

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA.

- Page 39, for Long Monson Pond read Long Mousam Pond.
94, after the words "Probation Officers" omit the words "relating to State Detectives."
105, 302, 316 and 333, for State Prison read State pension.
118, 146, 165 and 170, for supplementary associations read supplementary assessments.
168, for Coolidge River read Cambridge River.
174, for \$50 read \$50,000.
182, for Oakland read Oakfield.
185, for Rines road read Kineo road.
219, for Mineral Spring Co. read Merrill Springer Co.
226, for investigation of vital statistics read registration of vital statistics.
243, for town of South Portland read town of Southport.
309, for town of Wales read town of Wells.
325, for foreigners read coroners.
343, for Bed Cambridge River read Dead Cambridge River.
360, for boys read buoys.
377, for Corners Knob read Conary's Nub.
377, 462, 496, for Prescott read Trescott.
379, for Pittsburg read Phippsburg.
462, 496, for Chronological read Pomological.
494, for Township E read Township 2.
510, 538, for Central Railroad Co. read Jonesport Central Railroad Co.
520, for Penobscot Electric Co. read Penobscot Bay Electric Co.
525, for Colcord read Concord.
544, 556, for town of Brewer read town of Bremen.
551, 587, for Monmouth Ridge Sanitary Association read Monmouth Ridge Cemetery Association.
646, for Androscoggin Valley Company read Androscoggin Valley Railroad Company.
648, for Central Fire Insurance Co. read Central Maine Fire Insurance Co.
654, 670, for Jimmy pond read Jimmy brook.
655, 671, for Straw's Island read Swan's Island.
667, for transmitted in Maine read transacted in Maine.
677, 698, for municipal court in town of Portland read municipal court in town of Farmington.
687, for Trusett read trustee.
700, for pension members of Building Commission read pension members of Fire Department.
788, for Howard read Howland.
835, for Chapter 138 of the Public Laws of 1905 read Chapter 138 of the Public Laws of 1895.
844, for bridges of municipal officers read duties of municipal officers.
928, for identifying animals read identifying criminals.
974, for Herbert A. Bradford read Herbert A. Lombard.
1022, for Stonington Trust Company read Stonington Water Company.
1064, for Biddeford read Portland.
1244, for Daniel's Pond read Donnell's Pond.
1275, for Acatus Lake read Nicaulous Lake.
1313, for establish read abolish.

HOUSE.

Thursday, March 25, 1909.

Prayer by Rev. Mr. Nichols of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to authorize the Edwards Manufacturing Co. to procure additional water power, came from the Senate read twice and passed to be engrossed under a suspension of the rules without reference to a committee.

On motion of Mr. Hersey of Houlton the bill was tabled.

Senate Bills on First Reading.

Resolve for the appointment of delegates to the conferences of the International Tax Association, came from the Senate read twice and passed to be engrossed under a suspension of the rules without reference to a committee.

On motion of Mr. Hersey of Houlton the bill was tabled.

An Act relating to the scaling of logs.

An Act additional and amendatory of Section 22 of Chapter 27 of the Revised Statutes in regard to the support of minor children.

An Act to consolidate and revise the military laws of the State of Maine. (Tabled pending first reading on motion of Mr. Bisbee of Rumford).

An Act to regulate the use of nets and seines in the tide waters of Narraguagus river and Narraguagus bay, so-called.

An Act to make uniform the standard relating to the percentage of alcohol in intoxicating liquors.

An Act amendatory of Chapter 189 of the Public Laws of 1907 relating to prohibiting publications relating to patent and other medicines in language of immoral tendency or of ambiguous character and protecting the public from the dangers of the indiscriminate distribution of samples of medicine.

An Act for the equalization of school privileges. (Senate amendment adopted in concurrence).

An Act in favor of the Senate postmaster.

Resolve, in favor of the committee on bills in second reading for clerical assistance.

Resolve, in favor of M. H. Hodgdon, clerk and stenographer and messenger to the committee on inland fisheries and game.

Resolve, in favor of the clerk to the joint special committee on salaries and fees.

Resolve, in favor of the clerk and stenographer and messenger to the judiciary committee.

An Act to regulate the rate of dividends and interest on savings deposits.

Majority and minority reports of the Portland delegation, to which was referred An Act to abolish the common council and increase the membership of the board of aldermen of the city of Portland, the majority reporting a bill in a new draft under same title and that it ought to pass, the minority reporting "ought not to pass," came from the Senate with the majority report accepted.

On motion of Mr. Beyer of Portland the minority report was substituted for the majority report.

Mr. BEYER: Mr. Speaker: In order to settle this matter I move to reconsider the vote and I hope that the motion will not be carried.

The motion was lost.

An Act to create a State Water Storage Commission. (Recommitted to the committee on forest preservation and water supply in concurrence on motion of Mr. Clark of Hollis).

Resolve providing for the prevention and extinguishment of forest fires for the years 1909 and 1910. (Indefinitely postponed in concurrence on motion of Mr. Hersey of Houlton).

An Act to incorporate the Suburban Water District of Farmington, Me., came from the Senate amended by Senate Amendment A.

On motion of Mr. Hodgkins of Temple the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

An Act to further amend Chapter 352 of the Private and Special Laws of 1905 relating to Caribou municipal court, came from the Senate amended by Senate Amendment A.

On motion of Mr. Hall of Caribou the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

An Act for the encouragement, etc., of shell fish industry, came from the Senate amended by Senate Amendment A.

On motion of Mr. Thurlow of Cutler the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

An Act to open the lakes and ponds in Kennebec county to ice fishing one day in a week.

On motion of Mr. Charles of Rome the bill was indefinitely postponed.

An Act to amend Chapter 8 of the Revised Statutes relating to the Board of State Assessors, came from the Senate, that branch non-concurring in the adoption of House Amendment A.

On motion of Mr. Davies of Yarmouth the bill was tabled pending concurrent action.

An Act to amend An Act relating to the police court for the city of Rockland.

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

Appropriations and Financial Affairs.

By Mr. Cook of Unity: Resolve, in favor of H. R. Thompson for services as clerk to the committee on library.

By Mr. Kelley of Boothbay: Resolve, in favor of L. S. Lippincott, clerk, stenographer and messenger to the committee on sea and shore fisheries.

Placed on File.

By Mr. Dunn of Brewer: Petition of George F. Emery, president of Federal Labor Union, No. 10,651, of Bar Harbor and others in favor of the Dunn bill, so-

called, in favor of the law student who is also a laboring man; of same in favor of the election of judges by direct vote of the people; of William A. McKenney, president of the International Brotherhood S. F., No. 247, of Lisbon Falls, for same.

By Mr. Colby of Bingham: Petition of C. W. Abbey and 16 others for a hunting and fishing license to be imposed upon residents of the State.

Orders.

On motion of Mr. Miller of Lincolnville,

Ordered, That Herbert A. Bradford be excused from further attendance upon this session of the Legislature and that his pay be made up to the end of the same. (Referred to committee on leave of absence.)

On motion of Mr. Mercier of Princeton,

Ordered, That Waldo W. Mercier be excused from further attendance at this session of the Legislature as representative and that the clerk be instructed to make up his salary to the end of the term. (Referred to committee on leave of absence.)

On motion of Mr. Robbins of Fort Kent,

Ordered, That Alexis O. Robbins be excused from further attendance at this session of the Legislature as representative and that the clerk be instructed to make up his salary to the end of the term. (Referred to committee on leave of absence.)

Reports of Committees.

Mr. Miller from the committee on leave of absence on order excusing Beloni S. Dufour from further attendance at this session of the Legislature, reported that the order be given a passage.

The report was accepted and the order was given a passage.

Mr. Wing from the committee on the judiciary on Bill, "An Act defining the liability of employers in cases of injury to servants and employes," reported "ought not to pass," as subject matter is covered by another bill.

Same gentleman from same committee on petition of L. B. Dennett praying for an amendment to the Consti-

tution relating to the assessment of taxes, reported that the petitioners have leave to withdraw.

Mr. Montgomery from same committee reported same on petition of L. B. Dennett praying that the "debt limit" shall not be limited to 5 per cent., but shall be limited to 25 per cent.

Same gentleman from same committee on Bill, "An Act defining the liability of employers in certain cases of injury to employes," reported "ought not to pass," as the subject matter is covered by another bill.

Mr. Jones from the committee on railroads and expresses reported "ought not to pass" on Bill, "An Act organizing the Bingham and Dead River Railway Co."

Mr. Boyer from the committee on mercantile affairs and insurance reported "ought not to pass" on bill, "An Act to amend Section 41 of Chapter 49 of the Revised Statutes, as amended by Chapter 119 of the Public Laws of 1905, relating to insurance and insurance companies."

Mr. Campbell from same committee reported same on Bill, "An Act to define the kinds of insurance that may be transacted in Maine, and establishing rules relating thereto."

Mr. Grant from same committee on Bill, "An Act to amend Sections 59, 62, 63 and 64 of Chapter 49 of the Revised Statutes relating to securities deposited with the treasurer of State," reported "ought not to pass" as subject matter is covered by another bill.

Mr. Spear from the committee on claims reported "ought not to pass" on resolve in favor of the town of Washington.

Mr. Cummings from same committee on resolve in favor of the city of Ellsworth, reported that the same be placed on file.

Mr. Mace from the committee on labor reported "ought not to pass" on Bill, "An Act to amend Section 48 of Chapter 40 of the Revised Statutes of Maine relating to the hours of labor by striking out "sixty" on the eighth line of said section and inserting therein "forty-eight."

Same gentleman from same committee on Bill, "An Act entitled Weavers particulars bill," reported that the

same be referred to the next Legislature.

Same gentleman from same committee reported same on Bill "An Act to amend Section 57 of Chapter 40 of the Revised Statutes, relating to the payment of wages."

Mr. Davies from the Committee on Judiciary reported "ought to pass in new draft under same title" on bill "An Act to establish a Board of Police for the City of Waterville."

Mr. Burleigh from same committee reported same on bill "An Act to amend Chapter 147 of the Public Laws of 1907, creating the office of State Auditor."

Mr. Montgomery from same committee reported "ought to pass in new draft" on bill "An Act relative to motor vehicles and to the operation thereof," under title of "An Act relating to motor vehicles."

Mr. Strickland from the Committee on Appropriations and Financial Affairs reported "ought to pass" on resolve in favor of clerk of the Committee on Interior Waters.

Mr. Emery from same committee reported same on resolve in favor of L. A. Davis, clerk of the Committee on Public Health and Public Buildings and Grounds.

Mr. Kavanagh from same committee reported same on resolve in favor of the official reporter of the House.

Mr. Marshall from same committee reported same on resolve in favor of the clerk and stenographer to the committee on State Lands and State Roads.

Mr. Spear from the Committee on Railroads and Expresses reported "ought to pass in new draft under same title" on bill "An Act to incorporate the Scarborough and Cape Elizabeth Railway Company."

Mr. Perry from the Committee on Mercantile Affairs and Insurance reported "ought to pass in new draft" on bill "An Act relating to life insurance," under title of "An Act relating to life insurance companies doing industrial business giving special rates of premium to members of lodges and labor unions."

Mr. Cousins from the Committee on Agriculture reported "ought to pass in new draft" on resolve to amend Chap-

ter 79 of the Resolves of 1907, relating to the Central Maine Fair Association, under title of resolve to amend Chapter 126 of the Resolves of 1905, as amended by Chapter 79 of the Resolves of 1907, relating to the Central Main Fair Association.

Mr. Smith from the Committee on Military reported "ought to pass in new draft under same title" on resolve for the preservation of the regimental rolls in the office of the Adjutant General.

Mr. Mace from the Committee on Labor reported "ought to pass" on bill "An Act to amend Section 42 of Chapter 40 of the Revised Statutes, relating to the duties of the Commissioner of the Bureau of Industrial and Labor Statistics."

Mr. Buswell from the Committee on Salaries and Fees reported "ought to pass" on bill "An Act to amend Section 15 of Chapter 44 of the Revised Statutes, relating to expenses of the inspector of boilers, engines, etc., of steamboats upon inland waters."

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

Majority and minority reports of the Committee on Labor, to which was referred bill, "An Act to create a State Board of Arbitration and Conciliation," the majority reporting "ought not to pass," the minority reporting "ought to pass."

Mr. BEALS of Auburn: Mr. Speaker, being the introducer of this bill and one of the minority of the labor committee to sign the report as "ought to pass," I wish at this time to say a few words in favor of the bill.

This bill is not a labor measure. Its object is the industrial peace of our State and its benefits will be felt by not only the employers and employes, but by the cities and town where labor is employed to any great extent.

I question if there is a man on the floor of this House who has studied the labor conditions and labor troubles more deeply than myself, and I have seen many and many cases where a board of this kind could have, and I firmly believe would have, averted serious trouble. For instance, take a crew of men working in

a shop or factory and some condition arises either through the notice of a cut in wages or a change in their work for which they think they should have more pay. These men talk the matter over and at last send a man or go in a body to the employer. He refuses to listen to them and the men go back to work dissatisfied, and the next thing is talk of a strike.

At this time if there was a board such as this bill provides, that these men could appeal to, 99 times out of 100 the differences could be straightened out and good feeling restored and the men remain at work. But in the absence of such board these men go on strike and when a crew leaves a man's shop and closes his factory or forces him to suspend business, that moment the employer feels he has a greater grievance than his men and the breach, a small one in the beginning, grows wider and wider.

Now, I claim that if there was a State board of arbitration that a very large majority of these troubles could be adjusted in the beginning without interruption to the employer's business and without loss of time and money to the employes. I have in mind a strike which has occurred in our State within a year, and I refer to the pulp and paper mill strike of last summer and fall, during which the paper business was so seriously crippled as to effect the whole country in the matter of getting paper for the newspapers.

And not only that, but thousands of dollars were lost to the men who had been employed in these mills and necessarily was felt to a very great degree by the business men in the towns where these mills are situated.

And further than that, hundreds of men were forced to take their families and leave the towns and maybe the State.

Now, gentlemen, I was called upon to go into a number of these towns during that strike, and I think I know what I am talking about when I say that in the beginning it would have been a very easy matter to have settled the matter without the men leaving their work. And if no call for this service arises during the year, the State has been put to no expense. If occasion arises and their services are called for and they save a strike of serious difficulty such as the one I have just spoken of they will have saved

many times. Twenty-three states have boards of this kind and I have seen by their reports that they are looked upon as a very important state office.

For these reasons I move that the minority report "ought to pass" be adopted.

Mr. TRIMBLE of Calais: Mr. Speaker, as one of the signers of the majority report I would like to say a word regarding the reasons why we took that attitude. At the hearing before the committee on labor in regard to this bill there were perhaps several parties that appeared in favor of the bill, and they were employes. The employers were not represented at all and it was a peculiar fact that there was a division of opinion among the employes themselves. Certain branches of labor favored the bill and certain others opposed it. One of the very strongest labor unions in the State is very strongly opposed to this bill. I mean the railroad men, the Brotherhood of Locomotive Engineers and Conductors' Union. The employers, the business interests themselves, were not represented at all. Apparently the matter was either objectionable to them or they were indifferent in regard to it. It seemed to us that that matter was one of not any great importance, one that the State or the people in the State cared very little for, and consequently the majority of us voted that the bill ought not to pass; and I trust that the motion of the gentleman from Auburn will not prevail.

The question being to substitute the minority report for the majority report.

Mr. Wing of Kingfield called for a division.

A division was had and 56 voted in the affirmative and 15 in the negative.

So the motion prevailed.

The bill was then tabled for printing under the joint rules.

Majority and minority reports of the committee on legal affairs, to which was referred bill, An Act to authorize the city of Lewiston to take ice from the Androscoggin river, Lake Auburn and other ponds in Androscoggin county and selling the same at cost to its inhabitants, the majority reporting "ought not to pass," the minority reporting "ought to pass."

Mr. EDWARDS of Lewiston: Mr.

Speaker, I move that the minority report be substituted for the majority report. I first introduced this bill in the house a number of weeks ago and because the citizens of Lewiston wished it, a majority of them. Nearly all the citizens of the city of Lewiston signed a petition which was reported to the committee and contained over 3500 names, nearly 4000 names of the legal voters of the city of Lewiston. We had a hearing upon this bill and at the hearing we had such men as the Hon. Ralph Crockett, formerly county attorney of the county of Androscoggin, some of the professors of Bates College, and General Manning and such men as that were here in support of this bill, all of them stating that the ice which had been furnished them since this trust was formed—the price had differed in value and that instead of the large piece they were getting a small piece.

Now, the original bill as presented by me was that the city should have the right by eminent domain to take ice from the lakes of Lewiston and the river, and that is all the way the citizens can come in competition, as this trust owned all the shore rights along the Androscoggin river for more than two miles above the city and all the available rights of Lake Auburn, and they have even gone so far as to take the Little Androscoggin, the rights upon that; and at that hearing it developed not only that the price of ice was high but also that they were being ill-treated by the drivers of this trust. What did the opponents offer? They didn't offer anything. To be sure they had two lawyers who stated their case, honorable, upright men, and still one of them had told me previously a day or two before that I must not blame him, or something like that, that he was a lawyer and he was appearing as a paid man. I don't think he believes in the trust any more than I do. I esteem him as a man and he is an able lawyer. What do we know about this lobby and what this trust has been doing here since this hearing? We have had men on the floor of the House going around and shaking hands and tucking a cigar in your pockets, as they have a perfect right

to do. We know of the open House which I am told has been conducted at the Augusta House night and day, and Mr. Speaker, I won't go any further than that in regard to this matter, but we all know that there has been many paid attorneys for this measure since the matter has been discussed here.

Now, Mr. Speaker and gentlemen, I would like to take you with me to another scene; I would like to take you to some of the laboring people in the city of Lewiston, people who only get seven or eight dollars a week and where they have little ones dying on their cots from cholera infantum and such other diseases, as many physicians will report to you, and who are not able to have ice. Why? Because provisions are high and they have to deny themselves of some of the luxuries, and this prohibitive high price of ice was the reason they were not allowed to have it. Their foods were souring and the children who were as dear to them as our children are to us, I have no doubt, many of them have died from just this lack of ice which they ought to have had. And no one in the city of Lewiston, Mr. Speaker and gentlemen, was ever heard to find any fault when we had competition, when we had the two ice companies, but when they joined together to form a trust, the very first year that they were together the price of ice was doubled—not perhaps quite doubled in price but in the amount which they gave us. They admitted at the first hearing that the price had been raised considerably. They offered no excuse whatever; they even did not put one man on the stand. Why? Because they were afraid of being asked questions. I did ask one of them a question in regard to how much profit they had made during the year, but their attorney said "Hold on, you need not answer that question." And the reason these men were not put upon the stand was because they dared not answer the question. We are not here Mr. Speaker, to save the lakes of Maine; we are here to save the children of Maine, that they may occupy these same seats at some time in the future that we are occupying today.

Who do we find in this ice business? My friend, Mr. Sawyer, who was here two years ago not to save the lakes of Maine but to get a stronger hold for this water power company and destroy the lakes of Maine. The same man has been before you this year and got the bill through by lobbying to dam the lakes of Maine, and he came very near damming this ice business. He is the president of this company, and I don't know but he is the president of the Union Water Power Company. The Union Water Power Company is in league with him, and he is one of the prime movers in the water power company, and he is the president of this ice company. In one sense this is an ice bill, but it is a people's bill, Mr. Speaker and gentlemen, and it is a labor bill, for it affects the laboring people of our city of Lewiston more than any other class. Many of us can take ice even if the price is high, but those people cannot. This bill is also a humane bill. The first offer of the city was to take the ice from the river and the lakes, paying sewer damages and all other damages, and to furnish ice to the city free of charge. At that time this trust through its attorneys said that we were trying to rob them. That was one of the excuses, and another excuse was that it was unconstitutional. I consulted many eminent constitutional lawyers, such as Judge Foster, who said the only way that we could find out about the constitutionality of it, and it had never been decided, was to get this bill through this House and then to see whether they would put on an injunction, and I have no doubt but what they would do so, and then let the courts of this State decide it. One of their objections was that we were to ruin them, and that matter we have tried to overcome in this way: We have made a new draft of this bill, and offered to take the shore rights and their property and pay them what it is worth, they to select a man, the city of Lewiston to select a man, and the two to select a third; and in case they could not do that satisfactorily, the chief justice of the supreme judicial court of Maine should appoint a third

man. We think that is a very fair proposition. I do not believe that the city of Lewiston or the city of Auburn would try to defraud those people of any of their money. We also placed a referendum on the first bill, and there is also a referendum on the second one allowing the people to say on the new bill whether they should vote to accept it or not, after the decision of the referees.

Now, Mr. Speaker, as I understand the question, the only way we can obtain this object is that the city of Lewiston has the right to come before you and take ice on the referendum and to refer it to the supreme court. Certainly we are all law-abiding citizens in Lewiston and whatever that court should decide would be entirely satisfactory to us. I want to ask you, gentlemen of the House, that when this matter comes up for final vote that all of you will vote as you think best and give us the right to take ice and not defraud or cheat these fellows, but pay them back their money and give us the privilege of taking ice and furnishing it at cost to the citizens of the city of Lewiston. This is a local question, but it may be very far reaching in regard to our city.

Mr. MARSHALL of Portland: Mr. Speaker and gentlemen of the House, I will discuss very briefly the attitude taken by the majority of the committee on legal affairs respecting this proposition to allow the city of Lewiston to engage in the business of cutting and selling ice to its inhabitants. I don't know anything about the local conditions there, nor do I know who are the officers of the corporation, nor do I care. Perhaps those who know those conditions better than I do will state to you in regard to them. I only know what was brought out at the hearing, which was an animated one and a protracted one. The majority of the committee, I think, went to the fundamental difficulty of the proposition proposed by the gentleman from Lewiston (Mr. Edwards); that is to say, this committee or a majority of the committee, all but two, believed that the proposition to allow a municipality to take private property and to use it for a mercantile pursuit is unconstitutional. We do not believe that it is our duty as law-

yers to report to this house favorably a bill which we believe is unconstitutional and fundamentally unsound. We believe that it is not our duty—or I will put it the other way—we believe that it is our duty to report "ought not to pass" on any proposition which we believe is unconstitutional, and that we should not put it up to the supreme court of this State to determine that question. We believe we should act here in making sound laws and in accordance with the dictates of our own judgment.

Now, as to the unconstitutionality of it. I will not weary the House with any long citation of authorities. I will simply say that this matter has been practically passed upon by the supreme court of this State; that it has been practically passed upon by the supreme court of Massachusetts, I would quote from the supreme court of Massachusetts, and the matter was put up, as I understand it, in the 182d Mass. by the Legislature to the supreme court of Massachusetts for an opinion, and the proposition was this: To allow cities and towns to engage in the wood and fuel business. The court in that decision says: "The use of money of the taxpayers for such purpose would not be a public use, but a use for a special pecuniary benefit to those who happened to be affected by the state of the coal market."

Now, in order to take property by right of eminent domain and to use it by the municipality it must be for the reason that public exigencies require it and it must be for a public purpose. Now, gentlemen of the House, in this case was it demonstrated that public exigencies demanded the taxing? In the minds of the committee there was no such exigency displayed. It was stated before the hearing, and I do not understand that it is disputed—it was not certainly at the hearing—that the city of Lewiston today is receiving ice at a cheaper rate than are any of the following cities: Gardiner, Bangor, Waterville, Portland, Bath, Augusta, and I think many other towns. For instance, the city of Lewiston receives 15 pounds of ice per day at the monthly rate of \$1.25; in Gardiner it is \$1.50; in Bangor it is \$1.25; and 25 pounds in Bangor costs \$3 against \$1.50 in Lewiston; Portland pays \$2 against \$1.25 in Lewiston; in Bath it is

\$1.50, and in Augusta for 25 pounds they pay \$1.80, and in Lewiston \$1.50. Certainly on that showing I don't think as reasonable men we can say that there was a prohibitive price or that the public exigency required it, because it was not shown that there was any famine or any shortage of ice in any respect.

Mr. EDWARDS: Mr. Speaker, I would like to ask the gentleman from Portland a question. Have you the cost of producing ice in Lewiston in comparison with that of other places?

The SPEAKER: Does the gentleman from Portland, Mr. Marshall, yield to the gentleman from Lewiston for a question?

Mr. MARSHALL: As I said in the first place, I will answer it in this way: I say I do not know the local conditions excepting as brought forth at the time of the hearing. I should judge from the statements made at the hearing that in the city of Lewiston they are peculiarly advantageously situated to cut ice and that they can produce it cheaper than they can, for instance in Portland and perhaps in some other places. That is all I know.

Mr. EDWARDS: I would like to ask the gentleman if there is not a general law now which provides that cities can furnish wood and coal?

Mr. MARSHALL: Yes, I believe there is a general law. I don't consider that the committee on legal affairs is at all responsible for that law, and I would very much like to see it tested by the supreme court. We did not find and did not believe that engaging in the ice business is taking for a public use within the meaning of the statutes. It is to our minds essentially different from taking water or for many other strictly public purposes. Here is a matter of retailing it out in carts, which is really engaging in mercantile retail business. It has been said that the prices have differed or advanced greatly. It was brought out in the hearing that up to a year and a half ago, or some short time ago, there were two companies doing business. It was shown or offered in evidence that they were both losing money. They came together, and I do not understand it is a trust, simply one company bought

out the other, or one had to go to the wall, and I am not sure which, and now it seems to us that they are charging the reasonable prices as I have shown you. Of course any company is entitled to charge a living price.

Now, Mr. Speaker, I won't take any longer the time of this House. I have stated my reasons. We believe it is fundamentally unsound; we believe that it would be committing the State of Maine too near to the idea of socialism, and we do not believe that this bill should pass for these purely constitutional reasons.

Mr. COOLIDGE of Lisbon: Mr. Speaker: Before we understand this thing thoroughly it seems to me we should determine somewhat the condition of affairs as they exist in Lewiston. As has been stated by the gentleman from Portland, Mr. Marshall, until about a year ago there were two companies operating in the ice business in the cities of Lewiston and Auburn. One of those companies procured its ice from what was known as Lake Auburn, about three miles from the city of Lewiston. That is a great pond, and as every lawyer knows and I suppose every member of the Legislature that the ice upon that pond is free to whomsoever goes in there and stakes out a field. This company operated something like five years before it was sold out, and they lost the sum of \$12,000, which shows that the price of the ice which they delivered in the cities of Lewiston and Auburn was too low. The other company was known as the C. C. Wilson Company. This company operated upon the river and in order that you may understand the conditions there I will state that the shore rights on each side of the river in Lewiston and Auburn are owned or were owned at that time by the Franklin Company. They owned back about a mile and a half above the dam that supplies the water power for the city of Lewiston. This C. C. Wilson Company leased from the Franklin Company the shore rights on that river on both shores, and as every lawyer knows, this being not a navigable river, they owned the land

under those lease-hold rights to the bed of the river on each side; or, in other words, they controlled the land and by controlling the land they controlled the ice on the river. So the C. C. Wilson Company holds, so far as everybody else is concerned, the ice that was formed on the river from the dam at Lewiston one mile and a half up the river. Now, when this condition of affairs was found out, that one Company was losing and the other no more than holding their own, and this C. C. Wilson Ice Company was holding its own simply because C. C. Wilson was a lumberman and in the winter time he used his horses and men in the lumber woods and in that way kept even with the game.

Something like a year ago six young business men of the city of Lewiston, one of them it is true is the president of the company, Mr. Sawyer, a civil engineer and a man I believe that everybody in the cities of Lewiston and Auburn respects for his talent and integrity, and another man by the name of Joseph G. Chabot who was at one time Republican candidate for mayor and another by the name of E. P. Largley, who was manager for the Metropolitan Insurance Company and three others whom I do not know formed themselves into a company called the Lake Auburn Ice Company. These young men are not monsters; they are not gentlemen who are going to try to destroy the children of the city of Lewiston; they are men who have large business interests directly or indirectly in the city of Lewiston. They have as much respect for the interests of the city of Lewiston as the mayor or Mr. D. L. McGillicuddy or the Honorable gentleman from Lewiston, Mr. Edwards. They have put their money into the corporation. They have put in \$50,000 and they borrowed \$50,000 more, making \$100,000 which they have invested in this ice company. I don't believe there is a gentleman on the floor of this House who wants any man to do business and lose money. They advanced the rates, that is true, and it is that advance over the low and unproductive rates that they had before that has stirred up all the trouble here. I do not believe it is at

all political. I charge nothing of the kind, for I know personally the men or nearly every one of the men who appeared before the committee on legal affairs and told their story. There was a Republican county attorney there, as stated by the gentleman from Lewiston (Mr. Edwards) and there was other men there whose characters are above reproach, both Republicans and Democrats and one Socialist, a man who I believe is serious in his convictions but visionary, and a man whom we cannot afford to follow.

Now this company did make some money last year; there is no doubt about that, but they did not make any exorbitant sum; they made something because it was a very warm season and they could not very well help it. The rates in the city of Lewiston are not exorbitant. They are not as high as are the rates charged in many other cities of the State. In fact, you could have 25 pounds of ice for \$1.50 a month, and that is as low as it is in the village where I live, right on the banks of the Androscoggin river and where it is as easy to get ice as it is there. We are told because they owned the shore rights along the river at Lewiston that therefore there was no competition; that they are a giant trust, these six citizens of the city of Lewiston who are trying to earn an honest living are a trust. Where does the trust consist? They are not bloated bondholders and neither are they men who are trying to ruin the city of Lewiston. Three miles from the city of Lewiston is Lake Auburn, and they are not the only company to go there but this present company goes up to Lake Auburn today and cuts its ice, and they get it there because it is a better quality than the ice furnished by the river, and they get 25 cents a month more for supplying it, and they are doing it at reasonable rates and making something out of it. Any other body of men that wants to in the city of Lewiston can go to that Lake Auburn and get that ice as they are doing it, and there is no power on earth that I know of to hinder them. There is a trolley line that runs there and this company takes

its ice from that lake and carries it to Lewiston over that trolley line, a thing which anybody else can do.

We are told that it is like a water company because the ice is nothing but frozen water. We are told that it is like the gas and electric companies, but it is not. Every one of us knows that a water company must take its pipes through the streets. No one individual or nor two individuals can constitute a water company because it must have rights in the street, and gas or electric companies must also have rights in the street, and there is no analogy between the two. We are told at the present time they plan to take over the property of the ice company. What a proposition! There is one ice house in the city of Lewiston belonging to this company and the land on which it stands is worth \$37,000 today. There are in the city of Auburn three ice houses belonging to this company and the shore rights are in the cities of Lewiston and Auburn. Does anybody believe that the city of Lewiston can get from this Legislature or any other Legislature the right of eminent domain which will take the houses which are located in Auburn, as well as the ice houses in Lewiston? It is impossible. And again, as long as that is impossible, is it square and is it right and is it business in any way to ask this company to give over half of their property and keep the other half? I believe that is unfair and unbusiness-like and a thing for which I do not believe any gentleman on the floor of this **House will vote.**

These are some of the reasons why I look at this matter in this way. We should not give the company the right as it has been stated over and over again, which the Legislature or the supreme court of Massachusetts has forbidden. Here are some questions that were asked of the supreme court of Massachusetts: "Is it within the constitutional power of the Legislature to enact a law for the purpose of selling such things generally to its inhabitants or others," and there are other questions, but that is one of them, and the supreme court of Massachusetts has said that it cannot be done. Now, if that is true in Massachusetts

of the coal and wood business it is true of the ice business, because coal and wood are certainly requisites and necessities of life. The gentleman from Lewiston, Mr. Edwards, has told you that ice is a luxury. I don't think it is a luxury today. It was once but today in the cities and larger places I believe it is a necessity.

Just one more thing. In the 100th Maine, Page 384, I think, Judge Savage has said this: "In order for the Legislature to grant a right it must be a public use and must be on a public exigency." It is said that the Legislature is a judge of the exigency, but the courts of Maine are the judges of whether it is a public use. I would like to ask anybody if there is any idea in this bill that this ice is to be used by the city of Lewiston as a municipality. Nobody believes it. It is to be sold to its inhabitants. Is there anybody that believes that to be a public use? It cannot be. And, as Mr. Marshall has told you, there is no exigency. I don't believe we have the right to consider this matter in that light.

Again, if we are to allow the city of Lewiston to establish an ice plant it cannot be done because they tax the citizens to get the money with which to do it. If they do that, they tax this particular ice company, the property which this ice company has, to establish the plant which shall sell ice to the citizens. Does that strike you as right and proper to ask one man in the dry goods business, for instance, to contribute money that another man may sell goods lower than he and run him out of business? The ice business is no different; and that is the proposition which they put up.

Again, they ask the right of eminent domain. Are you willing to say that one company shall give up rights which it has in order that another company may destroy it? I say, it is not fair and it is not just, and therefore, gentlemen, I hope that this motion to substitute the minority for the majority report will not prevail.

Mr. EDWARDS: Mr. Speaker, I would like to ask the gentleman to read the opinion of the court in that Massachusetts Report again, I did not quite get it.

Mr. SMITH of Berwick: Mr. Speaker, at the request of the gentleman from Lisbon I will read from the report. It is in the 182nd Massachusetts, and the opinion of the justices is found on page 607. Upon the first interrogatory, whether the city would have the plant for the purpose of selling coal and wood at cost or less than cost or at a profit, the unanimous report of the court contained the following: "The establishment of a business like the buying and selling of fuel requires the expenditure of money. If this is done by an agency of the government there is no way to obtain the money except by taxation. Money cannot be raised by taxation except for a public use. There may be some who believe it would be well if business was conducted by the people collectively, living as a community and represented by the government in the management of ordinary industrial affairs. But nobody contends that such a system is possible under our constitution. It is plain, however, that taxation of the people to establish a city or town in the proprietorship of an ordinary mercantile or manufacturing business would be a long step toward it. If men of property, owning coal and wood yards, should be compelled to pay taxes for the establishment of a rival coal yard by a city or town, to furnish fuel at cost, they would thus be forced to make contributions of money for their own impoverishment; for if the coal yard of the city or town was conducted economically, they would be driven out of business. A similar result would follow if the business of furnishing provisions and clothing, and other necessities of life, were taken up by the government; and men who now earn a livelihood as proprietors would be forced to work as employees in stores and shops conducted by the public authorities.

Mr. HINES of Lewiston: Mr. Speaker, I originally intended during this session of the Legislature to be as silent as the Sphinx that graces the banks of the far-away Nile. I had intended to be as silent as some of my distinguished colleagues on all sides of me have succeeded in being loquacious; but if I did not break my silence now I should be untrue to myself and recreant to my

constituents and false to you, my fellow members of the Legislature.

This bill provides that the city of Lewiston shall be authorized to cut ice in the Androscoggin river, Lake Auburn, Lake Sabattus and various other ponds in the county of Androscoggin, to be sold to the inhabitants of the city of Lewiston for domestic purposes at cost. It further provides that the city of Lewiston shall take over the plant of the Lake Auburn Crystal Ice Company in one of two ways, by the right of eminent domain and paying to the company full compensation for their plant, and if it is not acceptable to both parties it is to take over the plant of the company by purchase. Remember, this proposition is to be submitted to the citizens of Lewiston by the referendum, and if they don't desire it they can vote it down.

I desire briefly to review the history of this situation. Previous to a year ago there were two competing ice concerns, the Lake Auburn Ice Co. and the C. C. Wilson Co. The Lake Auburn Ice Co. get their ice on Lake Auburn and hauled it to Lewiston. The transportation was so great that they were unable to compete with the C. C. Wilson Co. in selling ice to the people of Lewiston. As the result of the fact that they could not compete, they purchased the Wilson Co. at a tremendous cost and established a monopoly of the ice business in Lewiston and Auburn. As a result of this combination, monopoly or trust, or whatever you may call it, the price of ice immediately rose. There was a great dissatisfaction among the citizens of Lewiston as to the usage they received; but in my opinion the greatest complaint is as to the quantity of ice which has been furnished at the prices which the gentleman has quoted. As the result of this feeling in Lewiston a bill was introduced and referred to the committee on legal affairs. A hearing was held in the Senate chamber and we only had two days in which to circulate a petition among the citizens of Lewiston, and we procured on that petition 3500 citizens of the city of Lewiston, Republicans and Democrats alike; and I desire to say right here that this is a non-political and a non-partisan and

purely a local measure. Who appeared in opposition to this measure? Who were the remonstrants? Who of the citizens of Lewiston that came over here and went before the legal affairs committee and said that they were satisfied with the price of ice or with the quantity of ice which this company had been serving them? Not a single soul, Mr. Speaker. The only one who spoke there was a hired attorney, who argued the constitutionality of this proposition, and I say now, if the Chair will bear with me briefly as to the constitutionality of this measure, and then I shall have closed. I have been taught from earliest childhood that our government was divided into three distinct departments, and I was taught that the continued separation of these three departments was the best guaranty of the perpetuity and permanency of our institutions. The legislative department is first; the Executive department is second and the judicial department third. I was taught that it was the duty of the legislative department to enact laws; that it was the duty of the Executive department to enforce them, and that it was the duty of the judicial department to interpret their constitutionality.

Now, Mr. Speaker, I believe it is the duty of this House of Representatives to enact this measure into law and I believe it is the duty of the supreme court of the State of Maine to determine upon the question of its constitutionality. If this measure is as unconstitutional as the gentlemen on the majority side of the legal affairs committee would have you believe, if it is as unconstitutional as the attorneys for the Lake Auburn Crystal Ice Co. would have you believe, in the name of Heaven why are they here? If it is unconstitutional it is nugatory and void and we cannot proceed under it, the minute we try to take their land by right of eminent domain an injunction would lie and we would be stopped. If you grant this act you can do no harm, for they are amply protected. If it was unconstitutional they would not be here.

I desire to say just a few words in regard to the proposition which the gentleman from Lisbon (Mr. Coolidge)

has advanced. As I understand it, every municipality, not only in the State of Maine but in every other state, has the right to take land by right of eminent domain and sell water to its inhabitants. I believe the nearest analogy to ice is water. It is as I understand it, Mr. Speaker, only an elemental difference between ice and water, and the difference is that one is frozen and the other is not. If the citizens of the city of Lewiston have the right to take water from the Androscoggin river and sell it to the citizens of that municipality, then I say why, in the name of heaven haven't they got the right to take frozen water and sell it to the inhabitants of that city? I think, Mr. Speaker, I shall rest for the present. (Applause).

Mr. PIKE of Eastport: Mr. Speaker: As a member who signed the minority report, it seems to me fitting and proper at this time that I ought to say a word in defence of my position. This is a bill to authorize the city of Lewiston to maintain an ice plant, and I want briefly to review the reasons why the city of Lewiston at this time desires to engage in the ice business. Up until two years ago the city of Lewiston was well supplied with ice. At that time there were two competing companies supplying ice, but they soon amalgamated. They saw at once that by getting together they could absolutely control the output and the supply of ice for the city of Lewiston. One company proposed to buy out the other, and a price was given to them that the selling company thought would not be accepted. Their property was worth at that time about \$20,000, and this company offered to sell out for the fabulous sum of \$87,500, thinking of course it would be refused. The offer was accepted, and henceforth there was one company supplying the ice to the city of Lewiston. Then what happened? That coming owning the shore rights and the privilege of taking ice for a distance of two miles up and down the Androscoggin river absolutely controlled the situation there. The gentlemen on the other side of this proposition talk about competition. You may as well attempt to go up into the county of Aroostook and bring ice

down to supply the city of Lewiston as to bring it from Lake Auburn, a distance of four or five miles. This company is right on the spot; they have no distance to haul the ice; competition has been eliminated; they entirely control the situation and the inhabitants of the city of Lewiston are at their mercy.

Now Mr. Speaker and Gentlemen, is there any exigency? I say there is. Thirty-five hundred citizens of the city of Lewiston are knocking at the doors of this Legislature asking for relief from this trust. I say trust, because it is a monopoly. I speak of it in the sense that it is a monopoly and that it absolutely controls the output of ice in that city. It seems to me that the city of Lewiston should be given this authority. It may never have occasion to go into the ice business, but, gentlemen of the House, if you will give them that authority it will have a salutary effect upon this company. The city of Lewiston will then be in a position where they can say to this ice company, "You use us decently and fair, and supply us ice at decent prices and we will not go into the ice business; but, on the other hand, if you don't use us decently we want the right although we never may make application of it." They should have the right to take over this plant at its proper valuation and have the opportunity to go into the ice business themselves.

Now, a word upon the constitutionality of this question, and I shall detain you but a moment upon that proposition. It seems to me that we should proceed in determining this question under the Constitution of Maine, the Constitution under which we are governed. As has been stated, there must be two things present. There must be an exigency and there must be a public use. Upon the question of exigency the Legislature of this State is the sole judge; and I submit to you, Mr. Speaker, upon the facts as presented to this House is there not an exigency at the present time? Is there not a great public demand that the citizens of the city of Lewiston be relieved from this intolerable oppression by this ice monopoly? I think

upon that point, Mr. Speaker, that the members of this House are fairly well satisfied now. Upon the question of whether or not there is a public use—and I wish to say here that the term "public use" is a flexible one. That which the courts of Maine 50 years ago might have said was not a public use today under modern conditions and modern living it might say was a public use; and upon that question I desire to read an extract from the 100th Maine Report in which the court says: "That only can be considered a public use where the government is supplying its own needs or is furnishing facilities for its citizens in regard to those matters of public necessity, convenience or welfare which on account of their peculiar character and the difficulty or impossibility of making provisions for them otherwise, it is alike proper, useful and needful for the government to provide."

Now, I claim, Mr. Speaker, that the furnishing of ice to a municipality under the conditions which I have set forth and which obtained in the city of Lewiston is a public use. However, that may be, we are not a body here to determine upon the constitutionality of laws. We have a court established for that purpose, and it will be well for us that they might determine it as they see fit. I hope this House will grant the citizens of Lewiston the right to conduct a water plant in that city. As I said before, I don't believe they will ever have any occasion to go into the ice business but, gentlemen, it surely will have a salutary effect upon this ice monopoly which now has the citizens of Lewiston at its mercy.

Mr. EDWARDS: Mr. Speaker, could I offer an amendment to this ice bill at this time?

The SPEAKER: The Chair thinks that the matter is not in an amendable stage at the present time. If the report of the minority is substituted for the report of the majority then the bill accompanying the minority report will lie on the table for printing and when it comes back for its first, second and third readings the gentleman from Lewiston can offer an amendment. It is then in an amendable stage, but at the present time the question is upon

substituting the minority report for the majority.

Mr. HINES: Mr. Speaker, before moving the previous question I should like to have the Speaker authorize the messengers to notify the members who are in the corridors that the vote is about to be taken upon this measure.

The SPEAKER: The Chair will instruct the messengers to notify the members.

Mr. HINES: And after such notice is given I wish to move that the previous question be called.

Mr. DAVIES of Yarmouth: I should like to inquire of the gentleman from Lewiston (Mr. Edwards) through the Chair if it is the purpose of the city of Lewiston to take ice from the same source as it is now taken for the purpose of supplying the inhabitants?

Mr. EDWARDS: I think it is.

Mr. DAVIES: So that the matter of the sufficiency of quality is no issue here?

Mr. EDWARDS: I don't think so. They have the rights of the lakes and river as well. There is no place where we can get it unless we go where we should have to haul it 10 miles.

Mr. DAVIES: And it is taken from the same source by the people who supply it now?

Mr. EDWARDS: Yes.

Mr. HINES: I would say in answer to the question of the gentleman from Yarmouth that there is no complaint about the quality of the ice; it is the price and the quantity.

Mr. ANDREWS of Augusta: Mr. Speaker, if it is proper I would move that the gentleman from Lewiston (Mr. Edwards) would give us some idea of the amendment which he proposes to offer.

Mr. EDWARDS: If I may be allowed to read it, I will do so.

The SPEAKER: The Chair thinks that the whole subject matter is open for discussion and that it would be perfectly competent, it seems to the Chair, for the gentleman to read any amendment that he proposes to offer in future.

Mr. EDWARDS: Mr. Speaker, the only amendment which I have proposed to offer is because the gentleman from Lisbon (Mr. Collidge) said in his remarks

that the taking of part of this plant from the Lewiston side and leaving the rest of the company's property would not be right. Now, I have been approached by hundreds of people from the Auburn side to put it so that they could put in an amendment so that they could take the same ice and take the remainder of the plant from their side. My amendment is: "Provided further that this act shall not take effect unless the city of Auburn shall take over so much of the property of said company as is situated in said Auburn and in the same manner and under the same terms and conditions as is herein provided that said city of Lewiston shall take over said company's property in said Lewiston."

Mr. WING of Auburn: Mr. Speaker, the gentleman from Lewiston (Mr. Edwards) has taken the name of the city of Auburn in vain. I happen to be a Representative from the city of Auburn, and the gentleman who sits on my left is likewise a Representative from the city of Auburn; and I say to this House that neither my colleague or myself have had any words with any man at any time in regard to the city of Auburn going into the ice business.

Now, inasmuch as the gentleman from Lewiston (Mr. Edwards) has insisted that the city of Auburn go into the municipal ice business, I propose at this time to say a few words in regard to this proposition. This company has ice houses in the city of Auburn. Now, I understand the law to be that if the power of eminent domain is exercised that they do not take out a piece of property here and another there, but if they take any they take all. I cannot get it into my head as a lawyer what right the city of Lewiston has got within the confines of the city of Auburn to exercise the right of eminent domain, and if there is any lawyer here who can make that proposition plain to me, that is an end of the matter. There are some very peculiar features about this proposition. This is a political proposition from start to finish, and it has come to my attention since this matter has been discussed that a very eminent citizen of the city of Lewiston has said that "if we can get this proposition we will hold the

county of Androscoggin as it is now." And they come here and howl and swing their arms about the rights of the people. I tell you, Mr. Speaker and Gentlemen of the House, they are imposing upon the people for the purpose of political trickery. Now, I should like to ask a question of the distinguished gentleman from Lewiston (Mr. Edwards) who spoke upon this proposition, and I would like to ask him as to what he paid for his ice in the year 1907?

Mr. EDWARDS: I don't remember.

Mr. WING: I will ask you what you paid in the year 1906?

Mr. EDWARDS: I don't remember.

Mr. Hines of Lewiston moved the previous question.

The motion was agreed to.

The question being, shall the main question be now put?

It was agreed to.

Mr. Hines moved that the yeas and nays be called upon this question.

The motion was agreed to.

The SPEAKER: The question is upon the motion of the gentleman from Lewiston (Mr. Edwards) to substitute the report of the minority for the majority. Upon that question the yeas and nays have been ordered. Those in favor of substituting the report of the minority for the report of the majority will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Blake, Bogue, Bourassa, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Kingman, Charles, Chase, of Sebec, Chase of York, Cole, Conners, Cook, Davies, Day, Doble, Donnell, Dorr, Duncan, Dunn, Edwards, Farnham, Frost, Hannaford, Hanson, Harrington, Harris, Hines, Hodgkins of Damariscotta, Lambert, Libby, Mace, McLain, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Moulton, Orff, Packard, Patten, Patterson, Pelletier, Pike, Porter, Pressley, Putnam, Quinn, Richardson, Rounds, Sanborn, Sawyer, Sleeper, Smith of Andover, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stackpole, Stetson, Stover, Strickland, Thompson, Thurlow, Tibbetts, True, Weid, White of Columbia, Whitney—74.

NAY:—Additon, Allen of Richmond, Bearce of Eddington, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blanchard, Bowley, Bradford, Bragdon, Campbell of Cherryfield, Clark, Colby, Coolidge, Cousins, Drake, Dufour, Emery, Ferguson, For-

tier, Gilbert, Grant, Hall, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jones, Joy, Kavanaugh, Kelley, Lane, Lombard, Lord, Ludgate, Marshall, Morse, Paul, Perry, Peters, Redlon, Silsby, Smith of Berwick, Snow of Scarborough, Stanley, Trafton, Trickey, Trimble, Varney, Whitehouse, Wing of Auburn—55.

ABSENT:—Beals, Couture, Cummings, Hamlin, Harmon, Harriman, Hyde, Jordan, Mercier, Millett, Moore, Nelson, Nickerson, Pattangall, Pinkham, Robbins, Spear of South Portland, White of Wayne, Wing of Kingfield.

PAIRED:—Havey, yes; Ross, no.

So the motion prevailed.

On further motion by Mr. Edwards of Lewiston the rules were suspended, the bill received its three several readings and was passed to be engrossed.

First Reading of Printed Bills and Resolves.

An Act to incorporate the Fire Insurance Company of Portland, Maine.

An Act to incorporate the Machigonne Insurance Company.

An Act to authorize cities and towns to permit the use of lunch wagons on public ways. (Read twice on motion of Mr. Pike of Eastport and on motion of Mr. Pattangall of Waterville tabled pending third reading).

Passed To Be Engrossed.

Bill, to confer additional powers and privileges upon the People's Ferry Company.

Bill, relating to coroners and coroners' inquests.

Bill, authorizing the city of Bangor to levy assessments for street improvements.

Bill, to incorporate the Shawmut Water Company.

Bill, in relation to exception and appeal in criminal cases.

Mr. Coolidge of Lisbon, offered House amendment "A," by striking out in the 7th line of said bill the words "no sentence shall be imposed until after final judgment," and insert in place thereof the words "Sentence shall be imposed upon conviction either by verdict or demurrer."

The amendment was adopted and the bill was passed to be engrossed as amended.

Resolve, to aid an extension of the Kineo road from the Smith farm to Northeast carry.

Resolve, asking Maine senators and rep-

representatives to use their influence in removing customs from coal coming into the United States from Nova Scotia.

Bill, to establish Old Orchard park system.

Bill, about probation.

Resolve, for Jefferson C. Smith.

Bill, about towns receiving gifts for public libraries.

Bill, about detectives.

Bill, about Bodwell Water Power Company.

Bill, about Waterville Trust Company.

Bill, about meter inspectors.

Bill, about Portland Young Women's Christian Association.

Bill, about Augusta municipal court.

Bill, to allow George R. Kuetchum to build a dam in Big Machias river.

Resolve, for Susan Baker.

Bill, about fishing in Bagaduce river.

Bill, about the duties of the labor commissioner.

Bill, for transfer of patients in insane hospitals to Maine School for Feeble Minded.

Bill, to divide the town of York and establish the town of Yorktown.

Mr. Smith of Berwick offered House Amendment "A," to strike out in the first and second lines of said act the word "southerly" and inserting in place thereof the word "within."

Mr. CHASE of York: Mr. Speaker, I don't know just what that amendment is for, how it affects the bill. I would like to inquire of the gentleman from Berwick whether or not that is an amendment to the original bill or an amendment which was offered yesterday.

Mr. SMITH: I will say, Mr. Speaker, this is an amendment to the minority report which was adopted yesterday, and I would state for the benefit of the gentleman from York that through a clerical error in drawing the bill they began on one side of the town and went by the Portland road, so called, to a certain point, and then down to the Atlantic ocean and then back by the Atlantic ocean to a point, and then up, enclosing on all four sides the original draft as adopted yesterday by southerly on this line, and the amendment offered by me is simply within these lines, and not southerly of the lines.

Mr. CHASE: Mr. Speaker: I move

that the amendment lie upon the table. I want to compare the whole business.

Mr. MARSHALL of Portland: Mr. Speaker: As I understand it, this is purely to make plain a clerical error in defining the bounds. It does not in any way change or attempt to change the true intention of the bounds.

Mr. CHASE: Mr. Speaker: I raise a question about it.

The SPEAKER: The gentleman will state his point of order.

Mr. CHASE: My point is that the motion to lay on the table is not debatable.

The SPEAKER: The Chair will sustain the point of order raised by the gentleman from York.

Mr. PETERS of Ellsworth: May I suggest that the gentleman from Berwick withdraw his amendment, and it may simplify the situation for a moment.

Mr. SMITH: I will accept the suggestion of the gentleman from Ellsworth and will temporarily withdraw the amendment.

Mr. PETERS: Mr. Speaker, I desire to move that we reconsider the vote of the House taken yesterday adopting House Amendment "B" to this bill; and I do so for the purpose of allowing the friends of the bill to propose a substitute amendment, and which I presume they will explain to the House.

Mr. CHASE: Mr. Speaker, the question arises in my mind whether the gentleman from Ellsworth has the right to reconsider the vote. I think he voted in the minority.

Mr. PETERS: I will say through the Chair that I voted for the adoption of the amendment.

The SPEAKER: If the gentleman from York desires to make certain the Chair will have the records examined.

Mr. CHASE: Mr. Speaker, I hope the motion will not prevail. We voted here yesterday nearly all the afternoon and voted on that proposition to submit the question to the voters and the residents of that particular district. That having been decided by so large a vote of the full House as we had yesterday I cannot see where the fairness of the proposition lies.

Mr. McLain of Bremen: Mr. Speak-

er, I move that this House now take a recess until 2 o'clock this afternoon.

The motion was agreed to.

Afternoon Session.

On motion of Mr. Burleigh of Augusta the vote was reconsidered where by the resolve laying a tax on the counties of the State for the years 1909 and 1910 was referred to the committee on appropriations and financial affairs.

On motion of Mr. Burleigh the rules were then suspended and the resolve received its first reading, Senate Amendment A was adopted in concurrence, and on further motion by Mr. Burleigh the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Unfinished business: Motion of Mr. Peters of Ellsworth to reconsider the vote by which the House adopted House Amendment B to the bill to divide the town of York and establish the town of Yorktown.

Mr. ALLEN of Jonesboro: Mr. Speaker: I am sorry to be compelled to take a little of the time of the House again on a question which has occupied so large a portion of our time for the last few days. After having voted by an overwhelming majority to adopt House Amendment B, someone has discovered that there is some flaw in the amendment. Now we are asked to overturn the vote that was taken yesterday and open the whole matter for another afternoon session; and I sincerely hope that the members of the House who may have some desire to get home in time to see their wives and families before they are entirely grown up beyond their remembrance (laughter) will refuse to reconsider this vote. If it is necessary I can stay here all summer but I should like to get home and see my family before they have grown up beyond my remembrance; and I hope that the House will insist that if the gentlemen who wished to reconsider this shall give us good reasons why they should take so much of our time and involve us in another afternoon's discussion of this matter.

Mr. PETERS of Ellsworth: Mr. Speaker: I voted for the amendment proposed by the gentleman from York

because I believed it had merit. I voted for the minority report to divide the town of York because I believed and still believe that under circumstances like those existing in this case where separate communities get to pulling apart in that way, the only thing is to divorce them. In regard to this particular question I made the motion to reconsider because I was informed by the friends of the bill that in the amendment offered by the gentleman from York there were various deficiencies in the way of machinery—there was no date fixed and no adequate machinery for carrying out the project of authorizing a referendum by the people, and I think it is the only fair that the friends of the bill should have the opportunity of offering their substitute for the amendment. I simply ask that they have a chance to be heard and I would suggest, if it is perfectly in order, that the friends of this proposed amendment should argue to the House the merits of it now.

Mr. CHASE of York: Mr. Speaker: If the only object of the gentleman from Ellsworth is to put the matter in a position to be discussed, I have no objection.

Mr. PETERS: I simply desire that we listen to the discussion by these gentlemen as to the relative merits of the two amendments.

Mr. BURLEIGH of Augusta: Mr. Speaker: With the understanding that it would be in order to present the amendments desired by the friends of the minority report at this time, I will offer the amendment for that purpose.

The Speaker read the amendment as follows:

Amend said act by striking out House Amendment "B" and substituting therefor the following:

Provided, however, that this act shall not take effect unless a majority of the taxpayers who were assessed a tax for the year 1909 upon a poll or property within the limits of said proposed town of Gorges who are present and vote at the meeting hereinafter provided for, vote to accept this act at a meeting of said taxpayers to be called by a justice of the peace or no-

tary public of the county of York on petition of not less than 10 of said taxpayers, which meeting shall be presided over by a moderator elected by written ballot, and which meeting shall be held at some time during the month of August, A. D. 1909, at some suitable place within the limits of said proposed town of Gorges, and which meeting shall be called by posting three notices within the territory of said proposed town, to wit: One at the postoffice at York Beach, one at the postoffice at York Harbor, and one at the postoffice at York Village, all in said town of York, at least seven days before the date of holding said meeting. The only business which shall be acted upon at said meeting, except the choice of a moderator and secretary and the appointment of the committee hereinafter provided for, shall be upon the following question namely, viz: Shall the act entitled "An Act to divide the town of York and establish the town of Gorges" be accepted? The vote at said meeting shall be by written ballot, those in favor of said acceptance to vote "yes," and those opposed "no." At said meeting the polls shall be open at ten o'clock in the forenoon and remain open until four o'clock in the afternoon. The ballots cast at said meeting shall be counted by a committee of six, of which committee the selectmen of York shall be three, the other three to be appointed by the moderator from among the taxpayers within the limits of said town of Gorges; and should said selectmen decline or refuse to act said moderator shall appoint as members of said committee three taxpayers living in said York outside the limits of said proposed town of Gorges. A correct list of said taxpayers within said limits of said proposed town of Gorges who were assessed a tax for the year A. D. 1909 shall be prepared by a committee of three residents of said proposed town of Gorges to be appointed by the justice of the supreme judicial court presiding at the May, A. D. 1900 term of said court in York county, which committee shall have access to the books of the assessors of said town of York, and who shall sign and make oath to the correctness of said list, which shall be used as a check list at said meeting.

If at said meeting this act is not accept-

ed, another meeting of said taxpayers similarly called and held shall be held during the month of Augusta, A. D. 1910, to act upon the same matter, and if at said second meeting said act is not accepted, then this act shall be void. For the purposes of said second meeting a correct list of said taxpayers within said limits of said proposed town of Gorges who were assessed a tax for the year A. D. 1910 shall be prepared by a committee of three residents of the proposed town of Gorges to be appointed by the justice of the supreme judicial court presiding at the May, A. D. 1910, term of said court in York county, which committee shall have access to the books of the assessors of said town of York, and who shall sign and make oath to the correctness of said list, which shall be used as a check list at said meeting.

The moderator and secretary of either of said meetings shall make return under oath to the secretary of State of the result of the vote at such meeting.

Mr. BURLEIGH: Mr. Speaker, it strikes me that the amendment offered by the friends of the minority is a fairer proposition than that offered yesterday. We voted quite decisively that this town ought to be divided. The particular conditions which call for a division seem to be that the people who are congregated in this section which is proposed to be set off are people who built up the place and who want modern improvements and their wishes are perhaps in opposition to the other portion of the town, so there is necessarily this friction. They are people who wish to progress in their own way and pay for their own improvements. Now is it not a fair proposition not only that this should be submitted to the voters of the town but also to include the people who are building up these improvements, the other taxpayers? The Legislature can impose that condition if it sees fit to make the acceptance of this act dependent on the vote not only of the technical legal voters of the town but of those people who have property interests there. That is all there is to this proposition.

Mr. MONTGOMERY of Camden: Mr. Speaker, I would ask the gentleman from Augusta what this word "taxpawers" in his mind would include, if it would not

include minors and people living outside the State?

Mr. BURLEIGH: Mr. Speaker, this is my understanding of it, a majority of the taxpayers who are assessed a tax for the year 1909 upon a poll or property. I should understand it would not take in minors. It would take in all the property taxpayers.

Mr. MONTGOMERY: Whether they live in the State or out of the State?

Mr. BURLEIGH: Whether they live in the State or out of the State.

Mr. MONTGOMERY: Would it not include people under guardianship?

Mr. BURLEIGH: Possibly it might. If there are two or three people who are under guardianship I think no real injustice would result if they should vote.

Mr. PATTANGALL: Mr. Speaker, I suppose the women in the proposed town of Gorges own property and are taxpayers. I would like to inquire of the gentleman from Augusta if under that amendment the women of Gorges would vote on this question?

Mr. BURLEIGH: I understand that they could; and I see no reason why they should not.

Mr. PATTANGALL: Any woman living in New York and owning property in the proposed town is allowed to vote?

Mr. BURLEIGH: Yes.

Mr. PATTANGALL: Then the object of the amendment is to confer limited woman suffrage? (Laughter).

Mr. COOLIDGE of Lisbon: Mr. Speaker, it seems to me that the matter we voted upon yesterday was eminently fair. When we live in a town we have some interest in its schools, in the business arrangement, the methods by which we shall live, and those are the things that we care about; they are the vital things in the town. If we are going to give the right to everybody from Boston to San Francisco to say whether a piece of a town shall be cut off or not it seems to me we are going too far. I do not believe we have any moral right to subject the residents of that part of York to the mercy of those people who may live somewhere else except with the interest of owning a house or a lot of land in that town. I believe this amendment in that respect is all wrong. When we leave it to anybody it

should be to the legal and actual residents in that place, and I do not believe we have any right to leave it to fools and children and Indians untaxed simply because they happen to have property in the town. I do not believe this amendment ought to be considered for a minute. (Applause).

Mr. MARSHALL: Mr. Speaker, I asked the House yesterday to table the amendment offered by the gentleman from York in order to look it over. The House did not take that view. Now I think the amendment is defective. If this amendment goes through I have serious fears that the result will be the same as though you had rejected the vote of the Senate to divide the town. Knowing something of the disposition of the selectmen of that town I firmly believe that they would never call a town meeting for that purpose; I believe the citizens residing within the limit of this corporation will never have a chance to vote on it. Again it may be called at any time. These and other reasons which the gentleman from Auburn (Mr. Wing) suggested yesterday render in my judgment this adopted amendment entirely nugatory; it practically kills the bill. Now do you want to have the town of York back here two years hence and try again at this thing? Haven't they fought long enough? Isn't it about time to divide them?

As to the proposed amendment offered today I agree with the gentleman from Camden that it should be limited to those who are not paupers or under guardianship and who are 21 years of age and over. I believe that is right. And pray tell me why those who have built up this place, who now are seeking the improvements and who now cannot get them, should not have a chance to express themselves upon this question? It is for that reason that they who desire to see it go forward and see it developed now come before you asking for justice. I do not want to see the old town stand still. I think it would be well for the State of Maine to give one honorable monument to Sir Ferdinand Gorges who did so much to found the State of Maine. I hope the amendment offered by the gentleman from Augusta, as modified in the line suggested, may prevail. I see no reason

why women, who have put large sums of money into summer cottages there, should not have a right to express themselves upon this one question. It is not a question of electing officers or of taxation, it is a purely statutory matter, and I submit to any lawyer in this House that upon those matters the State has a perfect right to prescribe conditions. The supreme court of this State has so held. Those conditions seem to me fair. The conditions prescribed in the amendment which you adopted are eminently unfair. I do not say that they are knowingly unfair, I say they are so absolutely inadequate that the result will be that you cannot accomplish the purpose which you attempted to accomplish yesterday. I hope, if either amendment is to be accepted, the amendment offered by the gentleman from Augusta will prevail. (Applause).

Mr. COUSINS of Standish: Mr. Speaker: The gentleman from Portland (Mr. Marshall) says he hopes if either amendment prevails that the one offered by the gentleman from Augusta will. I do not think that either one of them should be considered. I do not think that this matter should be submitted to a referendum. I am satisfied from the information I got by going through the town of York a few days last fall and seeing the conditions that exist there, that there never could be any more division that exists at the present time. We tried to hold an agricultural institute there but they were not interested in agriculture, they were interested in York bridge. There has been a gentleman round the House for a few days who had a plaster on his neck and he informed me that he had a boil. That boil last night came to a head and broke. This bridge was the boil that has troubled the town of York for a number of years and it came to a head and broke; now we want to give some medicine for it. (Laughter). The conditions of the town of York are such that you cannot harmonize them. They are growing farther apart instead of coming nearer together. By division you will promote harmony instead of discord. I am informed that half of the valuation of this proposed

town of Gorges is owned by non-resident taxpayers, and about one-third of them would be voters if they were residents of the State. Now I do not believe in a referendum where only about half of the people can express their opinions and desires. If this Legislature does not separate that town they will be in two years again. I do not think that the next Legislature will be any better qualified to act on it than we are now and I think this matter should be settled by this Legislature and not leave it for those people to quarrel over for the next two years because they will not be satisfied. These people who ask to be set off are ready and willing and anxious to assume the responsibilities of this bridge. It was built at their request, it is for their benefit. They do not want to burden the other part of the town with any of their trials and tribulations. They are wealthy people, they want modern improvements and inventions and they are willing to pay for them. If this was a small town with a couple of hundred thousand dollars of valuation it would be one thing, but here is about three million dollars of property in this town and it would not be a burden but it would be a benefit to both parties to divide it; and I hope that this Legislature will feel it their duty to act on this matter and act right.

Mr. PATTANGALL: Mr. Speaker: There are certain questions in connection with this case which we have settled. The Legislature has voted that on some condition or other they will divide the town of York. There is no need of discussing that. The only thing left for us to discuss it seems to me is in what way the question of final decision of this case will be sent to a portion of the people of York. The gentleman from York yesterday proposed to submit the case to all the voters and the Legislature decided that that would be unfair. He then proposed to submit it to the voters in the part set off from the town of York and the Legislature decided that that proposition was fair. The only criticism made now to that is that the machinery provided for holding the town meeting was not sufficient. There may

be something in that criticism. If there is it can be readily arranged by amending the amendment of the gentleman from York so as to provide a day certain when the town meeting shall be held. But in room of that simple suggestion, Amendment D is brought in here which to my mind is the most outrageous proposition I have ever read. It leaves the matter to the taxpayers, poll or property taxpayers, within the limits of the proposed town of Gorges, not the people who are taxpayers there now, but the people who may be taxpayers there on the first of April, 1909; and if I owned an acre of land in Gorges I could make a 100 citizens of Portland taxpayers in the town in April, 1909, by simply making a 100 deeds of a 100 little lots of land and I could take for fear that the people who are going to divide that town anyway whether anybody in it wants it divided or not—because they do not like to leave that question to the inhabitants—the proposition is made that if they fail to get enough taxpayers in 1909 to divide the town they can wait until 1910, and by April, 1910, you can have without spending very much money 10,000 voters qualified to vote for that amendment in town meeting in the town of York, women and children and anybody else scattered from San Francisco to Eastport. Anybody could undertake for a reasonable amount of money to carry that town meeting on a proposition that could properly come before it because you have got the whole electorate of the United States to appeal to and all you have got to do is to deed them a foot and a half of worthless land on the beach there and you have made them legal voters. (Laughter).

I was too sanguine yesterday. I said that I considered the amendment offered by the gentleman from York was so fair that it would appeal even to the lobby. It appealed to the House. The House adopted it. But the sober second thought of the lobby was that it would not do and so they come in with this thing. Now if the gentlemen who have this amendment in hand are serious about it and want to be fair about it, they they would strike

out from that amendment wherever it occurs the word "taxpayers" and the qualifying words following it and put in "legal voters" then they would have the machinery that they say the gentleman from York left out of his amendment. They would have everything except the preposterous proposition that a man or woman or a minor with a legal residence in Chicago could go into a Maine town meeting and vote and could bring with him or her coachman, her hired girl, her maid, or anything in the world that she wanted to bring which was human and could receive a deed of a piece of property. (Laughter).

Mr. BURLEIGH: Mr. Speaker, I think this amendment should properly contain a provision after the word "taxpayers" in the 4th line "21 years of age and over" and excepting persons under guardianship. As a general proposition that the taxpayers there should have a right to be heard, it strikes me that it is a fair proposition.

Mr. MARSHALL of Portland: Mr. Speaker, I will just state that this is no new proposition in Maine. It has been in existence for years in Squirrel Island where residents and non-residents have the exercise of the full right to vote in all their affairs.

Mr. CHASE of York: Mr. Speaker, I would ask the gentleman from Portland (Mr. Marshall) if Squirrel Island is a town, is an organized town in this State?

Mr. MARSHALL: Mr. Speaker, it is a village corporation, and they exercise a right to vote in all their municipal affairs. But in this case we don't ask that the non-residents should vote only on this one single question of whether the town shall be set aside. And I will state that the assessors' books are in the hands of the selectmen, and if the gentleman thinks that anybody can get his name on there who is not entitled to vote he is very much wistaken.

Mr. PATTANGALL of Waterville: Mr. Speaker, I would like to ask the gentleman a question. If between now and April, 1910, some gentleman in Gorges deed land to 100 different individuals won't their names be on the assessors' books in 1910 as taxpayers?

Mr. MARSHALL: I don't know. (Laughter and applause.)

Mr. PATTANGALL: I think it would be well for the gentleman to look into that matter before we adopt his amendment. (Laughter and applause.)

Mr. MARSHALL: I was going to suggest that it might take a writ of mandamus to get the names on there.

Mr. PETERS of Ellsworth: Mr. Speaker, I just want to say that the matter appeals to me in this way. The House is in favor of dividing this town of York. An amendment was passed at the instance of an opponent of that division and accepted by the House. The gentlemen who are in favor of dividing this town say that that amendment practically renders the division bill nugatory. I have not examined it in detail myself, but the friends of that bill say if the amendment goes that we passed yesterday it will render our other action practically nugatory; and they come in here and they want the opportunity of presenting another amendment to take the place of the first one. Various criticisms have been made touching this proposed amendment. Some of them I think are well founded. I don't think that the fears of the gentleman from Camden (Mr. Montgomery) or the gentleman from Waterville (Mr. Pattangall) are entirely well founded that this may be an opening wedge for woman suffrage. I can see that this proposed change in the amendment should be modified somewhat as it doubtless will be before it is introduced. I suggest that only property owners in 1909 should be allowed to vote. When the amendment is offered that can be arranged. The only question here now is one between the principle of allowing the native voters of this town to decide the question or allowing all the property owners including poll tax payers to decide it. It rather strikes me it is fully as much or more a question of property as anything else. I am told there is a very large valuation here owned by people resident without the State, not voters in the State, and I am told there is great friction between the different parts of the town. It seems to me this is a question of property and that these gentlemen are right in their conten-

tion that the property should govern the adoption of this bill. This proposition is that the people who own different sections of that part of the town whether they live there all the time or not shall be the ones to say whether their lands shall be taken off from the town of York and called by another name. That appeals to me as being a true and correct principle, and I am in favor of giving these gentlemen a chance to put this amendment in, modified as has been suggested, and keep to the principle that the owners of this land are the ones to say whether they want it set off and called by another name.

Mr. CHASE of York: Mr. Speaker, I think I was correct in my first position. I yielded at the suggestion of some of my friends. I see the drift of this thing now, and that is to have this discussion on the line suggested by the gentleman from Ellsworth (Mr. Peters) so that this thin, this amendment "D" which they propose here, the iniquity of it should be covered up in that way should not get the mind of the House settled distinctly on the enormity of this proposition. The Squirrel Island matter has been referred to as a precedent. I know about that. The people bought that island and they made a corporation of it. It was a business affair and 't has no political significance whatever. And there is not one single case in this State where this thing has ever been proposed in a town before. What would the gentleman from Portland (Mr. Marshall) think if we should propose to have the matter of building the city building of Portland decided by men who own property there but who live somewhere else? It was not necessary to move to reconsider the vote which we took yesterday in order to get this in here. But it is done in my opinion as a subterfuge and the purpose is to mix up the matter so as to carry through this iniquitous scheme to divide the town of York.

The gentleman from Portland (Mr. Marshall) referred to a decrease according to the assessors' report of the center portion. I can explain that. There is a house there known as the Norton house which cost \$25,000 or \$35,000, and it is vacant. That was owned by the bank in Biddeford and it was taken on

account of money loaned. The same bank owned property in the eastern section of the town, so that the assessors last year in order to put the thing together transferred that property on the books of the eastern section so that the property there was decreased to that amount, about \$4000 I think. That was the explanation that was made before the committee and it was not disputed. I think there are some other cases which are similar.

Now, they say there are serious flaws in amendment "B." I drew that up in my room hurriedly. Now, I say that if this proposition is voted down and the matter remains on amendment "B," I assure this House that that amendment "B" shall be arranged so that every citizen of that town shall have two chances, one this year and one a year afterwards, to vote on the question whether every citizen of that section shall have a chance to vote on the question whether that shall be divided from the town of York. I want it submitted to the citizens who live there and who have always lived there. This amendment "D" says "property owners or poll tax payers." In the month of August when these elections take place to divide this town, according to the proposed amendment, that section of the town of York is jammed full of men from all the way from Boston to Chicago, and Denver and Texas and even California. They come with their chauffeurs, their hostlers and their servants. Every one of those men can be made a poll tax payer or property owner in that town, and I know from my own knowledge that men come there as hostlers or teamsters and their names have been placed on the voting list and more than twenty votes in one year I know were cast by that class of men who when they left there in the fall never paid a dollar; their poll tax is paid by somebody interested in their vote.

Now, it is for you to say whether or not you will have that bill amended if necessary. I left it open without machinery in it in order that the people might have some leeway and decide for themselves. I expected there would be amendments offered; I am willing there should be; but I want the amendments made to amendment "B." As to the

suggestion about the selectmen not calling the meeting, I know there is no possibility of that being done.

Mr. PETERS of Ellsworth: Mr. Speaker, it is unnecessary to say that the only way this question could be discussed was by making the motion that was made. It is also unnecessary to say that the only way we would be able to vote intelligently on the matter was by hearing the arguments of the gentlemen who proposed to offer an amendment. Before moving the previous question I desire to say that those of us who favor giving to those who want division the opportunity of presenting an amendment changing the one offered yesterday on the general principles laid down, will vote yes on the motion to reconsider; and I demand the previous question.

The motion was agreed to.

Mr. PIKE of Eastport. Mr. Speaker, I understand the motion before the House is a motion to reconsider the action of yesterday. After the vote of yesterday we decided to adopt amendment "B." The matter was thoroughly threshed out and decided. I see no reason why that vote should be reconsidered. We have been proceeding this afternoon entirely out of order, discussing this amendment which is not before the House. I am very glad it is coming up that way. I should hope that no such outrageous amendment as this one should ever come directly before this House for consideration. It is the most absurd proposition I ever read. Anybody within the confines of the United States could vote upon the question of division. If they are beaten at one election that does not settle it; they are entitled to another one. It seems to me manifestly unfair, and I hope that the members of this House will refuse to reconsider its action of yesterday. Let us close the door now. The matter has been thoroughly threshed out and settled, and we should now end it.

Mr. CHASE of York: Mr. Speaker, I understand it is not possible to amend my amendment now, but can we at a later stage of the proceedings? I ask the opinion of the Chair in regard to the matter.

The SPEAKER: The situation is this. The gentleman from York (Mr. Chase) yesterday offered House amendment "B"

which was adopted. Today the gentleman from Ellsworth (Mr. Peters) moves to reconsider the vote by which House amendment "B" was adopted. The parliamentary question put to the Chair is, can any part of the amendment "B" which was adopted yesterday be stricken out, or can the whole be stricken out without reconsideration? Upon that point the Chair desires to read a part of Section 136 of Reed's Rules. "If an amendment is decided in the affirmative then the words inserted cannot any of them be stricken out except with other words, and then only when with other words they constitute a new proposition."

Mr. CHASE of York: Mr. Speaker, whether or not after this amendment has become a part of the bill, when the bill has taken its further reading, whether this amendment cannot be further amended?

The SPEAKER: The Chair would rule not. This is an amendment that has been adopted by the House; and it is not competent for the House under the rule to strike out anything without reconsideration,—to strike out any part of the amendment. It seems to me that the rule found in Section 136 of Reed's Rules is clear upon that point.

The question being, shall the main question be now put?

It was agreed to.

Mr. Weld of Old Town, called for the yeas and nays.

The motion was agreed to.

The SPEAKER: The question is on the motion to reconsider the vote whereby House amendment "B" was adopted. All those in favor of reconsideration, when their names are called, will answer yes; all those opposed will answer no. The Clerk will call the roll.

YEA:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Cousins, Drake, Edwards, Frost, Grant, Hall, Hannaford, Hanson, Harris, Havey, Hersey, Higgins, Hines, Hodgkins of Temple, Hussey, Hyde, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Ludgate, Marshall, Mercier, Millett, Morse, Nelson, Packard, Patterson, Paul, Perry, Peters, Redlon, Richardson, Silsby, Smith of Andover, Smith of Berwick, Spear of South Portland, Stanley, Strickland, Trickey, Trimble, True, White of

Columbia, Whitehouse. Wing of Auburn—64.

NAY:—Allen of Jonesboro, Allen of Richmond, Bearce of Eddington, Bemis, Bigelow, Bigney, Blake, Bourassa, Bragdon, Burse of Pittsfield, Bussell, Buswell, Chase of York, Connors, Cook, Coolidge, Couture, Doble, Donnell, Dorr, Duncan, Dunn, Farnham, Ferguson, Fortier, Gilbert, Harriman, Harrington, Hill, Hodgkins of Damariscotta, Holt, Libby, Lombard, Lord, Mace, McLain, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Moulton, Orff, Pattangall, Patten, Pelletier, Pike, Pinkham, Porter, Pressley, Putnam, Quinn, Rounds, Sanborn, Sawyer, Sleeper, Snow of Brunswick, Snow of Scarborough, Spear of Warren, Stetson, Stover, Thompson, Thurlough, Tibbetts, Trafton, Varney, Weld, Whitney, Wing of Kingfield—69.

ABSENT:—Bogue, Cummings, Davies, Day, Dufour, Hamlin, Harmon, Jones, Moore, Nickerson, Robbins, Ross, Smith of Biddeford, Stackpole, White of Wayne—15.

PAIRED:—Bartlett of Eliot, no; Emery, yes.

So the motion was lost. (Applause.)

The bill then received its third reading.

Mr. Smith of Berwick offered House Amendment C, to amend Section 1 of said Act by striking out in the first and second lines thereof the words "southerly of," and inserting in place thereof the word "within."

Mr. Chase of York, moved to lay the amendment on the table.

The motion was lost.

The question being on the adoption of the amendment, —

The amendment was adopted.

The bill was then passed to be engrossed as amended.

On motion of Mr. Eisbee of Rumford, the House voted to take a recess of 20 minutes.

AFTER RECESS.

Passed to Be Enacted.

An Act to amend Chapter 154 of the Private and Special Laws of 1895, as amended by Chapter 157 of the Private and Special Laws of 1907, relating to the charter of the Wiscasset Water Co.

An Act to amend Sections 42 and 44 of Chapter 8 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1907, relating to taxation of express companies.

An Act to amend Sections 58 and 59 of Chapter 9 of the Revised Statutes,

regarding roads in unincorporated townships.

An Act to amend Chapter 48, Section 23, of the Revised Statutes relating to investments of Savings Banks.

An Act to amend Chapter 264 of the Private and Special Laws of 1905 relating to fishing in Thompson pond.

An Act to amend the charter of the city of Old Town and provide for a referendum of the legal voters of the city of Old Town.

An Act to prohibit gas companies in the cities of Bangor and Brewer from charging meter rates or making service charges.

An Act to amend Chapter 83 of the Public Laws of 1905, relating to contagious diseases among cattle.

An Act to provide for ice fishing in Great Embden pond in the town of Embden in Somerset county.

An Act to regulate fishing in Webb's river and tributaries in Franklin county.

An Act to grant additional powers to the Rangeley Light and Power Co.

An Act organizing the Oquossuc Railway Co.

Finally Passed.

Resolve in favor of I. F. Getchell.

Resolve in favor of the town of Jonesboro.

Resolve in favor of the town of Addison.

Resolve in favor of the town of Bingham.

Resolve in favor of the secretary of State.

Resolve in favor of the towns of Enfield and Howland.

Resolve in favor of the University of Maine.

Resolve in favor of the State School for Boys.

Resolve in favor of the committee on bills in third reading for clerical assistance.

Resolve authorizing the land agent to release the interest of the State in the islet called Turnip island in Bristol in Lincoln county.

Resolve that the land agent be authorized to convey to Joseph C. Harmon of Stonington, Hancock county, Three Bush island.

Resolve in favor of the town of Nor-

ridgeweek to aid in getting a free bridge.

Resolve for the maintenance of State bridges located in the city of Old Town and town of Milford.

Resolve requesting the United States Senators and representatives to aid in the enactment of a law creating a volunteer retired list in the war department.

Resolve making an appropriation for the Passamaquoddy tribe of Indians, came up on its final passage, containing an emergency clause.

A division was had and 116 voted in the affirmative and none in the negative.

So the resolve was finally passed.

Resolve in favor of the Penobscot tribe of Indians, came up on its final passage, containing an emergency clause.

A division was had and 115 voted in the affirmative and none in the negative.

So the resolve was finally passed.

An Act to prohibit the taking of scallops in West Penobscot bay from April 1st to October 1st of each year, came up on its passage to be enacted, containing an emergency clause.

A division was had and 95 voted in the affirmative and none in the negative.

So the bill failed of a passage to be enacted not having received the votes of two-thirds of all the members elected to the House.

Mr. Duncan of Rockland moved to reconsider the vote whereby this bill failed of a passage to be enacted.

The motion was agreed to.

The bill was then placed upon its passage to be enacted, a division was had and 110 voted in the affirmative and none in the negative.

So the bill was passed to be enacted.

Orders of the Day.

Unfinished business: Report of the committee on taxation reporting "ought not to pass" on a bill entitled "An Act to create a municipal fund and provide for its distribution."

Mr. BIGELOW of Portland: Mr. Speaker: I yield to the gentleman from Caribou.

On motion of Mr. Hall of Caribou

An Act providing for a special equity juvenile court, was taken from the table.

On motion of Mr. Montgomery of Camden the consideration of this bill was assigned for tomorrow morning.

The House having under consideration the report of the committee on taxation reporting "ought not to pass" on a bill entitled "An Act to create a municipal fund and provide for its distribution.

Mr. Bigelow of Portland moved to substitute the bill for the report.

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The House having under consideration the report of the committee on taxation reporting "ought not to pass" on a bill entitled "An Act to create a municipal fund and provide for its distribution.

Mr. BIGELOW of Portland: Mr. Speaker, I move to substitute the bill for the report. The patience and good nature and the courtesy of this House has been a great surprise to me and I hesitate at this time to take any of the valuable time of the House in a discussion of any matter, but the bill which we have now before us and other bills of a similar character are in my opinion the most important pieces of legislation which will come before the Legislature for discussion at all; but, gentlemen, it seems to me that it is outrageous to postpone the consideration of such important matters until this late day. They should be given ample time for consideration, they should be studied carefully by every one in all their phases, and it seems to me that it would be impossible for this Legislature to give these matters the proper consideration or discuss them properly at this time. Perhaps, however, that is the rea-

son why these matters are detained until this late day. It may be that there are some people who prefer that these matters should not be given proper consideration. It may be there is a motive in it. I do not wish to impute any motive to the committee who reported on these measures, or to anyone, but it does seem to me that it would have been far better for the people of the State of Maine and far better for the credit of the 74th Legislature if these matters had been taken up earlier in the session and given proper and due consideration. As it is now it seems to me that we are to pass judgment upon matters which affect the people of the whole State of Maine, and not only that but which define the policy of the State in years to come; because, gentlemen, it is important to my mind that this Legislature should not adjourn until it has placed what might be considered at least a fair and reasonable tax upon a class of property which has been escaping taxation in this State for years. I say escaping taxation. I mean which has not been paying its proportional part of the taxes of the State; for the wild land owners, considering the value of their property, its remarkable increase in value commercially and naturally, have not been paying proportionately their just and fair part of the public burden.

The bill which is under consideration provides, in the first place, this: The excise taxes collected by the State from the railroads, telegraph and telephone companies, and so forth, amounting in round numbers to \$1,234,000, shall be distributed according to valuation among the cities and towns and organized plantations of the State, one half of the amount so distributed to be used for schools, the other half to be used for highways. In doing this, necessarily it will deprive the State of the use of this money which is now used for other purposes in the payment of the general expenses of the State, and it will necessarily increase the mill tax of the State. In fact it will double the mill tax. The tax now is three mills, and when the excise taxes are taken out the State tax will then be six mills. Now the gentlemen in the lobby who are so interested in the taxation of wild lands that they have been here constantly and have labored diligently to

convince people that they have been paying more than they ought to pay, say that this is merely a subterfuge in order to get at them and make them pay more; and to be frank, that is just exactly what it is. It gets around a constitutional objection to taxing them. It gets around it fairly; and I do not think that the question of the constitutionality will be raised at all. The provision in the bill that one half of the amount shall be used for schools and one half used for highways is merely to cover any possible legal objection to such distribution, and it might have been provided that all of it be used for schools or all for highways, but the provision was merely regarded as a taxable method of utilizing the money. The effect of this measure would be to increase the State tax to six mills, and it would take out of the wild lands \$127,000 in round numbers more than they are paying now, and it would save every city and every town in the State of Maine something, and in the case of many of them it would reduce their tax which they are now paying by one-tenth. Now there are other measures under consideration which naturally follow along with this one; and perhaps I might touch upon them as I explain the operation and effect of this bill.

The committee on taxation reported a bill which next follows on the calendar which provides that a tax of a mill and a half be levied upon all the property of the State and provides for its distribution in two ways, upon the valuation and upon the number of scholars, one-third of the amount distributed to be distributed for the school fund on the number of scholars, and the other two-thirds to be apportioned in accordance with the valuation. Then there is pending also, or will be when that measure is reached, another bill, or an amendment to that bill, which provides that there shall be a tax of only half a mill and that it shall be all apportioned for the school fund in accordance with the number of pupils. Now for one concrete example as to the effect of these bills upon the cities and towns of this State I would call attention to a few towns. It has been impossible for any one to figure out accurately the effect of this measure upon all the towns in this State. This bill which I am now

discussing has been figured out for every town in Maine, and I have had placed upon the desks of the members a little table showing what each town saves by this bill, but there have been no figures on the other bill. No one has presented any facts about it. In some places it might be argued that it was a help to the town, but if the figures were accurate and you should go over them carefully it might be found that instead of being a help, either of these other bills would be a detriment and that the town or city would lose instead of gaining by it. There are many objections to the two other measures in my opinion. In the first place they are unfair to some of the towns and cities of the State, because I don't take it that this Legislature wants to inflict upon the people of this State any measure, any tax bill, which could be construed as being unfair to any one city or town in the State. At the hearing there was a great deal said by the attorney representing some of these interests about the city of Portland, and he contrasted from the figures which he made himself and which were fairly accurate, the effect that this bill would have on Portland as compared with other places. Gentlemen, it is only reasonable to assume that if you are going to make any apportionment at all, a large city like Portland with a valuation of \$60,000,000 should at least have as much consideration as some little town in some other part of the State. It is naturally to be assumed that we in Portland should benefit by any distribution that is made on the basis of valuation, but if you make that distribution on the apportionment of the scholars it is decidedly unfair to cities like Portland and to a great many towns, because in Portland for example, it costs us more perhaps to educate our children and to maintain our schools than it does in other places, and therefore if you only give us what would be considered ofhand a fair apportionment of any State money the result is really an injustice to us.

In the town of Gray, for example, the town assesses itself 2.4 mills on a dollar for its schools and spends for each scholar the sum of \$3.85. Under the present law, the method of distributing the school fund, the town of Gray gains only

\$441, and it would gain by the amendment which I understand is to be offered of a half a mill, \$100, and it would gain by the bill of the taxation committee \$97, and by this bill which we are now considering Gray would gain \$177. The town of Jay as another illustration taxes itself 1.8 mills and spends \$3.17 for each scholar. Under the present law Jay gains \$812 a year. By the amendment which is to be offered Jay would lose \$53, and under the bill reported by the taxation committee it would gain \$157. By the bill which I am now discussing Jay would gain \$657. Many of the factory towns, Lewiston, Biddeford and others, assess themselves for school purposes only a very small amount compared with the average local assessment for schools over the State. Biddeford assesses itself 1.7 mills, and yet under the bill reported it would gain \$2,841, and under the present law it gains \$6,888. And so we might go on with all these towns showing the effect of all these various bills which are before this House, what the effect of these bills would be. No one has figured that out accurately as to all of them, and I assume that the only thing which remains to be discussed, if there is any distribution of State funds for any purpose, is whether or not the method of distribution on the whole is a fair and equitable proposition. It is my contention that the method of distribution proposed under the bill reported by the committee and by the amendment is so unfair that it does not seem possible to me that the Legislature can pass either one of them. Under this bill which I am discussing every town and city gains and none of them lose by that method of distribution. Under the other bills, towns which are rich and prosperous gain large sums and towns that are poor and needy and which should be helped lose more than they should lose; and if I had the time and wanted to inflict myself too much upon this patient body of men I might go over a lot of these towns that I have taken up and figure out, showing you where this injustice prevails. There is Winter Harbor for example. Under the amendment which is proposed it loses \$171 a year. Under the present law it loses \$257 a year, and under my bill it would gain \$171. The passage of the bill of the com-

mittee on taxation would cost the city of Portland \$8,428. Under the amendment the city would lose \$30,000, and a portion of that \$30,000 would be given to the city of Lewiston, when in contrast with Portland Lewiston is taxing itself locally for the maintenance of its schools 1.6 mills, while Portland is taxing itself locally 3.7 mills, and in Lewiston it costs \$2.63 a pupil and in Portland it costs \$13.93 a pupil; and yet under the proposed amendment it is proposed to take from the city of Portland where the people are taxing themselves heavily now to maintain the schools, it is proposed to take from that city and give to Lewiston, which is taxing itself less than one half of what Portland is taxing itself. Even if you do consider Portland to be rich and prosperous should you take from Portland money which it needs, especially at this time, and give it to Lewiston which is prosperous and rich? That does not seem to be an equitable proposition and I do not believe there is a man here who would claim that it was. Some of the smaller towns in the State, some of the poor towns suffer the most under the bill reported by the committee and also under the amendment, and every one of them gains under my bill and the money comes out of that class of property which has been escaping taxation, at least which has not been paying its proportional part of the taxes of this State.

Now are the wild lands paying such taxes as they should? That is the question perhaps which might be discussed. As I understand it they are today paying at the rate of about two cents an acre. Under the bill which I am discussing they would pay four cents an acre. Contrast the value of that property with the value of the farm property. The farmer is paying somewhere around 20 or 22 cents an acre on his land, and the wild lands are paying two cents now. Do you consider that a fair proportion of the distribution of the burdens of taxation? These wild lands in the State of Maine according to the State assessors record have increased in value in the last ten years 120 per cent. That is the increase in commercial value according to the State assessors. No one questions but what their increase has been very much in excess of this. Is there a farm in the State of Maine, is

there a factory or any other class of property which can show any such proportional increase as that? I do not believe that one can be found except in isolated cases. Then the natural increase of the value of the wild lands, according to the government experts, is 40 cents an acre a year. That is what God does for these lands, not what the wild land owners do because they do nothing. It is an increase of 40 cents an acre; and under the bill which I am discussing we ask them to pay simply one-tenth of that into the treasury of this State. Is that an excessive tax? It was even admitted at the hearing that they thought they were being under-taxed, that they expected to be taxed more, and it was admitted to me verbally that they did not think the tax which this bill would impose would be so very burdensome. Naturally they wish to escape paying taxes altogether if they can. That is the game. That is what the taxation committee has been up against.

Now the reason for the distribution of this excise tax which is distributed under the provisions of this bill is this: It is the money which the people have paid to public service corporations. The taxation committee, as I understand it, have reported a bill which increases the taxation on railroads for example, \$200,000 a year. Do you think the railroads pay that tax? It is not the railroads that pay the tax, it is you and I who pay the tax, the people of the State of Maine who pay the tax; and when you impose extra burdens on a railroad or public service corporation you merely make them the tax collectors for the State. They do not go into their pockets and pay the tax as the farmer does or even as the wild land owner does; so any increase of the State revenue in that manner, it seems to me, beyond a reasonable amount, is absurd. This money which comes from the people my bill proposes to return to the municipalities, the towns and cities of the State, to be used for municipal purposes. Although the bill does not provide that the money should be used for the building of sewers or the erection of municipal buildings, it provides that it shall be used for purposes which are well recognized to be necessary and which benefit generally the whole

State of Maine, that is, for the maintenance of the schools and for the construction of highways; and so it seems to me there can be no objection to that. As to its constitutionality I have had this matter passed upon by some excellent lawyers and it has been their opinion that this method of distribution is perfectly constitutional and that there can be no question raised about it, while with the bill reported by the committee on taxation there is a constitutional objection, there is a question whether or not we can tax the people of the State and apportion that money in any manner which is not equitable; and I claim it is not equitable to apportion that money on the number of scholars, because it works injustice to the city of Portland and to the other towns in this State.

I know beforehand that this bill, and I make this statement frankly, is not going to receive a favorable consideration at the hands of the Legislature. I have the utmost confidence in the judgment of the members of this House and I do not wish to impugn the integrity or honesty of any man but I know and the people know and the lobby knows better than any of us that no bill will go through this Legislature unless it meets with their approval. That was so apparent to me after I had been here a few weeks that, excepting for the fact that I thought it might add some to the harmony of this session and might also be of some assistance to some of these gentlemen in the lobby in having an excuse for staying down here, that I perhaps would not have introduced this measure, because, as I say, I am firmly of the opinion that no bill will pass this Legislature unless it meets the approval of the wild land owners. Now why that is so I do not propose to discuss. I believe it to be so and the more I saw the more convinced I have been. I have no complaint to make about the wild land lobby and perhaps if I were a possessor of as much wild land property as they have I might be actuated by the same motive that they have. Most of the men I am now referring to have been working in the open. It is true that they have enlisted in their service State officials, that they have worked every method they can to bring influence and pressure to bear on the

members of the House, but it is so apparent in their case that I have no complaint to make about them. But the men I want to denounce here are those men who come here under the guise of being representatives of some great body of men or of the people of the State, who claim to be disinterested and public-spirited and come down here in the lobby and meet with you and throw cold water on all these propositions that come up and discuss them with you and you meet them on their plane and think you are talking to men and honorable men, and every night, gentlemen, they meet with the main push of the wild land lobby at the Augusta House and they go over the situation and pick out this man and that man and find out what this interest is and what that interest is and the next day they approach him here—wolves in sheep's clothing. Gentlemen, those men, some of whom have occupied official positions in this State, some of whom have wanted to occupy official positions in this State, who have been here all winter presumably paying their own expenses for the purpose of assisting you and me to arrive at some equitable method of taxing the people of this State—those men I say I desire to denounce, and were it not for the fact that it might be construed that I had some personal motive in it I would be perfectly willing to name them. I do not think it is necessary, however. Most people know whom I am referring to. They are the men who come down here and who have been blocking this Legislature, who have been holding up these important bills until the last end of the session, and when you and I become restless and want to get away from here they will suggest some measure which they will tell you appears all right and some of you believe them and you rush the bill through and when you figure it up I want to predict that in my opinion in the bill which passes this Legislature you will find that you have not taxed the wild lands any more than they have been taxed before. And this game has been going on in this State for years. In my opinion with the zeal and influence that they have and with all the influences that they bring to bear upon the members of this House, when the Legislature adjourns it will be found that, after all, the

wild lands have not paid much more tax than they are paying now; and people will wonder why, and I have been wondering why.

Mr. COLBY of Bingham: Mr. Speaker, I don't know whether the gentleman referred to me or not. I don't know as I care. I say to this House without any equivocation that while I don't own any wild lands I work for wild land people; that is the way I get my living; and if the wild land owners did not have a lobby here I don't know what would happen to the wild lands with the grudge that some people seem to have against them. All I ever did in my life was to tramp in the woods of the State. There is no doubt in my mind but what in 20 years with the present rate of cutting—I am speaking of the Kennebec valley particularly—the State or the lobby or any one else in the State of Maine won't have this question to bother with; the virgin growth will all be cut off; and instead of figuring round in some unfair way, as many people have this winter, to get at them to tax them more you had better be figuring how in some way to preserve them.

As I say, I am a wild land man. I am not here paid by any wild land people. I came here to represent the district that elected me. It is a wild land district. It is all we know up there. We could not live six months if it wasn't for the wild lands. I am going to stand by them if this Legislature lasts until July. Now the gentleman gave you a few figures from a sheet that he laid on the desks yesterday. The things that concern me most particularly just now refer to a greater part of my district. He has told you he has all the towns represented, but in my district there are 16 small plantations with a few poor people up there. Upon this sheet I only see two. It is a question with me what is going to happen to the other 14. He takes out of the wild land people and gives to Portland \$9,845.41 for school and roads. That would be first rate for Portland, but I hate to have it go away from us up there. I would like to have some of it up there where it belongs. In regard to roads I have a few figures here. Perhaps the wild lands should pay a little more tax but it seems to me we ought to get at it

in some fair way. I have been told that there is a hundred thousand dollars' worth of property in Portland paying no tax. What are you going to do with that? In apportioning this one-half that his bill calls for for roads, by counties, we find that by the rate per mile the county of Cumberland would receive \$6.01. Up in my county where we could not live without the wild lands we only get \$1.27 a mile. Take the towns. Portland would receive per mile \$68.60; my little town would receive 88 cents per mile. Do you call that a fair distribution? Portland would receive \$68.60, and the town of Starks in my county would receive 40 cents; while the little town of Cooper in Washington county would receive the great sum of 25 cents per mile! Madison in Somerset county would receive \$3 a mile; the town of Starks 40 cents per mile. The town of Skowhegan would receive \$3.44 a mile.

I might go on. You find no fairness anywhere in the bill, take the whole State by counties or towns. As I said before, perhaps the wild lands ought to pay some more tax, but let us try to get at it fairly; don't take it out of them for the sake of getting it out of them and giving it to Portland or some other big towns. Let us have it up there where it belongs; then I will vote for anything in fairness.

Mr. PATTANGALL of Waterville: Mr. Speaker, the bill which the committee have presented to the House needs some explanation and the hour is late. The suggestion comes to me that the bill of the gentleman from Portland (Mr. Bilelow) lie on the table pending a hearing tomorrow on the committee bill and the amendment offered by the gentleman from Bremen; and I make that motion. I move that this bill lie on the table.

Mr. COLBY: Mr. Speaker, if it is in order I move that the report of the committee on this bill be accepted.

The SPEAKER: The motion of the gentleman from Waterville has precedence but should apply to the motion of the gentleman from Portland (Mr. Bigelow.)

The motion of the gentleman from Portland was to substitute the bill for the report. Now the gentleman from Waterville moves to lay that motion on the table.

Mr. Peters moved that the House take a recess until half past seven in the evening.

The motion was lost.

The question being to lay the motion to substitute the bill for the report on the table the motion was lost.

Mr. Colby of Bingham moved the previous question.

The motion was agreed to.

The question being, shall the main question be now put?

The motion was agreed to.

On motion of Mr. Colby the yeas and nays were ordered.

The SPEAKER: The question is on the motion to substitute the bill for the report. As many as are in favor of substituting the bill for the report, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Bigelow, Farnham, Grant, Kavanaugh, Mace, Marshall, Putnam, Redlon, Rounds, Whitney, Wing of Auburn—11.

NAY:—Additon, Allen of Jonesboro, Allen of Richmond, Andrews, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bearce of Eddington, Bemis, Beyer, Bigney, Bisbee, Blake, Blanchard, Bourassa, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Chase of York, Clark, Colby, Cole, Connors, Cook, Coolidge, Cousins, Doble, Donnell, Duncan, Dunn, Ferguson, Frost, Gilbert, Hall, Hannaford, Hanson, Harriman, Harrington, Harris, Havey, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Hyde, Jordan, Joy, Lane, Libby, Lombard, Lord, Ludgate, McLain, Mercier, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Millett, Montgomery, Morse, Nelson, Orff, Packard, Pattangall, Patten, Patterson, Paul, Pelletier, Perry, Peters, Pinkham, Porter, Pressley, Quinn, Richardson, Sanborn, Sawyer, Silsby, Sleeper, Smith of Andover, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Spear of Warren, Stanley, Stetson, Stover, Strickland, Thompson, Thurlough, Tibbetts, Trafton, Trimble, True, Varney, Weld, Whitehouse, Wing of Kingfield—110.

ABSENT:—Bogue, Bowley, Couture, Cummings, Davies, Day, Dorr, Drake, Dufour, Edwards, Emery, Fortier, Hamlin, Harmon, Hines, Hodgkins of Damariscotta, Jones, Kelley, Lambert, Moore, Moulton, Nickerson, Pike, Robbins, Ross, Stackpole, Trickey, White of Columbia, White of Wayne—29.

So the motion was lost.

The report of the committee was then accepted.

Unfinished business: An Act relating to the common school fund and the means of providing for the distribution of the same.

Mr. Havey of Sullivan moved that the House take a recess until 7.30 o'clock in the evening.

A division was had and the motion was lost by a vote of 34 in the affirmative to 64 in the negative.

Mr. Libby of Amity moved that the House adjourn until 8.30 o'clock tomorrow morning.

A division was had and the motion was lost by a vote of 49 in the affirmative and 59 in the negative.

Mr. Weld of Old Town moved that the House adjourn.

A division was had and the motion was lost by a vote of 56 in the affirmative to 57 in the negative.

Mr. Miller of Lincolnville moved that the House adjourn until 8.30 o'clock tomorrow morning.

Mr. Wing of Kingfield rose to a point of order on the ground that the House

had already voted on that same motion.

The SPEAKER: The Chair understands that the House has already voted upon that, but certain motions have intervened which must be considered as the business of the House. The Chair thinks that the motion is in order.

Mr. Hyde of Bath moved that all unfinished business be postponed until tomorrow morning at half past eight.

The SPEAKER: The Chair would inform the gentleman from Bath that if the House takes a recess until 8.30 in the morning the unfinished business will go over as unfinished business tomorrow.

Mr. Weld moved that the House take a recess until 9 o'clock in the morning.

The question being on the motion of the gentleman from Lincolnville to adjourn until tomorrow morning—

The motion was lost.

Mr. Wing of Kingfield moved that the House take a recess until 8 o'clock tonight.

The motion was lost.

Mr. Weld moved that to adjourn.

The motion was agreed to.