the needed facilities for the college."

On the next page more wants under the head of "Horticulture and Physics.

"Horticulture and Physics—Previous reports have already called attention to the necessity of larger greenhouses and better arrangements for the horticultural department, and for the department of physics."

A. B. course could not be used to advantage in the technical department further mentioned on page 27 under the heading of income:

"The income of the university from the State is this year \$32,000; from the United States, \$41,000. These two sums, together with \$9915 income from endowment and the amount collected for tuition, have been the only resources to run the institution, which ought to have fully twice the present income if it is to keep everything in perfect repair and have the latest facilities for instruction. An educational institution cannot afford to be out of date. Particularly is this true of a technical institution. Our technical departments, which are the most expensive, must have the most recent apparatus for instruction, which at present we are unable to supply in adequate quantity.

"My recommendation to the board of trustees in the matter of income is that

the most active efforts be made to obtain from the next Legislature a fractional mill tax for the permanent support of the institution. If this fraction is of proper size the building needed for some years could be obtained from it, as well as running expenses."

Just let me read what is said on page 10:

"It is necessary to repeat the recommendation made in the last annual report that there be made, as soon as possible, additions to the number of teachers in several departments. The teachers in many departments are already seriously overworked, but knowing the financial condition of the institution they have cheerfully undertaken more than they ought to undertake for their own good, and above all for the good of the institution. A teacher's most efficient work cannot be done when he has too little time to prepare himself for each exercise. Although the routine work may be performed, the quality of instruction which is given by the overworked teacher cannot be for the best interests of the institution as a whole. Relief in this line cannot come too soon."

And then consider if some of the instructors couldn't be borrowed to advantage from the liberal arts and transposed to the other branches of learning. Look at what is says on page 19, that's only a teacher to a whole class of three students. Now it says a little more about the instructors on page 29:

"Other interesting figures which I offer for your consideration are as follows: You will discover that the rapid growth of the institution without a corresponding increase in income, has necessitated the employment of a larger number of cheaper instructors in proportion to the number of students than formerly."

Last Friday I alluded briefly to this class of instruction. I think this must be correct, for it is all in the president's report. The Lewiston Sun says I am a liar, and so I have mentioned where they can find my remarks to verify them if it wishes. If some one says it is an old chestnut to pick up news in a report two years old read the present report, 1906:

Agricultural Building—All that was

said in last year's report to show the need and advisability of having a new structure for the college of agriculture may be repeated here with emphasis.

Down at the bottom of the page is some more:

"No less than the whole of Wingate hall should be devoted to the departments of civil engineering and drawing.

"In addition to relief for the civil engineering and drawing departments, the floor occupied by the department of physics is already overcrowded, and there is no space for expansion."

And yet they persist in branching out in every direction, whether competently fixed for the expansion or not. Look what they have to say on this subject on page 20 of the 1906 report:

"The departments of this college are in a flourishing condition, and show a steady growth, with perhaps the exception of the Mining Engineering course, this latter being in its infancy, without adequate equipment or instruction. Many of the departments are laboring under difficulties, having congested recitation and drawing rooms and laboratories, insufficient apparatus and equipment. A majority of the instructors must carry so much work that it is impossible for them to obtain the best results.

"The beginning of the fourth year of the teaching of forestry in the university furnishes conclusive evidence of the great demand for this work. The University of Maine is the only institution furnishing undergraduate work in forestry east of Michigan, and unless we should be willing to not do thoroughly the work we have already begun it will soon be necessary to have some increased facilities and instruction in this department."

And yet they spread out again on page 21:

"During the present year there has been added one new department, the Department of Education."

And continue to further reach by what is said of their intention at the bottom of the same page:

"A present need is also felt for full departments of Geology and Botany. Not only are these departments of work essential to any liberal education, but

they are indispensable for the technical courses. We ought not to wait longer than the beginning of the fall term of 1907 for the department of Geology and Botany instruction. An independent department for each of these subjects should be established."

Now of course they must have more instructors, as they recommend, on page 25, 1906 report:

Increase in Faculty—In addition to the number of instructors demanded from time to time as the number of students increases, there should be immediately added to the faculty a professor and instructor in botany, an instructor in entomology, a curator of the museum, a professor of geology."

If they intend to continue to pick up everything of every name or nature that is to be taught under the sun. Therefore it is that I say they should curtail their ambitions and discontinue adding new fields of instruction until those already established shall be developed to that extent that it can be said that the proficiency of that branch is not excelled by any institution in the State or in any state in the union. Then if they want to extend and add new branches of study, take them up one by one as each has become perfect with the rest. It is therefore that I say let not the very subjects which are taught for the benefit of the greater number suffer by reasons of using funds which are used to teach something that might possibly be of slight benefit to a few who would be so favored if regarded and favor as to receive an inferior article at a little less price than can be obtained at three other institutions who have a reputation of dealing out goods rated at par value. Allow me to read a letter that treats on this subject. It is endorsed by a man who knows his business and I don't question its authority. Some of the papers say my letters are documents that never existed. This letter is the original and so were the others:

Senator Proctor,
Augusta, Me.

Dear Sir:—I hope you will pardon the liberty I have taken in intruding on you at this time, but I have been much interested in the splendid effort you are making against the injustice of the so-called "U. of M." bill and I feel that there is one side of the question that has not been brought out as yet.

Have you ever considered the standing of the men who receive the A. B. degrees from the University of Maine and for whom the State is asked to furnish the means to acquire the degree?

You know, of course, that Harvard Law School receives without examination all candidates who have an A. B. degree from any college of proper standing. Within a year a case came to my notice where a U. of M. student was told by Pres. Eliot of Harvard that U. of M. was not so considered and an A. B. from that institution would not exempt its holder from the examinations.

In other words, the citizens of Maine are to be required to furnish funds to enable the university to duplicate work already being done by the other colleges in the State and then the finished product is to fail to come up to the standard set by the educational leaders of the country; while on the other hand the work necessary to gain an A. B. from Bowdoin, at least, admits to the Law School at Harvard without the slightest question.

Probably this is old ground for you, but I have not seen it mentioned in the debate on the matter and so have taken the liberty to call your attention to it. The facts may easily be verified and the deduction seems obvious.

The University of Maine seems to be becoming a menace to the State. As one of its graduates said to me recently: "We've got \$200,000 this session, and that will give us power enough to get \$400,000 next. You can't stop us." Indeed, it seems to be a question where the demands will end.

With best wishes for your success in your fight against unwise and exorbitant demands, and with apologies for my intrusion, I am,

Yours very respectfully.

Now gentlemen to prove that it is the industrial training which is most sought for in this institution, I will read again from page 14.

(This institution was founded to provide (according to act of Congress accepted to by the Legislature of Maine) a liberal and practical education for the industrial classes.) As one of the clearest evidences that the children of the industrial classes are the ones who are actually served I insert the occupations of the parents of those entering in September, 1905. To give those applying to the whole number of students would show a still greater variety.)

(Farmer, mechanic, chef, agent, mill hand, physician, janitor, clerk, gardener, carpenter, slate worker, wood business, livery stable keeper, weaver, machinist, druggist, factory inspector, mill foreman, musician, manufacturer, bank cashier, fisher-

man, minister, merchant, hotel keeper, lumber surveyor, traveling merchant contractor, barber, undertaker, real estate agent, color mixer, lumberman, philanthropist, postmaster, treasurer, electric railroad superintendent, orchardist, florist, steam engineer, customs officer, customs inspector, lawyer, granite worker, teacher, shoemaker, laborer, blacksmith, photographer, Morocco dresser mining, deputy sheriff, canning, electrician.)

You can see at once that it is a well recognized fact that this was the fundamental branch of training to be carried out according to that act of Congress and accepted by the Legislature of Maine. Therefore why depart from this contract which was made to assist in this very class of education and launch out into a sea floating with departments of training of every type and description, when they are already wanting in the equipment for branches already established. I will read from page 25 of the president's report.

Summary of equipment needed immediately, and buildings which should be built at once, or within two or three years at most:

Biology	\$ 709
Museum	1,275
Forestry	525
Chemistry	1,400
Mechanical Engineering	12,568
Physics	550
Pharmacy	500
Mineralogy	275
Military	500
Electrical Engineering	4,725
Horticulture	11,500
Power Plant	50,000 to 60,000
Agricultural Building ..	50,000 to 60,000
Dormitory	60,000 to 100,000
Physics Building	40,000
Additional farm land	Unknown amount
Houses for farm laborers and other employees	7,500

You notice what they have to say about farm land, don't seem to understand that subject very well, have a vague idea they want something; but what it is or what about it they don't know. Haven't seemed to have been very well informed on the subject of land, or at least anyone might

infer this much by the way they dickered away their land domain, which was granted by the United States, as a resource, the endowment to be for the support and maintenance of the college. This is what was given them, 210,000 acres of the public lands. This is equivalent, approximately to a territory three miles wide and would reach in length from here to the city of Portland or in another way it is a tract of land one mile wide and would extend from here to Boston. Now this vast stretch of land was swapped for a paltry \$118,300, the land in fact was traded for a fraction over 50 cents per acre. Now gentlemen with proper guardianship and judicious handling of this estate the college would have been amply capitalized to have financed its own affairs without being reduced to such a stage, or becoming a public charge. Now the University of Maine has been petted and fondled long enough. If she can't get along without bumming from the State to satisfy every whimsical notion, after being liberally appropriated, to do work along the line intended she should, and receiving appropriations from both the State and the United States annually, I think her aspirations had better be subdued, until some of her friends get in a little work, in the same direction as the friends of Bowdoin, Bates and Colby have. Bowdoin had a very meager pittance to begin on and yet she has prospered without begging from the State. This shows that management has something to do with it. Bates and Colby had a struggle for existence in their infancy, and yet they have overmastered all their difficulties and have come out triumphant in the end. Two years ago Bates and Colby received from this Legislature an appropriation of \$15,000. This has been referred to a number of times, as if the State had made them rich. Now the University of Maine comes sailing in and gets a quarter of a million, does not petition in a respectful manner for aid, but insists and demands that the State walk right up and chip because they have spent their money and want some more. Want to do a lot of new things, and have got some pet hobbies they don't want to give up be-

cause they are their playthings. Now we have nursed this young one long enough so that it ought to be weaned.

Therefore, I say gentlemen, that I do not believe the State chooses to appropriate money for the A. B. course which can be used advantageously in other directions by the University of Maine.

Mr. PHILOON of Androscoggin: Mr. President, I do not want to occupy but a very little time of this Senate, as it is valuable time at this period but I do wish to express an endorsement of the very able remarks which the senator from Cumberland has made. I believe it should meet the commendation and endorsement of every well-wisher of the University of Maine. That she needs liberal appropriations, I have already endeavored to show and that her earnest request for liberal appropriations for technical, scientific and agricultural work should be heeded I also believe and I believe that Maine should be willing to grant her request when properly made and with—decency, I may say.

Letter reading seems to be the order of the day in relation to the University of Maine so I beg leave to read a letter which I have this morning received from Bangor

Bangor, Maine, March 25, 1907.

Senator Philoon,

Augusta, Maine

My Dear Senator.—I desire to express to you my sincere appreciation of the stand you have taken in the University of Maine matter. I see that it is to come before the Senate again tomorrow, and I trust you will be able to persuade your fellow senators to adopt the course you have so well set forth.

I am a University of Maine man myself, but I must confess that as an alumnus of that institution I am heartily ashamed of the course she and her learned president have seen fit to adopt at this time. My work is such a nature that I have an unusual opportunity to observe the several educational systems in vogue in our four Maine colleges, and from the observations I have made I should like to tell you a few cold solid facts.

The University of Maine needs money; it needs a great deal of money; it needs it to maintain her agricultural and more especially her technical courses. In certain engineering courses thousands of dollars are needed for a proper equipment. It is the only technical school this side of Boston, and really deserves to be properly supported by our State. But at this time, when there is such a crying

need of big expenditures to strengthen this department, which is the backbone of the university, why should we take these thousands of dollars so much needed, and devote them to the maintenance of a B. A. course for which there is not the slightest demand? I must confess I am at a loss to understand.

Under present conditions in our State there is not one single valid argument that can be put forth in favor of maintaining this degree at the University of Maine. You senators and representatives and the people of the State in general do not understand the status of education as it really is here in Maine; you apparently think that by retaining this degree you are giving the poor boy a chance to get a classical education which he would not be able to get otherwise; now it would be difficult to conceive of a more erroneous idea. Let us see if a boy can attend Bowdoin or Colby or Bates with as little expenditure as at Maine. Let us compare expenses at Maine with—we will say Colby. At Maine tuition is \$15 per term, at Colby \$20; at Maine a registration fee of \$ per term is required, there is nothing of that sort at Colby; all other expenses are practically the same. So how much do you figure that a boy saves by going to Orono for his A. B. degree? But we have yet to consider the college aid—"loans" they are called at Maine, or "scholarships" as I believe they are called at Colby. At Maine a student is not required to pay any tuition whatever—provided he can give a promissory note endorsed by a good surety for the amount of this tuition; this note bears interest at 6 per cent. Very kind and generous of the university, is it not, when we think now we are fortunate to get a safe investment of our money at 5 per cent.—and the savings banks pay us but 3 or 3½ per cent.? President Fellows is a good financier, though it is rather tough on the boys; and we are not surprised when the president tells us that they do not try to hurry the payment of notes, so long as the interest is paid promptly. I have a few thousand I should like to invest at this rate myself. These loans apply only to the tuition, all other expenses and charges, remember, must be paid promptly. Now with these so-called loans let us compare the scholarship system at Colby. The amount of these scholarships averages about \$15 per term, which amount is deducted from the tuition; these scholarships are granted to every needy student; nor is a student respected any the less by either faculty or his fellow-students because he is the recipient of aid. Quite the contrary. All admire the spirit of the young man who has the determination to get a college education, though he be poor in pocket. Now what about paying these scholarships? There is no 6 per cent. string fastened to it, nor does the student file a bond or offer his note with payment guaranteed by an acceptable surety; the only surety is the student's honor. At the time the scholarship is granted him he signs a simple statement wherein he agrees to repay whatever amount he receives; nor is any definite

time expressed—simply to repay it at some future time "when he may be able." Now which of these two systems do you consider to be the better calculated to help the poor but ambitious boys of our old State? furthermore, at Lewiston, Waterville and Brunswick many of the boys earn a great deal by work outside the colleges—in such ways as clerking, tending furnaces, waiting on tables, etc. A small town the size of Orono cannot offer these opportunities.

Now another matter: Maine must have another dormitory to take care of her ever increasing number of students. Her quarters are greatly overcrowded and something must be done. The other three colleges can accommodate 500 more students with their present equipment, and without calling upon the State for one single cent. Now why in Heaven's name should the taxpayers of Maine be called upon to pay for maintaining an expensive course of study for which there is absolutely no necessity? How does this B. A. course at Orono compare with the B. A. courses offered by the other colleges? I have studied into the matter very carefully, and as a loyal alumnus beg that you will excuse me from answering that question. I will say, however, that I shall not send my boy there for his A. B. until many radical changes have been made in the curriculum.

I should like to call your attention to a little incident which occurred something over a year ago. Possibly it may be violating confidence, but I think it is a case where "exitus acta probat," where the end justifies the means. President Fellows met a few of us to talk over his plan about asking for the two-thirds mill tax. In the informal discussion which followed his remarks one of the men present asked him if he realized what a large amount it would mean. The reply was that it had all been figured out, and he told us the approximate amount. Another asked: "Do you think it would be better for us to ask for a smaller amount which probably would be granted to us, rather than demand such a large sum and run the risk of losing all because of the opposition which such a request must arouse?" "No, sir; not at all," was the reply. "We must plan to work this thing up among ourselves as quietly as possible. Get it all ready, then introduce the bill, have some good strong men on the ground, and we can rush it through before they realize what an immense sum it will mean." Someone asked if that was quite honest. "Well, it's business," was the reply. Perhaps it is business, but it is hardly what we should expect from a college president. In a very recent conversation with one of the officers of the university, I asked if he considered it was just fair to impose this needless burden upon the taxpayers. "Damn the taxpayers. We want it and we are going to have it," was the reply. That seems to be the sentiment prevailing throughout the entire institution: Damn the taxpayers. We want it and we are going to have it.

Now I want to see the University of

Maine grow. I want to see a thousand boys there on the campus. I want to see there the best place in the country to get a technical education. This will be only at the outlay of thousands of dollars yearly; and as the institution grows and develops and expands the annual expenses will increase tremendously from one year to another. Let the State be loyal to her university and vote to give it as large an endowment as is consistent with the public welfare of the State; and demand that this endowment shall be devoted entirely to those legitimate courses of instruction for which the college was established.

Pardon me for having taken up so much of your valuable time, but this is a matter in which I have an intense interest, and I felt it my duty to express to you and to the Senate the feeling of a large number of the old graduates of the college.

(You will appreciate my position, I trust, and see how it would be rather indiscreet for me to make myself known, as a great deal of unpleasantness would result. I must therefore simply sign myself,

An Old Alumnus.

I received another letter this morning which says, among other things: "But after the recent bucolic development among the rowdy element at the University of Maine, I now suggest that instead of it being given the A. B. degree by both branches it be given the degree of M. P., not, however, in the British sense of the word, but rather in accordance with their disrespectful course, masters of profanity, a title quite appropriate with their outrageous conduct.

I again wish to say that I endorsed the sentiment expressed in this letter that all should be done, and everything should be done in the power of the State to enhance the value of the technical courses. I have another letter which I also wish to read:

U. OF M. DEFENDED.

Auburn, Maine, March 23, 1907.

To the Editor of the Sun:

The sensational charges made against the University of Maine only show to what means her enemies stoop to accomplish their purpose.

These unfortunate senators both declare themselves "friends," but by their fruits they were known enemies, their votes telling the story.

We do not believe a word was ever written from a student of U. of M. in any such language as that, and if it were, by some hot-head, why should the B. A. course be the target for senatorial displeasure?

The letter in question savors from Fore street or Cross street.

Our senator from Androscoggin "was a friend of the institution." Brutus was Caesar's friend." No, legislators of Maine, do not let such mud slinging blind your eyes.

No friend of the University of Maine wrote such a letter. No friend would sanction it and all would deplore it. (I endorse that.)

"The whole thing is blackmail calculated to turn public opinion. Defeated to rob, the foe now defies its intended victim. Stand true to education; do not lose the victory now, it is yours. The people of the State are with you.

(We come out before the world as blackmailers because we introduce here certain scurrilous letters that were written, and the young men who wrote them came here and apologized for them, but we are advertised over the world as blackmailers. We do not believe a word was ever written by a student of the University of Maine. The whole thing is blackmail, calculated to turn public opinion. What do you think of that, gentlemen, these dignified senators introducing letters here to blackmail that institution?)

Our Savior was spit upon, scourged and crucified, but His Truth lives. So will the University of Maine live for she stands for freedom of education and equal opportunity for all.

(Signed)

U. of M. '97.

So will the University of Maine live, God help it to live and save it from injury by its friends.

If there are other senators who wish to speak on this question I should like to have an opportunity to speak later.

Mr. MILLS of Hancock—Mr. President, very briefly I wish to advert to some things that have been said in relation to this matter which has been thrashed out before this Senate so thoroughly last week. After careful consideration, we decided by a decisive majority to allow the University of Maine to retain the powers of conferring the A. B. degree. Now, after an interval of more than a week the matter comes up again. Nothing new has intervened in that time which should have any influence to change our votes. The merits of the question remain the same; and I will not take time to argue them. I will say, however, that if the senator from Cumberland had fully read one section of the Morrill Act, he would have read some things which are directly in opposition to the argument he has made.

He omitted the line which says

"not excluding other scientific and classical courses."

Now I have read that act once or twice, and I happened to remember that that line is in the section which states what the university shall keep—it enumerates the scientific courses and others, and then it says "not excluding other scientific and classical courses." I cannot see, under the moral act, how it would be prevented from allowing that course to be taught there.

The whole thing is just here, some boys have written to some members of this Senate in insulting, and possibly profane letters. We do not question that fact; but they have not written letters to the Senate. It is not a matter which this Senate ought to cognize of. Every day I assume members of this chamber and of the other body receive letters from their constituent either disapproving or commending their action. Those senators do not take the trouble to bring such letters before this Senate for us to take action upon. If they did, the time of the Senate would be entirely absorbed in that matter alone. No reflection was cast upon the honest or honor of the Senate in the letters which were written. They were purely personal letters. They were letter written by the constituents of Senator Proctor to him, and he should look to them personally for satisfaction, if he desires satisfaction; and he should not ask the Legislature to punish the University of Maine because some irresponsible boys have written some saucy letters. It does not look to me fair to visit the punishment and penalty—and it is a great penalty—upon the university. If the senator from Cumberland does not represent his constituents honestly and fairly (and I do not say that he does not) let him answer to them and to the boys from his county who wrote those letters.

Furthermore I understand that the writers of those letters were entirely from Cumberland county; and if I am wrong, I desire to be corrected. Now if Cumberland county sends this class of boys to the University of Maine, Cumberland county ought to stand by the university. If Cumber-

land county, as a county, expects the university to reform these boys; and to make good citizens of them—if she puts such a burden as that upon the university, then the county ought to grant everything the university asks in the way of further powers instead of attempting to limit its charter.

Furthermore the senator from Cumberland reads a long argument, that gist of which is that the departments up there are overcrowded. In fact, the university is growing so that there is not room for the students. If this is so, it speaks well for the university; and shows that we ought to aid, rather than to set it back.

The senator from Cumberland says that we have nursed this thing long enough. How have we nursed it? He speaks of the land which was sold at a considerably less than its real value. That was done by the State of Maine and not by the university itself. If the land was sold the university was injured in finances thereby and the State of Maine is to blame for it, and not the trustees, the president, or the students of the university; and they ought to be looked upon with favor by the Legislature that much more, if they had been injured by any business transaction.

The senator from Androscoggin argues that the students up there are obliged to pay their tuition in full, if I understand him correctly, or to give notes which are guaranteed and endorsed by responsible parties. He says: You are not obliged to do this in other colleges—and that the colleges are guaranteed by the simply promise of the student to repay them. If that is so that knock the argument that the University of Maine is competition with other colleges. If the students up there at Orono are obliged to pay all the incidental expenses and obliged to guarantee the payment of these notes, which the students in other colleges are not required to do it seems to me there is not much competition arising that state of facts.

Further I wish to state that these boys who it is said wrote these saucy letters to the senator from Cumberland have been here, and humbly, on

their knees, have asked pardon from him; and it seems to me having done that it is only fair that the senator from Cumberland should have granted them pardon, instead of bring this matter before the Senate and making it public to go out to the world and punish them in that way. It seems to me the senator should remember the opening lines of one of the poems of Bobbie Burns.

These things occur not only in the University of Maine, but I believe such misdemeanors, or such crimes, if you want to call them such, occur daily all over this land where schools are in progress.

I can remember not many years back when a matter of this kind occurred in the school in Kent's Hill, where I happened to fit for college, but they were never brought before this great Legislature of the State of Maine to be acted upon. The Legislature never asked to withdraw the charter from the Kent's Hill Seminary because of the misdemeanors of its students. Those matters were acted upon by the faculty and the students were punished according to the judgment of the faculty; and I think this matter should be left to the faculty to deal with and should be left with the senator from Cumberland to deal with himself, inasmuch it comes from his constituents direct to him and is not addressed to the Senate of Maine and does not in any way represent the University of Maine.

Mr. PROCTOR of Cumberland: May I ask that the official reporter will read the line which the senator from Hancock says I omitted?

Mr. MILLIS: Mr. President, If the senator read it, I withdraw my statement that he omitted it. It seems to me there is no argument on the question at all. The State has power to confer that degree.

Mr. PROCTOR: I would like to reply further as to the apologies of the young men, that they were granted grace for their misdemeanor. I read the following from a letter I have received:

Such a question as the elimination of the courses leading to the granting of the B. A. degree in the University of Maine naturally would and has excited

to a fierce degree the feelings of the students. The students are almost all men, or at any rate are supposed to be, and are eligible voters. They should of course be given credit for understanding to a slight degree the needs of the university and the effect on of its helpful, well-established courses. We consider that we have a legal right and I am sure we have a moral right to ask for the support of an institution belonging to the State principally, which has long ago been recognized; the State University which we have made a contract with to help us receive our training for life."

Mr. STEARNS of Penobscot: Mr. President and senators: If you will bear with me a few moments I will not prolong the agony beyond reason. As the senator from Hancock has said, this matter has been thoroughly threshed out. I think every senator here understands the question in its various phases. It is generally admitted that one of the chief aims of an institution for higher education is that of a liberal and practical education. I submit it is a fair proposition that the students of the University of Maine should have the privilege of a liberal education. In relation to the articles which have appeared in the various papers throughout the State, I can only say that we are not responsible for the action or the articles. I deny the imputation that the faculty or the great mass of the students are interested to an extent in this matter to lead them to stoop to dishonorable means to further their object. I too have received letters and I am not particularly proud of the opinion expressed in them. It is a matter between my constituents and myself; and for no money would I have it generally known what some individuals think of me. There is a great deal depending on our action. If we refuse to enact this bill it means the extinction of the University of Maine. I means that one of the four institutions for higher education in this State must cease to exist. I deprecate seriously these things which have come into this matter. There is no question but there has been indiscreet action on the part of the undergraduate body; and as one of the friends of this institution I am sorry

these outside matters have crept into this discussion.

I was very much interested in the letter from the graduate of the university and should like to know his name, but with all due respect to his opinion I shall beg leave to differ with him.

When you vote on this measure I hope you will recognize that it means that if it is not enacted the University of Maine must cease to exist from now.

The question being put, upon the final passage of the bill, the motion prevailed and the bill was passed to be enacted.

On motion by Mr. Wyman of Washington House Document No. 590, majority report, "ought not to pass" from committee on railroads and expresses, with minority report of same committee, "ought to pass," on Bill in relation to fares on Washington County Railroad, was taken from the table.

Mr. WYMAN of Washington: I will say, Mr. President and gentlemen, that this bill asked for the reduction of the mileage of the Washington County Railway from two and one-quarter to two cents a mile.

The Washington County Railroad was built in about the year 1894. The county of Washington took \$500,000 in its bonds and issued the county bonds drawing interest at 4 per cent. In the year 1902 the stockholders of this railroad, comprised of New York brokers, desiring to get the stock of this road in the own hands, made the county the following proposition if they would dispose of their interest:

First. If the stockholders continued the ownership they would pay the county \$50,000.

Second. If they leased the road, \$100,000.

Third. If they sold the road, \$150,000.

The county called a meeting of the voters to see which proposition, if either, they would accept, then the New York people went at work immediately on the voters in the way that manipulators of stock are capable of doing, with the only one object in view—to have the county reject all of these proposals, in which they were most successful, and the county rejected all. The result was the county dropped all its

financial interest in the road and only had as an asset left a debt of \$500,000 on which they are paying annually \$20,000. This I assure you is quite a burden for our county. The original company soon sold their holdings to the Maine Central Railroad Company for the sum of \$2,500,000. Right here I wish to say the Maine Central Railroad Company claim they do not own this road. You see they own it and they do not own it. They are like the Jew who said: "I am a partner if a profit, but am not a partner if a loss." I think every officer in this road at the present time, excepting one, from the president down, are officers of the Maine Central and Boston & Maine Railroad Companies. I read from the railroad commissioners' report. Would they be likely to serve as officers of this company if they did not own the road?

Two years ago the citizens of Washington county, backed by a petition comprising nearly every voter, came to the Legislature asking for a 2-cent mileage book. At that time the rate was two and three-quarters. The Maine Central officials said: "If you will not press this, we will voluntarily make a reduction," and upon this promise the parties did not press the matter further, expecting to get a 2-cent book. Last season, about August, the question being agitated by both political parties in our county, the Maine Central reduced the mileage from two and three-quarters to two and one-quarter. This does not satisfy the people. They feel it is a discrimination that should not exist. The Maine Central Railroad Company own this line, our people should have the same rates that they give over all the other branch lines and they now come before this Legislature asking that this be granted, realizing the fact that this bill may seem that such legislation would be trespassing upon the rights of this corporation, I wish to say that a corporation which gets its life and existence from a Legislature is unlike a private individual and a Legislature that grants these rights to a corporation, said corporation is fully under the control of that body as per the following section:

Chapter 52, Section 1, Revised Statutes. "Any railroad corporation may

establish and collect, for its sole benefit, fares, tolls and charges, upon all passengers and property conveyed and transported on its railroad, at such rates as may be determined by the directors thereof, and may from time to time by its directors regulate the use of its road provided that such rates of fares, tolls and charges, and regulations are at all times subject to alterations by the Legislature or by such officers or persons as the Legislature may appoint for the purpose, anything in the charter of such corporation to the contrary notwithstanding."

Consequently, the citizens of this county feel they have a just and equitable right to come to this body and ask that they be treated fairly and equitably and not be obliged to pay more for mileage books than is charged on all the other Maine Central branches. Leaving Bangor going east the train is made up of Washington and Hancock county people. On arriving at Washington Junction the Hancock people continue to the end of the travel over the Bar Harbor branch on two-cent mileage books. The same conductor on the same train then goes through the cars and collects for the remainder of the travel from the Washington county people two and a quarter mileage books. The Bucksport and Belfast branch of the Maine Central as well as the Bar Harbor branch have two-cent mileage books. The Maine Central Railroad Company claims there was a deficit of \$29,870 on last year's operations, but to make this they added to the general expense act the construction of the road from Calais to Woodland, a trackage of six miles in length, which made this act \$115,586.30, about \$1000 per mile for the whole road. In addition to this they charged equipment, \$31,202; culverts and bridges, \$23,038. Do you wonder this little road showed a deficit? In this general expense act they did not add any new rolling stock; it consisted of repairs and building this new road.

The towns of Franklin, Gouldsboro, Steuben and Cherryfield have a population of 7000. These towns are located from 5 to 29 miles from the Maine Central Railroad. So the Washington

County gets only this amount of mileage. The Maine Central on all this business through gets 170 miles. The extreme end the Washington County to the Maine Central is 102 miles on the through business the Maine Central gets 170 miles. I would ask you if the Maine Central is benefited by this road? Cut the Maine Central up in 100 mile blocks, would these pay? We claim this railroad is a part of the Maine Central. This altogether makes a whole. Is it not enough for this county to be located 230 miles from Portland to the most eastern point to be obliged to pay the extra mileage to reach western points without paying an additional rate? Do all these branches make a full train on the main line?

The railroad company admits that one-fourth a cent reduction will only make a difference to the company of from \$5000 to \$6000 a year. Does it seem they should stand for this small reduction? It seems to me if by granting this it will heal up all the ill feeling of the citizens of Washington county, which I think is well worth the sacrifice.

Mr. IRVING of Aroostook: Mr. President, I desire briefly to review an outline of the history of this matter before the committee at this session and two years ago, when the same subject matter was before us.

The Washington County Railroad, it was found before our committee two years ago, was opened its entire length in 1899. It was operated under the original management about three years and it was discovered that they were unable to pay their interest and a foreclosure was necessitated. By an act of the Legislature granted in 1903 it was reorganized, the value of the road was determined by a court of appraisal at \$2,500,000, and it appeared that that was a fair valuation. If it was fair valuation, the question arises, who got the benefit, if any benefit was derived from the \$500,000 paid over by Washington county? No man can regret more fervently than myself, unless it be one of the taxpayers, that they have, as appears to them, lost this \$500,000. In my own county we went through something similar and we fared far differently, partly due to the

credit of the originators of our road and largely through our county resources our people have received our money back and we have our road. Washington county cannot receive its money back, but they have their road and I am willing to venture the guess that if this matter was submitted to my worthy friends, the representatives and senators from Washington county, whether they would receive their \$500,000 and relinquish their road, or have it abandoned, they would not hesitate to decide in favor of their road.

It is reasonable to suppose that the court placed the full valuation upon that property; and if they did, then the present owners of the property derive no benefit from the \$500,000.

Two years ago the friends of this mileage measure came before a committee of this Legislature that I had the honor to serve upon asking to reduce the 1000-mile book from 2 3-4 cents to two cents per mile. As the reason given for not granting this measure, it was said that the Maine Central, who by the way, in order that it may be reorganized, was obliged to guarantee the payment of the interest and bonds of the \$2,500,000 to operate the road and the Washington County Railroad has had the benefit of the great experience of the Maine Central Railroad in its management, and the benefit in the choice of buying materials for reconstruction and building up the run down road. The defence was that the road was in such a run-down condition, as would naturally be the case with a railroad that had not been "kept" up—its rolling stock was greatly reduced and its bridges and trestles were almost dangerous and its roadbeds needed repairs—claiming that they could not at that time consent to a reduction. But the gentlemen representing the officials of that road made a statement before the committee to the friends of this measure that as soon as the revenue would warrant it, a reduction would be made as per their request, as far as was possible with good railroading.

Has it kept faith? As has been stated by the senator from Washington they granted a reduction of one-half a cent per mile. They did more than

this. I am giving you what the committee heard and not making an argument. They found that they could have made money or saved money by granting the two cent mileage; and by doing this they would be catering to wealthier purchasers, for it is the men who have the money who get the benefit of the mileage book. Instead of reducing this to two cents they make a reduction of half a cent on the regular tickets, thus contributed something to the poor man. This brings this matter up to the request of this year and it is asked that this one-quarter of one cent be taken from the thousand mile book; and as a reason for not readily granting this they submit a tabulation of comparisons showing how utterly impossible it is for the railroads to haul passengers in a sparsely settled community at the same rate it will within more congested portions. The New Haven Railroad has 81 passengers per train mile. I will drop this and use the Boston and Maine which has 63 passengers per train mile as against 58 on the Maine Central, 49 on the Rumford Falls, 26 on the Somerset, 29 on the B. and A., and 34 on the Washington County Railroad. Is it fair to suppose that a train which costs practically as much to run it can carry 34 passengers per mile as cheaply as it can carry 63? After making this argument in defence, the same gentleman who made the promise to his friends in Washington county and to that committee two years ago, stated, as soon as the revenues of the road, or its prospective revenue shall warrant, a further reduction on the tariff rate shall be made.

Mr. STAPLES: Will the senator permit a question? What is the mileage rate of the B. & A. per passenger per mile?

Mr. IRVING: Twenty-nine as against 63 on the Boston and Maine.

Mr. STAPLES: What is the mileage rate?

Mr. IRVING: They issue a thousand-mile two-cent book. It was considered the duty of your committee to look into the legal phase of this case. Two years ago they propounded the question to every attorney who ap-

peared before them and it was asked of attorneys by the committee this year. It has been presented to numerous attorneys in the lobby and we have failed to find one who has hesitated to assert that in their opinion when a railroad issues a two cent mileage book to use and compels you to pay two and one-half or three cents, it is perpetrating an illegal transaction. What redress have we? Surely not to ask them to continue by endorsement of the Legislature to violate this law. We may say we can pass a law compelling two cent fare. This we are informed we can legally do, and then we find ourselves confronted by the Constitution which provided that no quasi public corporation shall be obliged to perform any labor for less than a fair compensation. We seem to be at sea again there. We can pass an act in this Legislature forbidding the railroad to discriminate by the issuance of this book; but what have we accomplished, we have deprived our community of the benefit, if benefits are derived from the use of this book, and we fail again of our purpose. I raise the contention upon the authority of advice procured in my duties as a member of that committee that though we did see fit to compel the issuance of this book, it rests entirely with the railroad corporations whether they shall or not issue it. What is true in Nebraska possibly may not be true here. What has been the result of this agitation in Nebraska? I find by referring to an article from a daily paper of Nebraska of March 7th an order issued by the railroads consisting of the Union Pacific, the Burlington, the Northwestern, Missouri Pacific, the Rock Island and the Great Northern, in substance as follows:

"Agents must not honor clergy permits, reduced rate orders, orders or instructions for rates for disabled volunteer soldiers, orders for charitable rates or any other form of a reduced rate order, whether for a State or interstate journey, in any portion of Nebraska.

"All excursion rates, one way round trip, whether on excursion or certificate plan, at present authorized for conventions, assemblies, events, etc., homeseekers' excursion rates, one way

settlers' rates, reduced theatrical or party rates, commutation rates or any other special rates, either one way or round trip, applying between two points both of which are in the state of Nebraska, are hereby cancelled."

The circular concludes by declaring that it is the purpose to make the 2-cent rate the only rate to apply in Nebraska.

If it be within the power of the railroad in Nebraska whether or not they shall issue these books, I assume that it is in the power of the railroad in our State.

I further quote an article from the Boston Herald of March 9, 1907, on the same subject, pointing out danger of legislative interference.

TOO FAR.

The legislatures of Nebraska and Illinois have passed the two-cent-a-mile maximum passenger rate bill. In turn the railroads have published a circular abolishing all classes of reduced fares, such as excursions, commuters, government and state officials, clergymen and theatrical people have been receiving.

This means the abolition of the special and limited train service at a little higher price than the ordinary fare, such as prevails between Boston and New York or New York and Philadelphia and Chicago and Denver. In short, a uniform level of price is to be established by law, and to meet that level all classes of service are to be raised or lowered. This may mean reduced income to the railroads, and it may not.

Vice-President Thayer of the Pennsylvania roads says that if applied on his system it would mean increased revenues. But it certainly means less satisfactory service to the public. Railroads will not be operated by their owners at a loss, nor should they be. It begins to look now as if the pendulum of regulation were swinging a little too far the other way.

In the Bangor Commercial this morning I find an interview had with Grover Cleveland, a man of strong judgment and ex-President, in which referring to railroad legislation he says:

"There is much of the nature of delirium," said Mr. Cleveland "in the popular outcry against railroad corporations, for instance. We shall all be ashamed of it by and by. I dare say I have some reason to know of the real iniquities of corporations, and I do know them, but there is much that is not only groundless, but wrong, in the offhand attacks made on the railroads by thoughtless people on all hands. What is well founded in them will be cured, but the craze of denunciation will soon pass. We shall reflect that railroads are vitally related to our prosperity, and that to attack them needlessly is to attack ourselves. It is not the stock of soulless millionaires, but the property of citizens of widows, and orphans, whose savings are invested in railroads, that is being damaged. We shall recall what railroads have been and are still to be in the development of our country, and this craze will pass."

He continued, "we should help and not hinder. I have observed those passionate outbursts during a life of threescore and ten. I trust I have a fitting appreciation of the justice which lies beneath the present popular clamor against corporations, and especially railroad corporations, but I believe that as a frenzy it will pass, and that the people will demand of the party to which they give their suffrages the enunciation of a principle rather than the denunciation of a condition."

Gentlemen of the Senate my conclusion is from my researches on this committee and in endeavoring to get at the facts and what is for the best interests of the greatest number that it seems to me that when you reduce the fare on the passenger traffic for the benefit of the commercial traveller or the summer tourist, you put the rate up in one way or another upon the freight of the chief products of the country and that is why I have been opposed to the passage of this bill.

Mr. STAPLES of Knox: Mr. President I am surprised at the attitude of the senator from Aroostook The Washington County Railroad, call it by its right name if you please, a branch of the Maine Central Railroad,

a corporation that has \$36,000,000 today, whose gross receipts for last year were \$8,000,000. It is not the poor Washington County Railroad, but it is the Maine Central Railroad; and will he tell me that the Maine Central Railroad is not able to give the same fares upon the Washington branch as upon any other branch. The B. & A. railroad has two-cent mileage. He says the Washington County Railroad cannot do it for they have only a certain number of passengers per mile. The B. and A. have 29 passengers per mile and a two cent mileage and the Washington County Railroad has 34 passengers a mile and a 2 1-4 cent mileage. The taxpayers of Washington county put \$500,000 which went into the hands of the Maine Central, property that cost over \$4,500,000 they have today in their hands for \$2,000,000. I cannot see why they should not have a two cent mileage, the same as they give any other branch. Has not the State of Maine done pretty well by the Washington County Railroad? And when it has done so it has done it for the Maine Central Railroad. We find that in 1890 a rebate was given to that road in Washington county. It is not a poor road but a wealthy road backed up by \$40,000,000. I have not any doubt from a legal standpoint that we can control the tariff.

I hope the motion of the senator from Washington county will prevail.

The question being put upon the motion to substitute the minority for the majority report the yeas and nays were called for and ordered and the vote being had resulted as follows: Those voting yea were Messrs. Clarke, Curtis, Deasy, Eaton, Foss, Mills, Proctor, Putnam, Staples, Wyman--10. Those voting nay were Messrs. Ayer, Bailey, Barrows, Brown, Garcelon, Heselon, Houston, Irving, Page, Parkhurst, Philoon, Rice, Sewall, Simpson, Stearns, Tartre, Theriault--17. So the motion was lost.

On motion of Mr. Irving of Aroostook the bill was indefinitely postponed.

On motion of Mr. Staples of Knox House Document No. 120 "Bill relating to domestic animals" was taken from the table. The same senator moved that it take its second reading. Mr. Ir-

ving of Aroostook moved that the bill be indefinitely postponed.

Mr. SEWALL of Sagadahoc: Mr. President, if there is to be a provision on this bill, I wish to say something and apparently now is the time. I have tried to observe the rule at this stage of the session as to any measure which can go through without opposition, that it should be left to do so. I think there are very few of us who understand fully the features of this bill. It is the shortest bill introduced at this session; but for a great majority of our people I think it is a bill which comes nearer home than any. Its passage through the House, although the time has long passed when we are responsible for passage through the House, was brought about by a burst of generous sentiment in favor of the dog as eulogized by one or two gentlemen who are popular members of the House and popular citizens of the State, and who have dogs about which the public has no complaint to make at all, kennels of fancy dogs kept at home. But the dogs we are asking to legislate in this bill are dogs, are dogs as in the State of Maine, the great majority of dogs which roam about our State and are ravaging our woods and chasing to death every living thing they can get within reach of--starting out for foxes or rabbits and ending up with deer; and making night hideous with their braying and going out on our public squares and polluting with their nastiness everything exposed there; frightening horses on the street, frightening our children and frightening ourselves. I am frank to confess that I dare not get out in a country road and approach a farmhouse for a drink--of water (laughter)--that is an unnecessary explanation--without being in fear of this class of wild dogs. It was brought out in the discussion in the House that the dog is the nearest approach we have to the wolf, and the dogs which we have a right to complain and which we are legislating about now, are a race of animals that approach the wolf as nearly as any class can do, outside of the wolf itself. Gentlemen, the actual fear inspired in the people of this State, say nothing of their mental tor-

ment, their loss of sleep by this large and increasing race of animals without any responsible protector or owner, is enough itself to condemn such a measure as that. This simply throws about those dogs the protection and custody of real domestic animals, and that bill, if passed, would prevent your using against this wild and vicious class of animals, or class of nuisances, they are about evenly divided between public nuisances and vicious animals—any more weapons of defence than you could use against your neighbors' sheep or chicken.

I cannot speak as a farmer here, although a great many of us claim to represent the people whom we do not peculiarly represent, like the senator from Knox for instance, in his eulgioum always of the common people. Yet the senator does represent the county, the major population of the county is suburban and while it has been made somewhat of levity, I have had such appeals from my people who cannot keep sheep and cannot do what they like with their own land because of these wild beasts roaming at large, that I should not feel justified in keeping silent on this measure.

You can resort if necessary to desperate remedies against these dogs and you are not liable to any criminal indictment for this crime, but if you adopt this innocent looking bill, the dog owner today has his remedy in a civil action and that is often a greater remedy than I would have him have. As a matter of fact, under this bill, if you find one of these animals you must corral him and lock him up, feed him and care for him and then, after all that trouble, take what remedy you have against the owner of the dog.

To me, with all the crowded work we have to do, there are some peculiar mental traits displayed and peculiar prejudices displayed by people whose minds are peculiarly occupied with one subject and one subject alone. We have had some recent evidences on that point in certain deliberations which have taken place in the other House, particularly in the sensitiveness and enthusiasm displayed by the man who is fond of his dog, to the sacrifice of any proper treatment of all the other

large class of dogs. As a matter of fact, to go through this State you will find a number of animals I am describing increasing exactly in proportion to their poverty. In the other House it was openly declared that there are families whose children are running around shoeless and ill-clad who have dogs abundantly fed and cared for. As a matter of fact in the South Sea Islands where the children are running around not only without shoes, but without hats or clothes, women give to dogs nourishment from their bodies that belong to their children; and so far has this passionate attachment extended to the dog and because they are thus limited to household pets, we are asked to leave alone this dangerous and vicious class of dogs which this bill means to bring within the field of domestic animals.

I think all we have to do is to vote down a bill which changes, or attempts to change the whole judicial action of our court on this subject from the time Maine has been a State; and while I yield to senators as much as anybody in this or the other chamber, and why in the famous decision on this point, dissenting opinion of Chief Justice Appleton and one of the famous decisions of the time, yet this is distinctly a case where, trifling as it may appear on its fact, it calls for calm and deliberate action of this body.

Mr. STAPLES of Knox: Mr. President, after listening to the remarks of the senator from Sagadahoc, it occurs to me that this bill has merit in it as a temperance measure. If it will deter the senator from Sagadahoc and his friends from calling and getting drink I think the bill ought to pass. I do not care anything about the bill, but tabled it in the interest of a friend in the House that it might have a fair show here. I do not believe there is so much harm to be done by the dogs as pictured by the senator from Sagadahoc. I supposed that the senator had a little more courage than he has exhibited this morning. I did not suppose he would be afraid of dogs or that he was afraid of anything, but inasmuch as there is opposition to this bill, and while I believe it would not do any harm, I care so little about it that I

do not care whether it is voted up or down.

Mr. BAILEY of Somerset: Mr. President, I had it in mind to make some talk on this question, but the senator from Sagadahoc has handled it so much better than I could have done it that I will simply say that I think the sheep owners and farmers of the State of Maine are very much opposed to this bill.

Mr. DEASY of Hancock: Mr. President, I have a very friendly feeling for the dog and I have a very high esteem for the author of this bill, my friend Representative Martin of Bangor, but I object to the passage of this bill. I cannot allow it to pass with my approval or by my vote, because it seems to me a burlesque on legislation. Mr. Liberty Dennet in speaking before the judiciary committee this year on the question of taxation referred to the Legislature of two years ago as the under-witted Legislature. I have no doubt the same gentlemen will refer to this Legislature as the under-witted Legislature; but I do not want him to be able to prove it by producing the record, which he would be able to do if we were to pass this burlesque measure. When I go back to my constituents I know I shall be criticised for something I have done. I expect to be censured and I am not dead sure but I will be mobbed, but I do not want to be laughed at; and if I should vote for this bill and go back to my constituents I would be received with derisive laughter. This bill is different than anything in the heavens above or the earth beneath. No bill of this kind was ever presented to any Legislature in any state in the county. It is not within the province of the Legislature to say what words shall mean in certain statutes, but we leave to lexicographers and dictionary makers the defining of words. If we go back to our homes having defined the dog our constituents will ask us if we are going to revise the dictionary why we did not commence with "a" and make a systematic job of it, beginning with alligator and going down to zebra. They will ask why we should begin in the middle of the alphabet to define "dog" and if we defined "dog" why not define the daschund as

a dog that is a dog and a half long and half a dog high.

There is some merit in the proposition that undelies this. There is a statute that provides that any person who shall torture, maim, disfigure or maltreat a domestic animal shall suffer a certain penalty. A man named Harriman was arrested for violating that law. He was taken before the court and the case went to the law court; but the law court determined that in that statute, as the word domestic animal was used in that law, the word domestic animal did not include dogs—that Legislature did not have in mind the dog when it used the term "domestic animal" in passing that statute. Now the manifestly proper thing to do, the reasonable and dignified thing to do, which meets every demand of the gentleman from Bangor and which everybody would agree to, I have no doubt, would be to amend that statute so as to have it read: Whoever tortures, maims, or disfigures a "domestic animal including the dog," or domestic animal and dog—no one would object to that; but when he undertakes to define the dog as a domestic animal without any reference to any particular statute, which enters into all the statutes and modifies all the statutes which relates possibly to taxation, which relates to civil procedure, we do not know what effect it will have. I object to it and I hope it will not have a passage. The question being put upon the question to indefinitely postpone, the motion prevailed and the bill was indefinitely postponed.

On motion of Mr. Staples of Knox House Document No. 650 was taken from the table the same being Bill, to amend Revised Statutes, about taxation of corporate franchises, the pending question second reading.

Mr. Heselton of Kennebec moved that the bill be indefinitely postponed.

Mr. SEWALL of Sagadahoc: Mr. President, I reluctantly take to my feet again. It cannot be expected that I should sit here quietly, the chairman of that committee, and allow a motion like that put to the House without a statement.

Since the subject is such a large one I have hope that the senator from Ken-

nebec, if he is opposed to the measure, would kindly state his reasons, to save time and discussion; but I presume for this reason as a parliamentarian and a rhetorical strategist, he has called me to my feet first. If he would however get in a state of mind where he would listen to my request and just briefly put before the Senate his objection to the bill, I would try to expedite its passage through this body. I am quite sure it would save time, and time is more valuable now than oratory.

Mr. HESELTON of Kennebec: Mr. President, I can express my views on this subject very briefly, and I think so that the Senate may understand what this proposed law is and what effect it would have upon the income of this State if it were adopted. This measure is intended to increase the taxes upon the corporation. If it has a passage, if the result is the same as it is in other states, it will immediately frighten away from our State the incorporation of those various corporations that now come here and pay a tax to the State. In 1905 the revenue received from this source was \$164,910. In 1906, \$251,492.50. In 1907, if I am correctly informed by the Secretary of state, it will approach nearly \$400,000 income for our State. Under the existing condition of affairs it strikes me that we need all the income we can receive from every source. The senator from Sagadahoc has said to me that if we were taxing, or increasing the taxes on railroads and private corporations in our midst and imposing a mill tax upon the various property interests in the State, why should we not increase the tax of these foreign corporations that come here to be organized? The simple reason is this: If history repeats itself it will drive from our midst these corporations. They will not come here to be incorporated. The state of West Virginia, as I understand, increased its tax upon corporations in the same manner as the gentleman now proposes in this State. The direct and immediate result was that the corporations abandoned that territory and went to other states where there was a more liberal assessment for their organization. They came to Maine. They went to Delaware—Delaware had decreased its fees and its taxes, West Virginia had increased hers. Now the result would be,

for the history of that movement would be analogous we claim in this State—the history would be in our State that those corporations which today come here for organization would go elsewhere, or the income which we receive would be diminished.

Mr. STAPLES of Knox: Will the senator permit a question? Have you any knowledge of where these foreign corporations come from?

Mr. HESELTON: Largely from the state of New York, I am informed.

Now one suggestion has been made in the various newspapers of the State, as I understand it, that the increase of taxation would operate in driving from our midst certain industrial corporations that have no merits in them. That may be true, but I feel that these corporations, if they desire to organize in the State of Maine, would come here, irrespective of the personal merits and irrespective of whether they represented legitimate enterprises or not. They would come here and stay for a day, become organized, go out and do their work. We wish to invite into our midst every possible institution that will furnish a legitimate income for our State. That is what I believe these corporations are doing today. I am not speaking as an attorney who organizes these corporations, I never in my life organized more than a dozen and those were mostly corporations that existed and did business in this State. I am speaking simply in favor of this matter because I believe, if we increase the taxes, as they come from foreign states, we at that moment will strike down the revenue that comes here and which is used by our State in paying the expenses of the State.

Mr. SEWALL of Sagadahoc: Mr. President, the committee were in full possession of the arguments given by the senator from Kennebec, much more in detail than he has presented in the short time he has taken. Whether or not the committee would have attempted to increase this franchise tax on corporations, had it not seen fit to report the increased tax upon railroads, express companies and palace car companies, I will not say. This bill remained until the others were disposed of. We increased the tax on railroad companies by one-half of one per cent. Express companies and palace

car companies had the same rate; and when this matter came up of taxing these huge, over-capitalized corporations which come into our State for the use of our good name, and which I believe will continue to come here for the sake of that name, whatever increase we have made—and we have made a very small increase in franchise taxation—we did not feel that it would be in accord with public sentiment throughout this State in the matter in which public sentiment has been more aroused than in any other corporate matter—the taxing and the organization of these corporations which come here and get our good name and then go out and prey upon the public; we do not think it would be consistent with our decent self-respect to tax the legitimate corporations of the state, as much as these companies which I have described. They are developing the state and they are under burdens under which they labor today in the matter of borrowing money and all that; and we do not think it decent to do that and not raise to some degree the taxes upon these over-organized and over-capitalized corporations and we did so to a very modest extent. We heard the argument and assertions that was made positively, just as the senator has made it here, that we might lose something of our revenue by so doing; but we knew perfectly well that at every session of the Legislature that same argument has been made, and I believe there has not been in our state a chance to test the strength of that argument. The same argument was made when these taxes were put on in the first instance, that there were states where a corporation could go and organize without the imposition of any tax, and therefore, why should the state of Maine deprive attorneys within our state? There are about ten attorneys whose large practice has been built up by organizing these corporations and their argument was then, at that time: why should we drive away from our dozen law firms here a profitable business? But, instead of diminishing that business it has steadily increased; and, no wonder! With the inducements that we have held out and are holding out it is no wonder. Do the members of the Senate realize how pitifully small these taxes are about which

these ten or a dozen corporations in the state, whose chief business it is to organize them, complain and so sensitive about? A distinguished lawyer of Augusta who says he does about one-tenth of this organization business, pleaded with us not to disturb this subject, because—said he—we have assured these parties here who organized these corporations that Maine is a conservative and non-socialistic state and we have assured them that no change will be made in these taxes. And when I asked for whom he spoke he said he spoke for his firm. The assurance has been made by this gentleman that the rates would not be disturbed, but in my judgment if the Senate and Lower House understood the exact situation, the gentleman would feel that he had very little to complain of in the small changes of taxes which the committee made on this subject. For my own part I believe there could have been no worthier undertaking for the lawyers, for the judiciary committee of this Legislature to have undertaken, than to have reformed our whole system of incorporation laws within this state, and if it were not a work of such arduousness and such tediousness I do not doubt that it would have been undertaken. I know the member of Congress from my district has been much interested in this subject and I have now a corporation bill framed by the best lawyers of Congress which would embody in their judgment a fair system of corporation law for the District of Columbia, which of course is under the national government; and it was only because I did not receive it until late in the session and that I had the proper lack of confidence in my own legal attainments, and that I felt I could not secure a hearing before the committee on judiciary, that this matter has not been taken up from top to bottom and reformed.

The gentleman from Augusta to whom I have referred, said he assumed that our committee did not care for the moral aspect of the question. His argument was that we were simply after revenue. The committee hardly agreed with that and his reply was that in the first place it did not appear at all that the revenues would be reduced under the slight changes we had made—that these corporations came to the state of Maine to get the

name of the state of Maine, preferring it to South Dakota, North Dakota, Virginia or other states and that they would continue to come and would be ready to pay a small increase, they having to pay for the use of that name. Then the reply was made, and I am quite sure this reply would be made by the people of the state if you got it to them, that if we did lose a particular branch of this business on which taxes have been imposed the state would stand better in public regard.

We recognize the fact that the smaller corporations comprise as a rule legitimate corporations, and we recognize that up to \$200,000 you would include a vast number of mill and dam companies, water power organizations and industries within our own state. So we did not make any change until we got up to \$200,000. The present rate of the franchise tax is from \$200,000 to \$500,000, \$25.00, that is to say, those corporations for \$500,000 have to pay an annual franchise tax of \$25.00; and it certainly appealed to us that those corporations preferring the name of our state to the name of any other state, would not be very likely to leave our state if that tax were increased to \$50,000; so that today under this change which we propose to make and which the bill does make, a \$500,000 corporation will only have to pay a \$50.00 franchise tax annually. We said that from \$500,000 to \$1,000,000 there might properly be an increase and we made that increase, instead of \$50,000, \$75.00 and on each million or part thereof in excess of \$1,000,000, \$50.00.

I do not think that anybody who is not particularly sensitive on this subject—I do not think that anybody outside of these law firms who have so large part of their business in organizing corporations, can consider that as socialistic legislation. I do know that if we went out with the proposition that on these corporations above \$300,000, which comprise the inflated corporations and the corporations which do no credit to our state or to our nation, the corporations which have induced a feeling of financial distress, I do believe that if we went out with the proposition that we would forbid those corporations coming to this state to organize here, that if we went to that extent, to the extent of sacrificing revenue, we would be supported by the people of this state. Instead of

that we say, since we have levied this increased tax upon other corporations, we will take corporations ranging from \$200,000, as high as you please, and add this slight increase to their taxation. If you discuss this as a moral proposition, I certainly believe that the state of Maine would be acting just as decently to incorporate the Louisiana Lottery in this state, or to allow Roulette at every horse race and to open faro banks, as it is doing today in putting the name of our state upon these huge corporations and sending them out with that name to prey upon the public. We are not increasing the tax on the Bath Iron Works, capitalized at \$200,000, or such corporations as this, but when we enter a class of corporations which you can find thick and fast through the state assessors' report, corporations which are using the columns of our newspapers to take from this state money which ought to be used in the development of this state, it is another matter. Quoting from the Sunday Herald of a week or two ago:

"The first King-Crowther Corporation was a Texas corporation, but Texas had taken away its charter because it was held to be based on fraud and misrepresentation and to have violated the law in regard to the amount of paid in capital. The Boston and Texas Corporation chose South Dakota for its home and the new King-Crowther Corporation, stockholders were informed, had been born under the laws of still another state, the state of Maine."

I know perfectly well the argument arising in the mind of the senator from Kennebec. He would say that we are told that that does not decide the question. What the state is after is to increase its revenue. But would it injure the susceptibility of any of us if the King-Crowther Corporation should feel that this increase of \$25.00 in its taxation should lead it to go to another state and leave the good name of our state unattached to its certificate? Would we mind if the "Blood Wine Medicine Company of America," capitalized at \$500,000, and paying the state treasurer \$25.00 bid us good-bye, or the Boston College of Physiognomy and Sublime Wisdom? I have copied these names off this morning since I found the senator was to take up the subject. Would we mind if we should part

company with that company or with the Consolidated Ubero Plantation Company, whose operations only recently have been shown up in Boston, to which this state sells her name, to her shame, for a \$100. And there is the Death Valley Corporation Company of America, \$10,000,000 capitalization, on which we get \$275.

Now that is exactly the situation. If these over-capitalized corporations choose to leave our state, I believe our state would say it is a good riddance. If they choose to stay here and pay this moderate increase of franchise tax, they will stay here and till a succeeding Legislature—and that Legislature in my judgment is not far off—which will take up this whole subject from top to bottom and give us corporation organization and franchise laws of which we need not be ashamed.

It was not my purpose to go into this matter to this extent. I was approached by a friend and a lawyer, whose firm has done and is doing now a large part of this business; and I was asked if a simple objection was made to this increase on the ground that the state might lose its revenue, what I would do; whether I would take up the general subject and touch at all on the moral side, or whether I should let that objection pass. And I said that certainly if this subject were brought up here it could not be discussed except in its full aspect. I judge from the reply of the gentleman, and it was unmistakable, that the lawyers of this state who have built up this large business here, did not desire to have this question ventilated at all; and since we could not change the whole body of our corporation laws, I had supposed that it would be the part of wisdom on their part to let this modest increase in taxation of these franchises pass. Since they have chosen differently, I can assure the gentleman that every moment of discussion of this question which has begun now, threatens their entire fabric. I can say that this objection to the whole system of corporation laws does not come from one section or one class of people alone. In fact, although gentlemen prominent in the law as they are, have attempted to assert and have asserted at times that lawyers stand by our corporation laws today and they approve their methods, I assert without fear of contradiction, that the great mass of the bar

of the state think that these incorporation laws contain features which, out of regard of the good name of the state and of the legal profession, ought to be overthrown and eliminated from our whole system. The Senate will take its action upon this proposition; but from this time, gentlemen, these corporation laws as they stand today in my judgment are doomed and the day of their death is not very far off.

Mr. HESELTON: Mr. President, I have made no extended examination into the moral aspect of this question; but I assume the senator from Sagadahoc is perfectly right when he says that there are features about our corporation laws that are wrong; and, if that is true, let the senator from Sagadahoc commence his crusade now. He has had nearly three months in which to create and submit to this Legislature some drastic law that would reach the very foundation of this question, and he has not done so. All that he has done, up to the present time, has been in the way of wrestling with this question to bring forward a law which seems to decrease, or to deprive our state of, a certain amount of revenue, which, it seems to me, it should receive.

Mr. SEWALL: Mr. President, if the senator would permit me, it would be much easier to close this topic by asking one or two questions. What authority has he at all, except the authority of our mutual friends here in Augusta and hereabouts, that this will decrease the revenue. The taxes have never been increased in our state. I understand that when they were first put on, the same objection was made that is made now, and always will be made, that it will drive away revenue.

Mr. HESELTON: We judge the future entirely by the past; and by our experience and the experience of our neighbors. The only answer that any intelligent person could give the senator from Sagadahoc is this: that in West Virginia a similar law was passed in 1901—they were then receiving an income of \$500,000—

Mr. SEWALL: I would like to ask you that is from a brief of Mr. Heath?

Mr. HESELTON: No, it is not. Mr. Heath has never spoken to me directly or indirectly on this question; and if he is one of the ten law firms who has dis-

cussed the matter, he has not favored me with any brief upon the subject.

Mr. SEWALL: I object to being put in the attitude of reflecting upon Mr. Heath. I simply thought he would enlarge the range of the gentleman's vision if he had talked with him upon the subject.

Mr. HESELTON: Now let me answer the question. I say that in 1901 West Virginia passed a similar law. It was then receiving \$500,000 in income from its corporations—

Mr. SEWALL: Now, Mr. President, what does the senator mean by a similar law. Does he mean to say that the state of West Virginia simply added three items of increased taxation?

Mr. HESELTON: I will say that they increased their tax.

Mr. SEWALL: He said it was a similar bill.

Mr. HESELTON: In 1903 they received instead of \$500,000, \$303,000 income and in 1905 \$327,451 income. Now add to this the experience of Delaware. Their income is largely increased during the last few years. We can but judge the experience of one state by that of another. I say that the revenue which we receive would be cut or diminished. If that is true, the only question is a commercial one before the Senate today. Do you want to decrease the revenue?

The question is suggested to me to inquire of the senator from Sagadahoc who has thrust into this question the moral aspect of the subject,—would the charter be any the more moral under an increased tax?

Mr. SEWALL: I have not the benefit of advisory or consulting attorney near me at this time, which the senator from Kennebec has; but I will say as I have said before, that, in the first place, the committee on taxation do not believe the state would lose any revenue; and, in the second place, if it did, they do believe it it takes away from the state this undesirable class of corporations, the people of the state would say "Amen."

A yea and nay vote was called for and the result as follows: Those voting yea were Messrs. Ayer, Bailey, Brown, Clarke, Heselton, Libby, Merrill, Mills, Page, Parkhurst, Putnam, Rice, Simpson, Stearns (14). Those voting nay were Messrs. Barrows, Curtis,

Deasey, Eaton, Foss, Garcelon, Hastings, Houston, Irving, Philoon, Proctor, Sewall, Staples, Tartre, Theriault, Wyman (16), so the motion was lost. On motion by Mr. Sewall of Sagadahoc the bill took its second reading and was passed to be engrossed.

On motion by Mr. Deasy of Hancock, House Document No. 578 was taken from the table, the same being bill to provide free toll bridges.

Mr. Mills of Hancock submitted Senate amendment "A" and moved its adoption.

Mr. HASTINGS of Oxford: Mr. President, I hope that amendment will not be adopted. It is prompted by certain special interests of toll bridge properties, to kill this bill. This bill as the title shows is for the purpose of freeing toll bridges. It gives the county commissioners, in towns where there are toll bridges, the right to lay out a county way across toll bridges and to make these toll bridges county bridges. The bill has had a full hearing before the committee on ways and bridges and has been unanimously reported by that committee. At this late date it seems unfair for these special interests to come in here and attempt to tack on this amendment which will kill the bill. It is the first, and an easy and gradual step on the part of the people, to put these bridges where they belong and take them out of the hands of these special interests. It is provided in section two that county commissioners for a period not exceeding six years may assist in paying the cost of these bridges. I say that the gentleman who has been about this State House, lobbying against this matter, in reply to a letter written by the gentleman who introduced this bill last December, before the bill came up, before the hearing said:

"We shall be willing to sell for a fair valuation but shall not if we have to name the price now." (Signed, Parker Spofford, treasurer of the Mexico Bridge Company.)

I would like to ask what difference it makes to these proprietors of toll bridges, whether this section two is cut out or not. If they get the money, what difference does it make to them whether the county commissioners go on charging toll for the time they name in the bill.

It is simply prompted by ill feeling, a

feeling of revenge, and a feeling that the amendment will kill the bill. It makes no difference to the Mexico Toll Bridge Company, I say, whether the county of Oxford pays for that bridge at once, and makes it a free bridge, or whether it says: We cannot afford to make this a free bridge this year—let us run it a couple of years, or three years or at most six years. That is the proposition these people are making here in attempting to pass this bill, and you can readily see it will not make a whit's difference to the companies. They will get the money and get it promptly. He says they are willing to take a fair price but at this late day he comes in and moves the adoption of the amendment. I do not intend to take any time of the Senate at this late hour in the session. I submit to the senators that we ought not to adopt this amendment.

Mr. MILLS of Hancock: Mr. President, it rather appears to me that the senator from Oxford is unduly aroused over this amendment which he claims is introduced for the purpose of killing the bill, which he states further along in his speech is introduced for the purpose of killing the bill, and which he winds up by saying is introduced for the purpose of killing the bill.

He also says that the purpose of this bill is to provide a way to free toll bridges; and that is the fact, the bill, as amended, does free toll bridges, and it frees them now—and that is the purpose of the bill, as I understand. It is also the purpose of the amendment. I do not know what especial interests are specially concerned in this matter—neither do I care. These anonymous letters which are read here so frequently in the Senate, and the newspaper articles, it seems to me should not constitute an important part of our deliberations.

It seems to me we ought to be able to decide these questions on our own knowledge and in accordance with our own judgment, without so frequently bringing in our newspaper articles and letters, as has been done this morning.

Let me add to what I have said that the purpose of the amendment is to free these bridges, and to free them now. That is all the purpose of the amendment. Whosever interests it may affect, whoever it may benefit or may injure, the

amendment simply carries out the original purpose of the bill, and carries it out today. As soon as the bridges are taken by the counties, if the counties are not prepared to take them and conduct them as free bridges, why should they come here and ask the privilege of taking these bridges which are built at the expense of individuals? The counties themselves carry them on under the same system and charge the same tolls. Is it fair? I question whether it is legal or constitutional, but, if it is, is it fair? Is it fair to go to each one of these owners of different toll bridges and say to the counties, You must surrender your rights here, you must surrender your capital invested, and we will carry them on hereafter—we will carry them on under our control and charge the tolls just the same as you have been charging. If there is anything to be gained by it, I am willing it should go on, but I cannot see how it is going to benefit the people in paying the tolls to the counties rather than to the present individual owners.

If the senator from Oxford is willing to let these bridges be freed, and freed now, we are perfectly willing the bill should go through.

Mr. STAPLES of Knox: Mr. President, I desire to say a word on this matter. A few years ago one of the noted men of this State, now a railroad commissioner, the Hon. Parker Spofford, built a bridge in Castine at his own expense, putting out some \$25,000 or \$30,000. It was made a toll bridge. I do not believe it is fair to take a man's property—I do not believe in the principle of it; but the fair-mindedness of Mr. Spofford is this, and I think he is right in it. He says: "If this is to be a toll bridge after it parts from my possession, then I ask that it be not taken from me." I think that is right.

I cannot see any reason why the amendment should not be adopted. It is an injustice to the owner of the bridge—the man who put his money into it. I hope the amendment will be adopted.

Mr. SEWALL of Sagadahoc: Mr. President, I would like to ask if the owner of the bridge will receive any less money for it if the county commissioners continue to use it for a year or two as a toll bridge than they would otherwise; or is it entirely a matter of sentiment with the owner of the bridge—that he is ready

if it is to be taken for public use, but if it is to be continued as a toll bridge, he does not want it so taken?

Mr. STAPLES: Mr. President: By the drastic operation of this bill, he is to part with his property by condemnation--forced to part with it. Of course he expects to get from the appraisers what it is worth.

Mr. SEWALL: If the bill passes in any shape, how does the amendment increase the burden upon the present owner of the bridge?

Mr. STAPLES: I do not say it does. But the owner says: Why take this property from him and continue it as a toll bridge?

Mr. HASTINGS: The senator from Hancock says the bridge proprietors, especially Mr. Spofford, is willing the bridges should be taken from the owner, but that he wants them free. I say it cannot make a particle of difference whether it is taken free from the towns or whether the county commissioners go ahead at their discretion and charge tolls for a couple of years. If he is willing for it to go with the amendment, he is certainly willing for it to go without the amendment.

Mr. STAPLES: I will say he is not willing for it to go even with the amendment. He wants to keep his property; but, if you are going to force it from him, he says it should be a free bridge and not a toll bridge.

The question being put upon the adoption, the motion was lost.

On motion of Mr. Hastings of Oxford Senate amendment "B" was adopted and the bill as amended was passed to be engrossed.

On motion of Mr. Putnam of Aroostook the Senate took a recess until 4 P. M.

SENATE 4 P. M.

Senate called to order by the President.

Resolve in favor of C. W. Perry, secretary of the committee on mercantile affairs and insurance which came from the House was referred to the committee on mercantile affairs and insurance in concurrence.

Mr. Page for the committee on appropriations and financial affairs on

resolve in favor of clerk in the office of commissioner of highways reported that same ought to pass. Report accepted. On motion by the same senator the resolve took its two several readings under suspension of the rules and was passed to be engrossed.

The same committee reported resolve to reimburse the State treasurer on surety bonds that the same ought to pass. Report accepted. Under suspension of the rules the resolve took its several readings and was passed to be engrossed.

Mr. Sewall of Sagadahoc presented resolve in favor of H. M. Sewall, chairman of the committee on gubernatorial vote.

Also resolve in favor of clerk and stenographer to the special committee on salaries and fees.

On motion of Mr. Wyman of Washington House Document No. 640, Bill, to amend Revised Statutes, about inland fisheries and game was taken from the table.

On motion by Mr. Sewall of Sagadahoc the bill with House amendment A, pending its adoption were tabled.

On motion by Mr. Sewall of Sagadahoc House Document No. 640, with House amendment "A," adopted, under suspension of the rules took its two several readings and was passed to be engrossed as amended.

The Senate took a recess until 5 P. M.

SENATE 5 P. M.

Senate called to order by the President.

On motion of Mr. Hastings of Oxford there was taken from the table House Document No. 648, Bill to amend Revised Statutes about insurance and insurance companies.

Mr. Merrill of Cumberland offered Senate amendment "A" and moved its adoption.

On motion of Mr. Heselton of Kennebec the bill was tabled and tomorrow assigned.

On motion of Mr. Clarke of Lincoln there was taken from the table reports, majority and minority, committee on financial affairs and appropriate

tions, on resolve about participation of Maine in Jamestown Exposition.

(Mr. Clarke of Lincoln moved the acceptance of the minority report.)

I move the acceptance of the minority report. In support of that motion I do not care to go into an extended discussion of this matter. There is a somewhat elaborate statement of facts accompanying the reports which has been printed in connection with them and I assume that every member is more or less familiar with the entire proposition.

I will say that my first interest in this matter was aroused by the president of the Portland Board of Trade, who called my attention to the matter, and asked me to introduce the original resolve, which called for an appropriation of \$15,000. Upon investigating the matter and in connection with it, I may say that two years ago when the commission was first appointed, I was somewhat interested and had something to do with its formation. I found that the facts were substantially these: Two years ago a bill was introduced into the Legislature asking for the appointment of a commission to represent the state at the Lewis & Clark and the Jamestown Expositions. There was some opposition in the Legislature—in fact a very serious opposition which grew out of the fact that some of the members of the Legislature had not been satisfied with previous representations of a similar character, particularly that which took place at St. Louis. As a last resort, when it was found to be practically impossible to get an appropriation, the people who were interested in this matter asked the Legislature to give the Governor authority to appoint a commission who should have charge of the two expositions, or rather of our representation at those two expositions; and they did, finally, along toward the very last of the session, grant that request. On that commission were appointed Arthur C. Jackson, Henry P. Cox, Hiram Fogg of Bangor, W. C. Woodbury of Dover and W. E. Vinal of Thomaston.

The intention was to raise by public subscription enough money to reproduce the birthplace of the poet Longfellow as a suitable building for headquarters for Maine people. That plan would have been very easy to carry out had not the

Legislature waited so long before giving them an opportunity to do so. As a matter of fact, this commission, which is composed, as you all know, of perfectly honorable men, were obliged in order to carry out their plans, to go down into their pockets in order to raise the money to erect a building properly to represent the state.

You all know that, while it may be comparatively easy to raise money before a proposition is carried out, for any good purpose, it is pretty hard, after you yourself have raised the funds and carried out your proposition, to get money to cover a deficit; and that condition faced these commissioners. As a matter of fact they pocketed the loss themselves; and while it had been hinted to the state department that help along that line would be acceptable, still they have not insisted; and in this request on the part of the commissioners they have not included any expense attached to the Lewis & Clark Exposition. I simply alluded to the Lewis & Clark Exposition for the purpose of showing you that it has no direct connection with the present matter.

It may be well, however, to say that the state was suitably represented at that exposition, as evidenced by the fact that there was an average registration at the State of Maine building of 500 persons per day during the entire three months when it was in operation.

After carefully considering the entire matter the commissioners have asked the state in this particular case to appropriate the sum of \$15,000 for the purpose of reproducing the home of Longfellow with which probably nearly all of you are familiar. It is on Congress street near the Preble House. They thought that it would be particularly appropriate to reproduce that building for our headquarters in view of the fact that this is the centennial year of the poet's birth. A great many of the states have decided on a similar course. New Hampshire has decided to reproduce the old Langdon homestead, where Washington was entertained in Revolutionary times; but all of us know that there is no building in the United States which would be more in the nature of a shrine to which thousands would resort, than the home of our most universally loved poet, particularly

on the occasion of the centennial of his birth.

On account of the fact that there seems to have been an excess of appropriations this year and in order to get a report from the members of the financial committee, the commissioners have decided that if the state would appropriate merely the sum of \$5000 and \$500 for each additional like amount raised by subscription, that it would still be possible to carry out the objects of this bill.

Inasmuch as nearly every state in the union, and particularly the Eastern states, will be represented, it would seem inappropriate for Maine not to be there also. If the people of the state average like those with whom I have talked, there are likely to be thousands of our citizens who will visit the Jamestown Exposition. It seems to me that we owe a duty to these people and that we should have suitable headquarters there where Maine men and women can meet each other and not subject them to the humiliation that would result from a parsimonious and ill-advised policy.

This matter has been endorsed in very strong terms by the entire press of the state, having received unanimous endorsement by the Press Association, and endorsement in the strongest terms by editorials in our leading dailies. It has received the support of hundreds of clubs of every character throughout the state and it has particularly received endorsement in various parts of the state on the ground that it is a business proposition.

I think I said at the outset that the matter was called to my attention by the Portland Board of Trade, which has taken an active interest in it, as have all the boards of trade throughout the state. They are trying to advertise our natural resources, particularly with a view to inviting summer travel. This proposition, it seems to them, is right along that line and is to be desired and is favorable to the business interests of the state, which as you all know are represented by the boards of trade. It is only necessary for me to state that the State Board of Trade, meeting at Lisbon, discussed this matter fully, unanimously endorsed the movement, and went so far as to appoint a committee of five, including its president, Mr. Winslow of Portland the president of the Portland Board of Trade, Mr.

Milliken, and three other prominent members and sent them here to appear before the committee on financial affairs. Hearing later on that the matter was not receiving what they considered due attention, the same committee was instructed to come up here again; and I think that we ought to go slow in turning down the unanimous expression of the State Board of Trade and the other boards of trade, which represent great business interests and ought to know something about the business end of this proposition. I have absolutely no personal interest in this matter except that which a man ought to feel as a citizen of the state. I understand that it is to be discussed by the chairman of the committee on financial affairs and should like to hear his objections before going further into its details.

Mr. PAGE of Somerset: Mr. President, I was not present when these reports were signed, but was present at the hearing, and I want to go on record as opposed to the appropriation.

Mr. SIMPSON of York: Mr. President, I hope the motion made by the senator from Lincoln will not prevail. The majority of the committee have decided that they have seen affairs of this kind before and they do not think they are given value for the money. I am not going to discuss this matter. But the idea of giving \$500,000 to start an affair of this kind which is going to be open the 14th of next month does not strike me favorably. I should say that \$5000 would not make any show at all and would be a disgrace to the state.

Mr. CLARKE of Lincoln: Mr. President, I am surprised that the senator from York should fail to give anything substantial as the basis of his decision to reject the unanimous recommendation of such bodies as the Boards of Trade of Bangor, Portland and other large cities and of that which represents the entire state.

Mr. SIMPSON: Will the senator excuse me a moment. Mr. Winslow is president of the Board of Trade of Portland and out of courtesy to him the State Board of Trade would allow a committee of this kind to be appointed to come before a committee of this Legislature.

Mr. CLARKE: Does the senator from York think that the State Board of Trade

would discuss a matter of this kind for fifteen minutes or half an hour, as I was assured this matter was discussed, in its various phases, and arrive at a conclusion, as expressed unanimously, that this is a good business proposition—would they pick out five members and pay their expenses to Augusta at three different hearings to urge this matter before your committee, unless it was their deliberate judgment that the matter was a very important one and should be acted upon as the commission has asked?

Mr. SIMPSON: I think they would, if the president of the association so desired.

Mr. CLARKE: As I understand this matter the chief objection of the senator from York lies in the fact that the exposition is soon to open and they would not be able to complete the building in suitable time. As a matter of fact I am informed by the commission that they have their plans all completed and ready to put them into operation immediately and have simply been waiting and waiting for an opportunity to do so and that it would take them but a very short time. I hope the members of this Senate will have sufficient respect for the judgment of the gentlemen who appeared before the committee to act upon this matter favorably; and I hope they will not go so far as to humiliate the people who go down there by declaring that this state is too poor to make a suitable representation after every other state this side of the Pacific coast has declared its willingness to do and its opposition to such a humiliating policy.

The question being put upon the motion to substitute the minority for the majority report the motion was lost.

On motion of Mr. Simpson of York the majority report was accepted.

On motion of Mr. Tartre of York the Senate adjourned.

HOUSE.

Tuesday, March 26, 1907.

Prayer by Rev. Mr. Gibson of Augusta.

Papers from the Senate disposed of in concurrence.

The following came from the Senate passed to be engrossed in that branch under a suspension of the rules, and in the House under a suspension of the rules received their several readings and were passed to be engrossed in concurrence:

Resolve in favor of Walter B. Clarke, chairman of the Longfellow centennial committee.

Resolve in favor of Frank Fellows, messenger to the President of the Senate.

Resolve in favor of R. G. Hawes.

Resolve in favor of George W. Stearns, chairman of the committee on education.

Resolve in favor of the secretary to the committee on public buildings and grounds.

Resolve in favor of H. R. Thompson.

Resolve authorizing a temporary loan for the year 1907.

Resolve authorizing a temporary loan for the year 1908.

Resolve in favor of A. E. Irving.

Resolve in favor of the clerk and stenographer and the messenger to the committee on legal affairs.

Resolve in favor of the clerk and stenographer to the committee on railroads and expresses.

An Act to increase the salary of the register of deeds for the county of York.

An Act to amend Section 1 of Chapter 173 of the laws of 1905, relating to the compensation of registers of deed. (Senate amendment "A" adopted in concurrence.)

An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within this State, came from the Senate, that branch voting to adhere to its action in indefinitely postponing the bill.

On motion of Mr. Milliken of Island Falls, the bill was laid on the table.

An Act to provide for a transferrable