

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 Acatu Lake read Nicauous Lake.
1313, for establish read abolish.

HOUSE.

Friday, March 26, 1909.

Prayer by Rev. Mr. Quimby of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to amend Chapter 9 of the Revised Statutes relating to the assessment of taxes on lands in places not incorporated, came from the Senate passed to be engrossed under suspension of the rules. (Tabled on motion of Mr. Wing of Kingfield).

An Act to amend Section 11 of Chapter 8 of the Revised Statutes relating to the duties of State assessors, came from the Senate passed to be engrossed under suspension of the rules. (Tabled on motion of Mr. Wing of Kingfield).

Senate Bills on First Reading.

An Act to exempt growing white pine from taxation.

Resolve, in favor of the clerk and stenographer to the committee on military affairs.

Resolve, in favor of the Maine Industrial School for Girls.

Resolve, in favor of Ray P. Eaton.

Majority and minority reports of the committee on temperance to which was referred An Act to repeal Chapter 92 of the Laws of 1905 the majority reporting "ought not to pass," the minority reporting "ought to pass," came from the Senate with the majority report accepted.

Mr. Allen of Jonesboro moved that the minority report be substituted for the majority report.

On motion of Mr. Davies of Yarmouth the reports were tabled pending the acceptance of either.

An Act in relation to the sale of milk and cream and regulating the conditions under which milk and cream shall be handled, came from the Senate with Senate Amendment A.

On motion of Mr. Cousins of Standish the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and on motion of Mr. Rounds of Portland the bill was tabled pending its passage to be engrossed.

An Act in relation to the per diem attendance of expert witnesses, came from the Senate with Senate Amendment A.

On motion of Mr. Hersey of Houlton the vote was reconsidered whereby the 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.

On motion of Mr. Davies of Yarmouth the majority and minority reports of the committee on temperance relating to the repeal of Chapter 92 of the Laws of 1905, was taken from the table, and on further motion by Mr. Davies the consideration of the report was postponed to next Tuesday.

An Act creating the Maine Forestry District and providing for protection against forest fires therein, came from the Senate with Senate Amendment A.

On motion of Mr. Colby of Bingham the vote was reconsidered whereby the 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 amend Section 38 of Chapter 28 of the Revised Statutes relating to buildings, came from the Senate with Senate Amendment A.

On motion of Mr. Hersey of Houlton the vote was reconsidered whereby the 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 relating to holidays, came from the Senate with House Amendment A rejected and amended by Senate Amendment B.

On motion of Mr. Davies the vote was reconsidered whereby the bill was passed to be engrossed, and on further motion by Mr. Davies the House voted to recede and concur in rejecting House Amendment A, Senate Amendment B was then adopted in concurrence and the bill was passed to be engrossed as amended in concurrence.

Mr. Allen of Jonesboro introduced a resolve in favor of E. D. Allen for expense of clerk hire for the committee

on temperance. (Referred to the committee on appropriations and financial affairs).

Reports of Committees.

Mr. Frost from the committee on State lands and State roads reported legislation inexpedient on resolve authorizing the land agent to make a deed conveying the rights of the State of Maine in Spruce Island in Meddybemps in Washington county to F. L. Chilson of Woonsocket, R. I.

Mr. Strickland from the committee on appropriations and financial affairs reported "ought to pass" on resolve in favor of Verdj Ludgate, chairman of the committee on education.

Mr. Kavanough from same committee reported same on resolve in favor of the messenger to the committee on taxation.

Mr. Russell from same committee reported same on resolve in favor of the clerk to the committee on taxation.

Mr. Grant from the committee on mercantile affairs and insurance reported same on bill in new draft, An Act to incorporate the Cherryfield and Beddington Telephone Co.

Mr. Lane from the committee on inland fisheries and game reported same on bill in new draft, An Act to regulate fishing in Chase brook and tributaries and in a portion of Fish river in the county of Aroostook.

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

First Reading of Printed Bills and Resolves.

An Act establishing a close time on lobsters in the bays of the towns of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento.

An Act to amend Section one of Chapter three hundred and fifty-seven of the Special Laws of nineteen hundred and seven entitled "An Act establishing a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro."

An Act to regulate the Herring Fisheries in the town of Roque Bluffs.

An Act to amend Chapter one hundred and forty-four of the Revised Statutes relating to the Insane Hospital.

An Act to abolish liquor agencies. (Tabled pending first reading on motion of Mr. Dorr of Dresden, and assigned for Tuesday of next week).

An Act to authorize the town of York to aid the York hospital.

An Act to increase the authority of the Fort Halifax Power Company.

An Act to amend Section fifty-one of Chapter seventy-nine of the Revised Statutes, relating to the appointment of auditors, surveyors and referees in vacation.

An Act to prefer Maine labor and Maine contractors upon all work performed for State, municipal, charitable and educational institutions, buildings, or public works, or any building or institution supported or aided by the State or municipalities.

An Act to incorporate the Brunswick Power Company.

An Act to incorporate the Farmington Power Company.

An Act to incorporate the Calais Power Company.

An Act to establish a Municipal Court in the town of Millinocket.

An Act prohibiting the building of smelt traps in the waters of Harrington river, Washington County.

An Act to regulate fishing in Royal's river and tributaries in Cumberland county.

An Act relating to motor vehicles.

An Act to amend Section fifteen of Chapter fifty-four of the Revised Statutes, relating to expenses of the inspector of boilers, engines, etc., of steamboats upon inland waters.

Resolve in favor of the State House Employees.

Resolve in favor of W. S. Bemis.

Resolve in favor of shorthand reporter to Committee on Railroads and Expresses.

Resolve in favor of A. H. Miller, secretary of Pension Committee.

Resolve in favor of the town of Harmony.

Resolve in favor of the clerk, stenographer and messenger of the Legal Affairs Committee.

Resolve in favor of L. A. Davis, clerk of the Committee on Public Buildings and Grounds.

Resolve in favor of clerk of the Committee on Interior Waters.

Resolve for the preservation of the regimental rolls in office of Adjutant General.

Passed To Be Engrossed.

Bill to incorporate the Fire Insurance Company of Portland.

Bill to incorporate the Machigonne Insurance Company.

Bill relating to percentage of alcohol in intoxicating liquors.

Bill relating to the police court for the city of Rockland.

Mr. Packard of Rockport offered House Amendment A by striking out the words "County of Knox" in line 17, Section 5, and inserting in lieu thereof the words 'City of Rockland;' and by striking out "county of Knox" in lines 16 and 17 of amended Section 13 and inserting in lieu thereof the words 'City of Rockland;' and by striking out the words "said county of Knox" in line 12 of Section 9 and inserting in lieu thereof the words 'the City of Rockland.'

Mr. Andrews of Augusta, moved to indefinitely postpone the bill.

Mr. Packard of Rockport moved that the amendment be tabled and assigned for Tuesday of next week.

The motion was lost.

The question being on the motion to adopt House Amendment A, the amendment was rejected.

The bill then received its third reading and was passed to be engrossed.

Bill for equalization of school privileges.

Bill relating to support of minor children. (Tabled pending third reading on motion of Mr. Burse of Pittsfield).

Bill, relating to scaling logs.

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

Bill, regarding publications relating to patent or other medicines in language of immoral tendency.

The following resolves were passed to be engrossed under a suspension of the rules.

Resolve, in favor Senate postmaster. Rsvlv, in favor of committee on bills in second reading for clerical assistance.

Resolve, in favor of M. H. Hodgdon,

clerk and messenger to committee on inland fisheries and game.

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

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

On motion of Mr. Peters of Ellsworth, the rules were suspended and he introduced bill, An Act to amend chapter 240 of the Private and Special Laws of 1907 entitled "An Act to incorporate the Stonington Trust Company," and on further motion by Mr. Peters the rules were suspended, the bill received its three readings and was passed to be engrossed without reference to a committee.

On motion by Mr. Wing of Kingfield, House Document 699, An Act to amend chapter 54 of the Public Laws of 1907, in relation to the salary of the chaplain of the Maine state prison, was taken from the table, and on further motion by Mr. Wing the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion by Mr. Wing of Kingfield, bill, An Act additional to chapter 71 of the Public Laws of 1909 entitled "An Act for the improvement of free high schools, approved March 15, 1909, was taken from the table, and on further motion by Mr. Wing, the bill received its three readings and was passed to be engrossed.

On motion by Mr. Wing of Auburn, Resolve in favor of the Eastern Maine insane hospital, was taken from the table, and on further motion by Mr. Wing the Resolve was referred to the committee on insane hospitals.

On motion by Mr. Bisbee of Rumford, bill, An Act to consolidate and revise the military laws of the State of Maine was taken from the table.

Mr. Bisbee offered House Amendment A, by adding in section 115, line 8, after the word "Republic" the words "or of the Sons of Veterans."

The amendment was adopted.

On motion of Mr. Smith of Berwick, the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion by Mr. Hersey of Houlton, bill, An Act to authorize the Edwards

Manufacturing Company to procure additional power, was taken from the table, and on further motion by Mr. Hersey the rules were suspended the bill received its three readings and was passed to be engrossed.

On motion by Mr. Morse of Belfast, bill, An Act to incorporate the Belfast and Liberty Electric Railroad Company, was taken from the table, and on further motion by Mr. Morse the bill was passed to be enacted.

Passed To Be Enacted.

An Act to prohibit the throwing of sawdust and other mill waste into Ferguson stream in the town of Wellington, in the county of Piscataquis and the town of Cambridge in the county of Somerset.

An Act to amend Sections 35, 37 and 41 of Chapter 8 of the Revised Statutes relating to taxation of telephone and telegraph companies. (Tabled pending passage to be enacted on motion of Mr. Rounds of Portland.)

An Act to amend Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs.

An Act to amend Chapter 116, Section 1, of the Revised Statutes relating to the payment of salaries of public officers.

An Act to amend paragraph V, of Section 4 of Chapter 109 of the Revised Statutes of Maine relating to depositions.

An Act in amendment of Section 16, of Chapter 440 of the Private and Special Laws of 1901, in regard to the establishment of the municipal court of Pittsfield.

An Act relating to the transfer of certain trust funds of the Maine Industrial School for Girls to the State treasury.

An Act to increase the salary of the commissioner of sea and shore fisheries.

An Act to prohibit certain persons from advertising as State detectives.

An Act to regulate the dumping of waste material within the limits of any public way.

An Act to amend Section 72 of Chapter 4 of the Revised Statutes relating to towns.

An Act to change the name and en-

large the powers of the municipal court of Skowhegan.

An Act to amend Chapter 4, Section 43 of the Revised Statutes, relating to the duties of town clerks.

An Act to regulate fishing in Big Rattlesnake pond and Panther pond and the tributaries to same.

An Act to amend Section 6 of Chapter 80 of the Revised Statutes relating to the designation of the clerk of county commissioners.

An Act to extend the Charter of the Weld Water Company.

An Act to incorporate the Farmington Falls Water Company.

An Act to incorporate the Stratton Water Company.

An Act to incorporate the Maine Collateral Loan Company.

An Act in relation to the records of the supreme judicial court.

An Act to authorize the appointment of deputy sealers of weights and measures.

An Act to make valid the doings of certain municipal and administrative officers of the city of Eastport.

An Act to amend the Charter of the Portland Water District.

An Act relating to the solemnization of marriages.

An Act to amend Section 12 of Chapter 126 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1905, relating to gambling devices.

An Act to authorize the town of Southport to build and maintain a wharf or public landing on the easterly shore of Dog Fish Head, in the town of Southport.

An Act to amend Section 5 of Chapter 44 of the Public Laws of 1907, to provide for the care and education of the feeble minded.

An Act to amend Sections 52, 58 and 59 of Chapter 7 of the Revised Statutes relating to forest commissioner and protection of forests.

An Act concerning the protection of children, and defining certain acts which shall be considered as causing, encouraging or contributing to the delinquency or distress of infants.

An Act to facilitate the identification of criminals.

An Act to incorporate the Gregory sanatorium.

An Act to authorize the Rangeley Lake Steamboat Company to maintain wharves in Rangeley lake.

An Act to amend Chapter 31 of the Private and Special Laws of 1905, entitled "An Act to authorize the Houlton Water Company to generate, sell and distribute electricity."

An Act to amend Section 8 of Chapter 117 of the Revised Statutes, as amended by Section 1 of Chapter 59 of the Public Laws of 1905, relating to the fees of constables in serving venires.

An Act to amend Chapter 93, Section 55, of the Revised Statutes of Maine, relating to liens for pressing hay.

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

An Act to amend Chapter 522 of the Laws of 1897, establishing the Sanford municipal court.

An Act to authorize the city of Gardiner, in the county of Kennebec and State of Maine, to create a sinking fund for the purpose of paying the bonded debt of said city.

An Act to repeal a part of Section 1 of Chapter 116 of the Revised Statutes, relating to the salary of officers of the insane hospital at Augusta.

An Act to authorize the removal of bodies of deceased persons from an old abandoned cemetery in the town of Lisbon to Lisbon cemetery, so called, in said town.

An Act in relation to equity procedure.

An Act to incorporate the North Jay Electric Company.

An Act to create a board of trustees for the Sullivan-Franklin bridge.

An Act authorizing trial justices to issue warrants for offences committed in Biddeford in the county of York.

An Act to amend and extend the charter of the Westbrook Gas Company.

An Act to amend Section 5 of Chapter 79 of the Revised Statutes, relating to the signing of writs and other papers by deputy clerks of court.

An Act to repeal Section 3 of Chapter 143 of the Revised Statutes, as amended by Section 1 of Chapter 120 of the Public

Laws of 1907, relating to the State School for Boys.

An Act to amend Chapter 198 of the Private and Special Laws of 1907, relating to records of real estate in the county of Waldo.

An Act to amend the Private and Special Laws of 1901, Chapter 401, Section 2, relating to the taking of smelts in Pleasant river, in Washington county.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes, as amended by Chapter 2 of the Public Laws of 1907, relating to the relief of poor debtors.

An Act to amend Section 10 of Chapter 249 of the Private and Special Laws of 1905, entitled "An Act to authorize the Maine and New Brunswick Electrical Power Company, limited, of New Brunswick, to exercise certain powers in this State."

An Act to authorize the city of Portland to acquire property and to issue bonds and notes for municipal purposes.

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen, you all know my attitude here in regard to this bill; I have nothing against the city of Portland issuing bonds up to the 5 per cent. debt limit, and all I want to do here is to go on record as stating that I am opposed to the measure, to any city government or to the board of selectmen in any town going ahead and spending money promiscuously up above the 5 per cent. debt limit and then coming here to this Legislature and asking to have their actions legalized. I think this measure is the first to come here, and I think it ought to be a warning to other boards of selectmen and municipal officers from going ahead and doing this thing in this way; and therefore I would like to go on record with a division of this House, and I hope that this bill will be passed in the utmost sincerity, but I simply want to go on record as opposed to any such way of doing business as that and therefore I would ask for a division of the House.

Mr. MARSHALL of Portland: Mr. Speaker, do I understand that the gentleman from Portland wants to go on record as opposed to the bill?

Mr. ROUNDS: I am not opposed to the bill, but I am opposed to the practice of coming here to this Legislature after

spending money that you hadn't legally ought to spend and asking to have it legalized.

The SPEAKER: This bill is placed on its passage to be enacted. Upon that question the gentleman from Portland, Mr. Rounds, has asked for a division of the House.

Mr. REDLON of Portland: Mr. Speaker, this is in line with an agreement which was reached last night by the Portland delegation. In the interest of harmony and out of consideration for the members of the House the delegation met and agreed upon a mode of procedure which is unanimous with them, and this is in line with that agreement. I hope the motion will not prevail.

A division was had, and 75 voting in the affirmative and 3 in the negative, the bill was passed to be enacted.

Finally Passed.

Resolve in favor of the county commissioners of Franklin county, for permanent improvement on road in Jerusalem and Crocker townships.

Resolve in favor of navigation on Lewy, Long and Big lakes.

Resolve urging action of the United States in removing the hulk of the battleship Maine from Havana harbor, and the decent burial of the 63 bodies of American seamen therein contained.

Resolve relating to the purchase of a photograph of General Joshua L. Chamberlain, and an oil portrait of Governor Aionzo Garcelon, to be hung in the State House.

On motion of Mr. Pattangall of Waterville, Resolve in favor of screening Biscay pond, so called, in the town of Damariscotta, in Lincoln county was taken from the table.

On further motion by Mr. Pattangall the vote was reconsidered whereby this resolve was passed to be engrossed.

Mr. Pattangall offered House Amendment A, to amend by striking out the word "Damariscotta" in the 6th and 13th lines, and substituting therefor the word "Bristol;" and by striking out the word "Damariscotta" in the title thereof, and substituting therefor the word "Bristol."

The amendment was adopted and the

bill was then passed to be engrossed as amended.

The SPEAKER: Coming over as unfinished business from yesterday is the bill, House Doc. No. 675, An Act relating to the common school fund and the means of providing for and distributing the same.

Mr. McLAIN of Bremen: Mr. Speaker and Gentlemen of the Seventy-fourth Legislature of Maine, I appreciate the fact that it is up to me to explain my reason for tabling House bill No. 675 and submitting amendment B. First, This bill calls for too much, one and one-half mills in addition to our present mill tax of one and one-half mills would make a mill tax of three mills. I don't believe this House would stand for such a proposition. The method of apportionment so far as the one mill is concerned is all wrong. The idea of distributing school money to cities and towns on their valuation. Just think of the inequality. For example to illustrate, 46 unincorporated plantations and 70 towns would not receive a cent according to the valuation plan. Southport's valuation is \$408,683, its number of pupils is 131. Bremen's valuation is \$141,292, its number of pupils is 146. Amount apportioned by valuation, Southport, \$408,683, by .0011 would be \$449.50; amount per pupil, divided by 131 equals \$3.43 for each. Amount of apportionment by valuation, Bremen, \$141,292, by .0011 equals \$155.42; amount per pupil, \$155.42 divided by 146 would be \$1.06 each. Winter Harbor, valuation, \$513,980, number of pupils 168. Wallgrass Plantation, valuation \$68,880, number pupils 391. Amount apportioned by valuation, Winter Harbor, \$513,980, which multiplied by .0011 would be \$565.32. That amount divided by 168 equals \$3.36, amount per pupil. Amount apportioned by valuation, Wallgrass, \$68,880 by .0011 equals \$75.76, which divided by 391 equals 19 cents per pupil.

I will not tire you with a multiplicity of figures, as no doubt there will be enough presented for you to consider. While it has been said that figures won't lie yet an expert can prove most anything by figures. When this bill first came to my notice I discovered the inequitable features, and consulted State Superintendent of Schools Payson Smit., whom

we all admit as authority on matters pertaining to the welfare of our common schools, and he unhesitatingly expressed the opinion that this bill was a most vicious act, and if passed would set a dangerous precedent. Being interested myself as a citizen having had considerable experience, both as a teacher and a school officer, having taught more than a score of terms of school, and having served my town many years on the school board and as superintendent of school. Last year I assure you, gentlemen who stood for that half mill in this House 1907 and won it, that you have my thanks. It increased our available school funds so I was able to give my town the longest school year we have had for many years. Now my amendment to House bill No. 675 asks for one-half mill, which in addition to the already existing one and one-half mills will give two mills to be assessed upon all the property of our State as other State tax is assessed and apportioned to the several cities and towns in proportion to the number of pupils enrolled, as the same is now distributed, which is the only just and equitable method of distribution to my mind. As there are many others to be heard upon this bill I will not say more at this time. Gentlemen, I thank you for your attention.

Mr. PATTANGALL of Waterville: Mr. Speaker, I am going to ask the attention of the House while I explain as carefully as I can the bill which has been presented by the committee on taxation to the House on this subject. I have not the slightest desire to make a speech on any subject and least of all on this one, or to indulge in any attempt to interest or entertain you this morning. I wish to explain to the members of the House as best I can in a brief way the purposes and results of this bill, for I believe if the House as a whole would give the care and attention and study to this matter which the committee on taxation has given to it, the prejudice which has been conceived against this bill by the House, or by many members of it, would in a large measure be removed.

I want to say, in the first place, that the committee on taxation have in my

opinion worked as hard and as conscientiously as any committee of this House, and on this especial matter, and although they have been criticised for acting slowly, they acted slowly because they desired to do full justice towards all the interests concerned. That committee was composed of men of different parties, representing different interests. We had on that committee men of wealth and men of poverty, farmers, capitalists and lawyers, and almost every other class of men that could be embraced in the number of 10, comprising the committee; and we worked out finally a bill which the committee all agreed to support. I don't know today whether the committee are all supporting the bill or not; I do know that they all agreed to support it, and while it did not appeal to any member of the committee perhaps as an ideal bill, it did appeal to us as the best practical working measure which the committee could report unanimously upon. I want to go over its provisions with you as a practical working matter and explain without any great detail the condition of things with regard to it which have been most criticised. There are today but two measures before this House relating to the taxation of wild lands. You voted down the Bigelow bill yesterday, and although I believe there was merit in the idea of the Bigelow bill, as a working law it was not possible for the committee to report favorably upon it. You have accepted the report of the committee against the Darling bill which also I believe had some good features. You have come down to the proposition of either accepting the committee bill as the committee reported it, or as amended by the gentleman from Bremen, (Mr. McLain). It becomes therefore an important matter for the House to know the difference between the bill as proposed and the bill as amended. Now, what are the criticisms of the gentlemen who seek to amend the bill? They say it is unfair toward the small towns, toward the poorer towns. I have heard that argument all over the State House. I am no more expert in figures than is any other member of the House, nor would I impose false figures

upon this House any quicker than any other member of the House. I say to you (and I believe I will give you the method of figuring which is so simple that any one can figure it for themselves.) I say to you that the committee bill gives to every poor town in this State more money than the amended bill would give it, and takes from every town that loses under the bill less money than the amended bill. Now let me tell you how you can figure it and it does not require any one very expert in figures. If you will take your State treasurer's report and see the State tax paid by any town and divide that by six, because the State tax was three mills, you would ascertain what the town would pay in under an added half mill tax, wouldn't you? To illustrate it, take a county, because the counties being in larger figures run easier. The county of Androscoggin State tax for the year was \$92,000. According to that the county of Androscoggin would pay in round numbers \$15,000 more than it paid in. Dividing it by 6 would be \$15,300 more than it paid in last year. That is simple enough, isn't it? Under a half mill tax the State of Maine would raise \$214,000. You had 210,000 school pupils, so that you increased your school fund \$1.02 per pupil. Call it a dollar because the two cents would be immaterial. Androscoggin county would receive back \$1.00 for each pupil, and the report says they have 18,140 pupils. So that under the amendment offered by the gentleman from Bremen this would be the situation: Androscoggin county would pay in \$15,300 more than the county pays in at the present time and would receive back \$18,146, which is more than it receives back at present, and therefore under the amendment offered by the gentleman from Bremen Androscoggin county would make a gain in round numbers of \$3000. Now, that is all right. We want it to gain, but we want it to gain a little more than that. We want a little more money to go down there to the poor towns of Androscoggin county, and so we said add another mill and distribute that by valuation.

Now, the gentleman from Bremen

has misunderstood that proposition, and I think I can convince him that he has. These are not expert figures I am going to give you. They are so simple that a child can digest them. He takes the town of Southport, and he says Southport has a valuation of \$408,638, and under the committee bill would receive back a mill or \$408.63; and that Bremen having a valuation of \$141,292 would receive back \$141.29. Those are the figures given you by the gentleman from Bremen, and I will show you that they are not quite correct. Under the added mill tax Southport would pay the State \$408.63, wouldn't it? That is a mill on its valuation. It would receive back, as the gentleman says, \$408.63. Who would be hurt? The town of Southport would be getting back her own money.

Mr. McLAIN: Excuse me for interrupting, but I would like to ask one question for my own information.

The SPEAKER: Will the gentleman from Waterville yield to the gentleman from Bremen?

Mr. PATTANGALL: Certainly.

Mr. McLAIN: I would like to ask you how we would educate the youth of this State if we returned to every town and city the amount of money they contributed, if we return it back to them on their valuation?

Mr. PATTANGALL: The gentleman shows I think in the question that he has missed the whole purport and object of the bill. Whenever I propose to this House a measure by which all the school money should be raised according to the valuation and returned by valuation, whenever I argue any such proposition I hope the gentleman from Bremen and some more of my personal friends here will call in two doctors and go through the ordinary process by which men are sent to insane hospitals and have me incarcerated where I cannot do any more harm. There is not any proposition of that kind here. If the gentleman had not interrupted me I would have shown him in a moment where his error came in. Take a half mill and add it to your present mill and a half. Take two mills and divide that by school population, and then take another mill,

and divide that by valuation and then every town would receive back what it paid in, and if that was all of course the issue would have been effectual. But we went a little further and we said that mill will reach \$40,000 on the wild lands and that money will be divided, go to the poor towns of the State. So that in truth and fact the town of Bremen under the committee bill would receive \$14.12 more than it would under the amended bill. I don't think the gentleman from Bremen knew that, otherwise he would not complain that we were hurting his poor town.

Now, let me give you a simple way to figure this, so that there won't be an excuse about expert figures or anything of that sort. Take your town with the valuation of \$408,000, take Southport for example, and figure it, \$408.638. Southport would pay in a mill to the State treasurer on the valuation of property, \$408.63. Southport would receive back 1.1 mills on its valuation. Why? Because the valuation of wild lands is almost precisely .1 of the valuation of the whole State, and you gain your .1 mill. So that Southport instead of receiving back \$408.63 would receive back \$449 and some cents, making a gain of \$40.86 on the valuation. Now, I won't go through every town because that would be too long and would be tiresome. My friend from Portland (Mr. Bigelow) said yesterday nobody has figured this for every town. Nobody needs to. When you lay down a mathematical proposition and figure it for a certain number of localities, anybody can carry the computation along if they desire. But here is your method. Your half mill will be divided according to the school population. That is to say, add 1.6 to your present State tax on any town and you get what you pay in under the half mill. Multiply the number of scholars by \$1 and it gives you what you take out under the half mill, and then add to the valuation of the town .1 of one mill and you get the additional money they get under the committee bill.

Now we will take the counties. Androscoggin county, under the Grange bill, and that is the amendment of-

fered by the gentleman from Bremen, would make a gain of \$3000. Androscoggin county under the committee bill would make a gain of \$6000. Androscoggin county is better off under our bill, \$2000 better off, and every town in Androscoggin county is better off, every single one. Aroostook under the Grange bill would gain \$11,000; under the committee bill it would gain \$13,000, and yet the gentlemen from Aroostook have said here on the floor of the House in conversation that the bill would do harm to the agricultural communities. We give \$2000 more to Aroostook than the Grange bill does, and we give more to every single solitary town in Aroostook. Take Cumberland: Under the Grange bill Cumberland loses \$12,000, take that \$12,000 to be distributed among the rest of the State, and gentlemen say that that is right, that Portland is rich and can afford to support our schools. I am not going to argue that. By our bill we get more money for the little towns but we only take \$4000 for the county of Cumberland instead of \$12,000. Take Franklin county, and I am going to waste a moment or two on Franklin county for this reason: The whole argument for the Grange bill has been that in some way somebody was trying to save the cities and the expense of the little towns. I said that we must help the little towns. I suppose you are all familiar with the fact that there are no cities in Franklin county. If any of you have ever ridden through Franklin county you were not impressed with the great prosperity of that region. The people are industrious and hard-working and they do the best they can to get a living, but it is one of the poor rural counties of the State. According to the terms of the Grange amendment you take \$500 from Franklin leaving them \$500 worse off than they are now, and you send to the county of Aroostook \$11,000. That is your amendment that is helping your poor people, taking \$500 out of the county of Franklin for nothing. Now the committee bill—we framed this with great care, the committee bill would give the county of Franklin \$500 and in that way Franklin county would be \$1000 better off than under the

Grange bill. Take the county of Hancock: That is not a wealthy county. The town of Eden is a rich town, made rich by the summer visitors but it is the only rich town in the county. I know every town and city in the county and I have been in every one of them. They are not wealthy people. They work hard for a living down there, outside of Bar Harbor and the Grange bill would give to them \$700 as the distribution, more than they get now, that is all. The committee bill gives Hancock county \$2700 more than they get now. Now, take the next county Kennebec. Well, I suppose Kennebec county is rich. There are four cities in Kennebec including Hallowell, all four of which had better remained towns; they could have gotten along just as well, but I will admit that Kennebec is rich. The Grange bill gives us nothing; we don't get a penny. Under our bill we get \$3000. Take the county of Knox: The Grange bill gives the county of Knox \$500. The committee bill gives it \$2000, and yet I heard a gentleman from Knox yesterday state that he was not going to vote for the committee bill because it took money out of his county. Our bill gives \$1500 more money to the schools of Knox county than does the Grange bill. Now let us take the county of Lincoln, the county in which the gentleman from Bremen lives. He wants us to help his country schools and I want to help them. I am a country man myself. I never have lived in a city but a little while and that city was so small I did not notice the change when I came up from the rural districts. I have been a school teacher and also have served as school supervisor; and I want to help the country schools, and his amendment would help the country schools of Lincoln to the extent of \$1000, while the bill reported by the committee would help them \$2000. Don't he want that other thousand dollars? Take the next county, Oxford: There is not a city in the county of Oxford, and only one real large town, Rumford Falls. The Grange bill would give them \$500 and the committee bill would give them \$2500, and yet they say we have rigged up a bill here to do something wrong to the farmers by sending \$2000 more up into Oxford county than

the Grange bill sends. Take the county of Penobscot: There is a county that outside of the city of Bangor and the immediate surrounding towns of Orono and Old Town, is a rural county. The Grange bill gives them \$4000 extra school money; our bill gives them \$8000. That is better for Penobscot, isn't it? Take the next county, Piscataquis: The Grange bill takes from Piscataquis, from the great cities in Piscataquis, \$2500. You leave poor old rural Piscataquis \$2500 worse off than when you started because you are trying to help the country schools. What do you think of that? You never figured it in that way, did you? You never looked at Piscataquis. You said the Grange bill was going to help the little towns and that the committee bill was going to help the cities. Is it fair that Piscataquis should pay \$2500 towards supporting the schools in Aroostook? I don't think so. I have been through both counties and I found no cities in either county. I do not believe there is a man from Aroostook in this House who wants to pass a bill that takes one dollar out of Piscataquis to help support the schools in his county. We could not relieve Piscataquis from the whole burden and the committee had to compromise with those fellows who wanted to help the schools so much in order to get our bill through, and our bill only takes \$1000 from Piscataquis. We help them out \$1500. We did the best we could for them, and we cut the appropriation down to \$1000. Now take Sagadahoc county where they never had any industry but the ship building and that only exists now by reason of the enterprise of the Bath Iron Works. The Grange bill does not give the county of Sagadahoc one single cent, not a penny; but we are trying to help the poor counties and the poor towns. We give Sagadahoc \$1200 under our bill, that is the difference. Somerset county: Here is a county without a city in it, a county that is rural and a county that has only one or two big towns, such as Skowhegan, Fairfield; and the gentlemen from Somerset here have urged upon our committee and upon the members of the House privately and in caucus, and other ways, that this bill was going to do an injustice to the rural towns, and yet

in Somerset county under the Grange bill the county get \$2000 for distribution among the rural schools, while the committee bill gives it \$4000. Who is looking out for Somerset? Take the next one, Waldo,—rich Waldo. \$1500 under the Grange bill and \$2500 under ours. Which is the best for Waldo county? Washington, a poor county, gets \$7500 under the Grange bill and \$9000 under the committee bill, and yet men say that we are trying to rob the poor county of Washington. We give them \$1500 more than the Grange bill. York county: \$4000 under the Grange bill and \$7000 under the committee bill.

Now Mr. Speaker and gentlemen, I will challenge any man on the floor of this House or in any other public place to correct these figures, excepting that they are round numbers of course—but correct them in substance. Men will do it in hotel corridors and go out around behind the door somewhere and tell you that these figures are all wrong but I challenge any men to correct them in any public place where I can read his figures and let him read mine. What is the difference? For every town that gets anything under the Grange bill we give more, for every town that loses under the Grange bill our bill makes it lose less. Why? Because we take \$40,000 from the wild lands more than the Grange bill, and distribute that as a leveler, leveling up the inequalities that are caused by the half mill tax. This amendment offered by the gentleman from Bremen is the Grange bill. There are just two differences between these bills. Our bill gives more money to every country town. Our bill takes less from every city that pays in more than it takes. That is the first difference. The second difference is that we take \$40,000 more from the wild lands than they do. Is that wrong? It may be. If you are acting on the proposition that a mill and a half is too much tax for the wild lands, then you want to vote for that amendment. If you think the wild lands ought not to be taxed that mill and a half in fairness and justice you ought to vote for the amendment; and when you do it just recall that the attorney for the wild land owners, the gentleman from Skowhe-

gan who spoke before the committee, Mr. Goodwin, said to us that they were willing to pay that additional tax of three mills. He said 2½ first and then said 3. Well, we gave them the Deasy tax bill, which is a mill and a half, and we put the other mill and a half on here, and if the concerns which Mr. Goodwin represented, and they are the big progressive lumber concerns of the State, were willing to stand that raise, and so stated in public, then it seems to me we should have no hesitation about imposing that tax upon them; and so, if you desire to save the wild land owners of the State \$40,000, vote for the amendment. That is the first proposition. If you think that they ought to pay this tax then I think you ought to vote for our bill.

But some of the gentlemen have gone a little further, and they say the danger of our bill is that it is unconstitutional. I say to you that when the friends of the Grange amendment and the friends of this bill sit down and figure right they will find just one thing separating them, and that is the question of constitutionality. When my friend from Bremen learns that my bill gives every country town more than his amendment and takes from the cities a little less than they pay I have no doubt he will look at the matter in a different light and see the fairness and the equity of the proposition. But he says, and there is force in the argument, if your bill is unconstitutional the whole thing fails and therefore it is dangerous to go into it. Now, it would be wrong for me to argue the question of unconstitutionality before this House for the reason that this House is not a law court; and it may be that I am not sufficiently versed in law to argue it properly. I am not and never pretended to be a great lawyer. I have practiced in one corner of the State for 15 years and I am going back to practice again if I can get any clients, but I don't think I know enough to decide upon the question of constitutionality nor do I believe this House can decide the question of constitutionality. I received, as I presume every member of the House did, a circular containing

an editorial from the Bangor Commercial of March 22 upon the unconstitutionality of the measure, and our bill is discussed in it. I want to say just two things about that. I want to say to you that has very little weight with me because I do not understand that the Bangor Commercial is the last authority on constitutional law in this State. (Laughter). I am not going to transcend the courtesy of debate nor refer in any accrimonious terms to men who are not on the floor to answer me; but in all courtesy and in all politeness I wish to refer to the fact that for three long years the Bangor Commercial day in and day out argued the question of the constitutionality of the law forbidding the publication of rum advertisements, and the law court later overruled it. Let us see what other parties say this measure is unconstitutional. It is unfortunate that we have to argue on the floor of the House against arguments got up by men outside, but when they won't meet us outside, but take the members of the House one by one, or two by two, and argue with them, we cannot argue with them on the floor of the House; so that I want it to be understood that I do this courteously. It has been argued by gentlemen representing the great Grange legislative committee that this bill was unconstitutional. I refer in all kindness to every man who comes here, but that argument has been put up by members of the Grange legislative committee and that committee is not the last authority on constitutional law. Eight years ago I had the opportunity of being a members of the taxation committee in this Legislature and the Grange legislative committee appeared before that committee and urged us day after day to impose a tax of fifteen mills on the wild lands of the State, and when some of us on the committee said that we were afraid that that was plainly unconstitutional they said no, and brought us a good lawyer who said no. That was the position until the opinion of the supreme judicial court was taken, and that court overruled the Grange legislative committee upon that proposition. They were wrong then and it may be that they are wrong now. I find on my desk this morning, and I suppose you all

got it, a question which was submitted by the House of Representatives in 1903 in regard to that tax. That has been done under the impression that that is a parallel case with the one which you are considering today. That decision in brief is that you must assess your tax on all the property of the State equally. There is not a word in it about how you shall distribute your money after you get it. That was in answer to a question as to whether you could assess a different rate of tax on your wild lands than on the other property of the State, and to that question the court said no. We are not attempting to do it. Let us go further. If this measure was unconstitutional, if this taking from the wild lands \$40,000 a year more than the Grange bill call for, how easy and how comparatively inexpensive for the wild lands of Maine to test that question in the courts. I should be perfectly willing. If I were they to do it because I could employ, if I were in their place, a good lawyer to prepare the case and go to the law court and argue it cheaper than I could employ 20 lawyers to stay around here all winter and argue it with the members of this House. If the gentlemen who are putting up this unconstitutional argument in regard to the wild lands of the State really believed it and were sincere in it instead of fighting this measure they would help it along. I have consulted several lawyers in regard to this matter and I have found differences of opinion. There are always differences of opinion in any new departure in legislation. But what better work could this Legislature do than to pass this bill? Could we do anything better than to place this proposition in such a position that it will meet with the approval or disapproval of the court and be settled? If the people of Maine are never going to be able to find out by the action of the Legislature whether they can tax the wild lands more or not, they will take means to find out for themselves, for there is a widespread feeling throughout the State of Maine, and in my opinion it is justified, although I defer to the opinion of others on that subject and feel that they have a right to take the opposite side of it, that the wild lands are not being taxed enough. There are thousands of men

who so believe, and they look to this Legislature to tax them more. They do not ask us to come here and under the guise of taxing the wild lands of the State a half mill, a miserable pittance of \$20,000, change the tax rate of the whole State. They have not asked us to do that. Nobody said anything when this Legislature assembled about taking the money from one city and giving it to another—taking money from Franklin county and scattering it over Aroostook, or from Cumberland and giving it to Washington—they said they wanted the wild lands taxed, and they did not mean a half mill; they meant something substantial. They meant more than a mill and a half. But we were conservative and we were not Socialists.

Now, Mr. Speaker and gentlemen, I say that the people of the State meant for us to do something and for us to put a fair tax on the wild lands. I say that they were dissatisfied with the present method, and they knew that for six years the owners of the wild lands, a certain portion of them, have been fighting before this Legislature anything that looked like a tax. They knew that six years ago a circular went broadcast over this State summoning the wild land owners to submit to a tax of a quarter of a cent an acre for the purpose of raising \$15,000, and the circular stated that it was easier to stop this thing in the Legislature than to stop it before the people. They knew that four years ago and two years ago the wild land owners of the State had stepped up here and forbid anybody taxing their property. The people intended for us to do something, and I want to say that many of the wild land owners met us fairly upon that proposition. Many of them came to us and said they would not oppose a conservative tax and that they would not fight it, and many of them are not fighting it. I want to say that the committee tried to make it conservative and tried to get down where they could meet on a common level. There may be some people who have been misled with the idea that our bill was unjust to the country towns, but they would not think so if they studied our measure with care. I think the wild land owners are making a mistake. If this measure does

not go through this Legislature two years from now a bill will be presented here which will be initiated by the people and which no Legislature can turn down. When such a bill comes it may not be framed by conservative senators like Mr. Mullen and Mr. Macomber; it may not be framed by conservative men like Mr. Colby and Mr. Trickey, but it will be framed by men who desire to see a large tax put upon the wild lands, and who will congratulate themselves that the Legislature cannot stop it. It seems to me it is unwise on the part of the wild land owners to contend against this tax; it seems to me they are not looking far ahead. I remember 10 years ago an attempt was made to increase the taxes on the steam railroads of this State, and in the Legislature of 1901 a bill was introduced substantially increasing that tax. Every **railroad attorney in Maine** appeared in opposition to the measure; they said no, there will be no tax imposed upon the steam railroads; we can hold this thing down; we have had a good deal of control in the Legislatures of the past and we will control them again. The Legislature of 1901 had a man in charge of the affairs of the Republican party who had been connected intimately with the management of the Maine Central Railroad for many years. He had been their legislative agent and their attorney and he was a far-seeing man. He was an able man. He knew enough to know that the only policy which a great corporation could carry out in the long run was to meet fairly the demands of the people. I say to you that Mr. Joseph H. Manley knew that the people were demanding an adequate railroad tax, and he was big enough to say to the railroad attorneys: "You must meet these demands fairly and agree to stand for a fair increase of tax and not combat it." In his place have risen up, not in the Republican party especially but in the affairs and business of the State of Maine, I think smaller men, men who do not see so far ahead as that, men who think that because they can do a thing it is absolutely safe to do it. And those men have come here and seek to do unjust acts and seek to keep the Legislature from doing what it ought to do, and seek to keep their taxes from being increased simply

because they have temporarily the power to do it. If those men saw farther ahead they would meet this question fairly and submit to a fair increase of tax now, and we can trust to the next Legislature to consider that subject further and fairly.

Now Mr. Speaker and gentlemen, I say if you cut it down to half a mill it is nothing; if you keep it down to the Grange amendment it will not satisfy the people and the bill will eventually come under the initiative and referendum. I have worked hard with this matter and all the members of the committee have worked hard and we think we have a pretty good bill. If you do not accept it I will say this: I think you are doing wrong if you adopt the amendment which has been offered. I think the whole fight has been to get that amendment through the House and then have the bill go to the Senate and fail there and the wild lands escape taxation altogether. If that is the program we might as well drop it here. If you haven't got understanding enough of the subject to tax the wild lands something, don't tax them at all, because \$20,000 is a mere bagatelle. It will be a case of the mountain laboring and the mouse coming forth. It would be ridiculous. If we knew that \$20,000 was all that they wanted we might better have stayed at home and worked hard and earned it and paid it ourselves. Let us do something substantial or nothing. This is a matter of dollars and cents, figure it out for yourselves on a just, fair and equitable basis. I claim that this is a fair and equitable bill, and when you get that leave the question of constitutionality to the court for we are not capable of deciding that. (Applause).

Mr. BURLEIGH of Augusta: Mr. Speaker. It is with the greatest diffidence that I venture to differ in any particular with the conclusions of the gentleman from Waterville upon matters of taxation, for I realize the fact that he is one of the most efficient and valuable members of that important and able committee, the committee on taxation. I realize further that any discussion of the general propositions of this bill presupposes a large amount

of study and reflection, which I have not been able to give to the bill and could not under the pressure of other duties. I do not propose, therefore, to consider the general features of the bill. I propose to confine my remarks simply and solely to one special feature. I do not believe that it would be the right thing for any Legislature to knowingly vote for an unconstitutional measure merely in order to put it up to the court.

Mr. PATTANGALL: I do not think I used the word "knowingly."

Mr. BURLEIGH: I accept the gentleman's disclaimer. But I would state this, that if there is a serious question of doubt in the minds of this Legislature as to the constitutionality of a measure I do not believe it is a right thing for us to vote for that measure merely in order to put that question up to the supreme court, because there is another and a constitutional way of doing it, namely, by requesting an advisory opinion from the Supreme Court in advance of our passage of the measure. That is the proper method of settling a constitutional question in this Legislature. I shall address myself very briefly to the one proposition of the constitutionality of this bill. If the members of the House will turn to House Document No. 675, which is the bill under consideration, I will direct your attention to Section 3. You will notice that the first portion of that section provides for a distribution of one-third of the fund to the several cities, towns and plantations according to the number of scholars therein. There is no possible question as to the constitutionality of that provision. That has been absolutely settled in an advisory opinion of the supreme judicial court which will be found in the 68th Maine Report. That has been a time honored method of distribution for this mill tax, absolutely settled by the court, and declared constitutional largely on the ground that we have another constitutional provision which requires that the State should look after the education of children.

Article 8 of the Constitution of Maine reads in part as follows: "A general diffusion of the advantages of

education being essential to the preservation of the rights and liberties of the people, to promote this important object the Legislature are authorized and it shall be their duty to require the several towns to make suitable provision at their own expense for the support and maintenance of public schools." And in the 68th Maine, page 582, the supreme court of this State has decided that "The Legislature has authority under the constitution to assess a general tax on the property of the State, for the purpose of distribution, under an act to establish the school mill fund for the support of common schools, approved February 27, 1872." That is a distribution according to the number of scholars. They go on to say that the constitutional provision is mandatory and not prohibitory; that is, after the towns have been compelled to make suitable provision as far as they can, that then the State can step in, and under the constitutional provision should step in, and supply the deficiency. The court used this language: "The tax in question is like that for the support of government. It is for the benefit of the whole people. All the property in the State is assessed in proportion to their means. It is a tax for a public purpose, not one by which one individual is taxed for the special and peculiar benefit of another." If you will turn to the latter part of this same section 3 of the acts we are discussing you will see that the remaining two-thirds of the mill and a half is to be distributed among the cities, towns and plantations, not upon the principle of the number of scholars, but upon the principle of valuation. Now throughout all our constitutional provisions relative to taxation there runs the principle and spirit of equality. Article 9, of the Constitution, section 8, says, "All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof." Suppose that town A has a valuation of \$100,000 and has 100 pupils, town B has a valuation of \$300,000, and it also has 100 pupils. Now, town A would get under this proposed provision of

distribution by valuation \$100; town B would get \$300. There would be \$1.00 per school child for town A and \$3.00 per school child for town B. You cannot get away from that proposition; and that is what raises in my mind the constitutional question in this case. I don't say that this argument as to constitutionality is conclusive. I don't know how the court will decide it. And I think that the gentleman from Waterville is far too modest in his estimate of his own abilities as a lawyer, and as a constitutional lawyer. But I do think that in this case there is a very serious question as to the constitutionality of the act in view of the decision of our court in the 97th Maine, where they held that "In levying a State tax, the Legislature is prohibited by the Constitution, Section 8, Article 9, from fixing a higher rate of taxation upon lands outside of incorporated cities, towns and plantations than the rate upon lands within such municipalities." I think the latter part of section 3 of the tax committee's act is attempting indirectly to throw upon the wild lands what the court in its advisory opinion to the Legislature has said cannot be accomplished directly.

Now, as to the reasonableness of this tax on the wild lands, I am perfectly willing to accept the opinion of so able and fair-minded a committee as the committee on taxation. If they say that the present rate of three mills plus a mill and a half in the Deasy bill and a mill and a half in this bill is fair for the wild lands to pay, I should accept their conclusions, upon that subject. I should believe, and do believe if they think so, that it is their sincere idea; but if there is this great constitutional question and this constitutional objection, what will be the result if we pass this act? It is not merely a question of the wild lands going to the supreme court. The State treasurer issues his warrants to the various municipalities to collect their municipal taxes. The tax act, the tax assessment that you make, is enacted in solido, as a whole, and if this portion of it is unconstitutional it may make every tax assessed on the municipality equally unconstitutional.

It may make the whole tax assessment void. It may make the taxes assessed in the municipalities void. That is the situation which you may bring upon every municipality in this State, and upon the State itself. For these reasons I think we should hesitate before we adopt the bill in its present form; but the amendment offered by the gentleman from Bremen unquestionably removes that constitutional objection, and for that reason, I hope it will prevail.

Mr. PETERS or Ellsworth: Mr. Speaker: I hesitate saying anything in regard to this question because I was not a member of the committee on taxation nor have I given the vastly complicated propositions involved in the bill any long continued consideration. I consider that many of us are in the same position and have got to look at this thing and decide it from a viewpoint like myself. I desire at this time to suggest some considerations which have occurred to me during the course of these very able arguments. I desire to say that I have a very high opinion of the ability and the desire on the part of the committee on taxation to decide the matter and to discharge faithfully the conscientious duties. No committee of the Legislature has had more difficult problems or more momentous propositions to grapple with than that committee. The situation has been and is extremely embarrassing to a committee or any body of men trying to disentangle and practically work out a scheme which it seems to me is not unconstitutional.

The Constitution, I have no doubt, has stood like a stone wall in the face of the endeavors on the part of these gentlemen to increase the taxes on the wild lands in the way that they have in a sense tried to do and in the way there has been a certain demand for and in the way that the land owners themselves to a certain extent have been practically willing should come about. It has been difficult, if not impossible, to surmount this barrier which has stood in the path of the endeavors of the committee to straighten out this task in that respect. I doubt very

much if the situation which surrounded them is fully understood by all the gentlemen present. It is true of course that the wild lands and all other property in the State of Maine pay their taxes just the same; three mills on a dollar of valuation is paid by the wild land owners just the same as by the owner of cultivated land. The wild land owner pays his county taxes. The owner of improved land pays his county taxes: road taxes are to be paid by the wild land owner like owners of other property. I heard a suggestion here yesterday that one wild land owner of this State paid two cents an acre, and other land in other parts of the State, farming land, paid 33 cents. Perhaps I can give a better illustration of that. Down in my county the town of Eden has some land that pays perhaps two cents an acre and there are other pieces of land that are taxed at the rate of \$400 an acre. Does anybody claim that they pay exactly the same rate per cent. on their valuation in the case of the two cents and \$400? We should not forget that the matter of equalization of assessed value will take care or ought to take care—we have a right to suppose it may take care of any inequality or inequitable proportion which may now exist between the wild lands and the cultivated or improved lands. The only thing we can do in the way of making laws here is to see to it that the assessment and apportionment of taxes are not only equal and just throughout the State but that they amount to the proper amount of money for the use and benefit of the State.

The bill introduced by the committee provides for the increase in taxes of all the property of the State of a mill and a half. I don't think we have sufficiently taken into consideration the fact that before we get to the mill which is in discussion here we have already by a bill which has practically passed increased the taxes on wild lands by a mill and a half in the so-called Deasy bill, which, while it does not pay into the State treasury the money on the valuation of this land, does relieve the State treasurer of the burden of some \$50,000 which hereto-

fore has been paid from the State treasury for fire protection in these same lands. That bill alone increases the revenue of the State by some \$50,000 because it saves \$50,000 to the State which previously the land owners have expended themselves. Now, we run into this half mill tax which everybody admits is constitutional because it has to be apportioned among all the scholars of the State, and nobody apparently objects to that. That added to the other mill and a half would be two mills, and the taxes before were three mills. That is an increase of 66 2-3 per cent. Now we come to the last and final mill which is really the only thing in discussion and in controversy here. It is said that that mill is unconstitutional. We differ upon that point. It seems to me it is, but I don't know; it seems to others it is not, and I don't think they know definitely; and probably nobody can tell definitely until the question is submitted to the supreme court and they have listened to arguments and after consideration of the matter have decided it. As a practical proposition it seems to me, one of the principal reasons why if the property is not taxed it is not because it is not distributed equally throughout the State but it is because it is not assessed equally, and for this reason. Of course you are familiar with the fact that this \$40,000 raised by taxation on the wild lands and giving that back to the other towns and cities and plantations according to their value, when you get all through with that you have not assessed the tax equally.

I do not believe the real objection to the passing of this extra mill under discussion,—I do not believe the real objection to that lies in the fear that any of us have that that is unconstitutional. I think the real objection lies to the principle of dividing that \$40,000 among the rest of the State. You raise \$40,000 from the wild lands. You distribute it among the other parts of the State in proportion to their valuation. Now, that is not objected to very seriously by the wild land owners. They stated before the committee that they did not seriously object to even this large in-

crease in value tax. I will undertake to say that the real objection comes from the common people more than from the owners of wild lands; and I regard the amendment offered by the gentleman from Bremen as an illustration of the fact, that having given the money that they fear and they deprecate the idea of adopting such legislation as that, and where would it bring up? Who can tell but what at another time the proposition may be not only to take money from the wild land owners and pay it to the towns, cities and plantation, but to take money from the wild lands and the plantations and distribute that to the cities, or take money from the cities by taxation and distribute that back to the owners of the wild lands or plantations. One is just as constitutional as the other. It is not so probable and not so likely to come about, but certainly it is possible. And when you commence an inequitable distribution like that, who on earth can tell where you are going to bring up?

I think that is one of the great and principal objections to the adoption of this bill and another is that the principle itself is obnoxious. It is a new principle; I never heard of it before. It may have been adopted elsewhere. I don't believe it has ever been put into operation elsewhere. If it is proper and legal to do this for one mill, of course it can be done for ten mills.

It has been suggested by the gentleman from Waterville (Mr. Pattangall) that this measure is probably constitutional because the court declared the distribution on the basis of scholars was constitutional. It seems to me that this is based upon an entirely different principle. When money is taken from wild lands by taxation and distributed per scholar, those scholars may be anywhere throughout the State. When you distribute money on the basis of valuation there is no possibility of that money getting back to any place upon the wild lands where it came from.

Now to go back to the matter of the principle of distributing this money among the other portions of the State. As I say, I think that is obnoxious to a great many thinking people because it is new and it is untried, and you don't know where it will come out next. I

think, as the gentleman from Augusta, (Mr. Burleigh) says, that the trouble arises on account of the unconstitutionality of that part of the bill, and there is going to be a very embarrassing situation among the towns and cities on account of having held their meetings and arranged their money affairs; and of this money is not going back there there is going to be trouble all over the State on account of it. Of course the only purpose of raising and paying out this money,—the only object in taking \$40,000 from the wild lands by taxation and distributing it among the rest of the State is for the purpose of the common schools throughout these portions of the State; but the valuation of a town doesn't have very much of any connection with the number of pupils; and when this \$40,000 is taken from the wild lands by taxation and sprinkled over the rest of the State and dropped down in the proportion to valuation of those parts of the State,—when it reaches the scholar it doesn't reach him on account of his being a certain proportion, but it reaches him on account of the fact that his town or his city might happen to be rich or poor in property. Now, I submit that is not a just way of distributing the money. believe the gentleman from Bremen had that in mind. He knows, and we all know that if this \$40,000 which comes from the wild lands by taxation goes anywhere, it goes over the rest of the State and it is dropped all over the State in proportion to the valuation. Of course all the other cities and towns benefit; they can't help being benefitted. They benefit by their proportion of that amount. What the gentleman from Bremen objects to, and what I will object to and what think is a good objection, is the way the distributing of that money is done, and I think it is unjust. It is not that it is so unfair to any one locality over another only in the way of distribution of account of valuation.

I believe on the whole, Mr. Speaker, that having increased the taxes on the wild lands by a mill and a half and having added half a mill for school purposes by this bill that if we strike off the other we can go home and make a good report to our constituents because we can say the tax has been

raised on wild lands practically 66 2-3 per cent., and I think that is a pretty good result of a campaign. I am in favor of increased taxes on wild lands; I think my constituents are in favor of doing so. I am aware that in many cases wild lands are now taxed full more than they are worth. I am aware of other cases where they are taxed doubtless less than they are worth. I have heard that in the city of Portland there is something like \$40,000,000 not taxed at all, and I have heard that in Aroostook county the farms are not valued more than 50 per cent. of their actual value. If those things are true, and if the wild lands in many cases are taxed up to their real value, then when you assess an equal tax throughout the State on all property, wild lands and other property, then they are paying in many cases more than their equal proportions, their just proportion of taxes, and those things should be regulated by the State assessors. If there is any property in Portland it should be got at, and if the farms are not assessed enough they should be increased, and the same is true in regard to the wild lands. It is my opinion that we should adopt the amendment offered by the gentleman from Bremen and if we do that we shall be doing well enough and feel that we have made good to our constituents.

Mr. Dunn of Brewer moved that the House take a recess until 2 o'clock in the afternoon.

The motion was agreed to.

Afternoon Session.

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

Mr. STANLEY of Porter: Mr. Speaker, the bill provides for a tax of one and one-half mills which shall be known as a tax for the support of common schools. Now if it is necessary for the support of our common schools that we raise one and one-half more mills, I am heartily in favor of this bill, but I would not be in favor of a bill if the only object of it is that it shall be used as a weapon against the wild lands or against the city of Port-

land or any other of the interests of the State; but I take it for granted that the common schools do need a mill and a half or some sum perhaps approximating that for the support of the schools. Now I object to the distribution of this school money on the basis of property. I object to it not only from the standpoint of a representative from the small towns, but I should object to it from a broader standpoint, from the standpoint of a citizen of the State of Maine. The State of Maine has many resources from which to draw support, it has the wild lands about which so much has been said, it has her valuable water power, it has her long line of seashore with the many islands along the coast, and all those things which attract thousands of visitors to our State. But the gentlemen of this House must admit that the most valuable resource which the State of Maine has today are the boys and girls of the State of Maine. (Applause.) And, gentlemen, the State of Maine claims the right to educate your children and my children, no matter what we may say in regard to the matter, and while they claim it is right they also recognize the fact that it is their duty to provide for the education of the boys and of the girls; and knowing that the State of Maine takes this position in regard to the education of the children, I believe whatever money is raised from whatever source, that it is the duty of the State of Maine to distribute it so that the boys and girls in the small town should receive the same educational advantages as the children in the large municipalities of our State.

Now it seems to me this matter figures down to just this: If this money is to be known as the common school fund of the State of Maine, the proposition comes like this: Is this common school fund of Maine to educate the property holders of the State or is it to educate the boys and girls of the State? And believing as I do that the latter proposition is true, that the main object of it is to educate the boys and girls of the State, I believe that any distribution except a distribution according to the number of scholars, no matter in what part of the State they may be located, and whether it is uncon-

stitutional or not I don't know, but I believe that it is unjust and unfair to distribute it in any other manner; and I should object to it upon that ground.

The question has been raised that if we only raised one-half a mill we are not going to get money enough out of the wild lands. I believe that we can use to advantage more than half a mill for common school purposes, and I would like to see the bill amended so it would read one mill and that in the distribution of the one mill the whole of the tax should be made according to the number of scholars instead of according to the property. (Applause.)

Mr. HERSEY of Houlton: Mr. Speaker, I have a great deal of confidence in the committee that has spent so much time and labor in reporting this bill, and I was much impressed with the remarks of the gentleman from Waterville this morning in his explanation of this bill, and I think that on the whole his committee has arrived at the right conclusion. I have no interests to conflict with my opinion and I am stating my opinion as one who has no selfish purpose in view. I think this bill is as near just and equitable as we can get it. It is impossible to get a bill that is ideal. We want to reach the ideal as near as we can and do justice to the whole State. This bill is one relating to the common school fund of Maine and the means for providing for and distributing the same. I take it for granted that in the first place the manner of assessing this tax is the same process, the same method, which both sides here agree upon. In other words, the committee advocates that a tax of one and one-half mills on a dollar be raised for the common school fund. Here is another committee, called, as I understand, the Grange committee, which advocates a lesser amount to be assessed, to wit, one-half a mill, but the method of assessing, the method of raising it, is the same; and nobody claims for a moment that there is anything illegal or unconstitutional in the method of assessing it. Now both parties make an assessment upon all the property of the State. That is equitable, that is just. This bill does not say a word about wild land owners, but I understand that in an assessment upon all the property of the

State there would necessarily be an assessment of the wild lands, and we all agree that that ought to be, and that is why the wild lands are mentioned here, because they come under all the property of the State; and thus far we all agree that everything is equitable and just.

Now this tax that is assessed is known as the tax for the support of the common schools of the State. It is a school fund. After you have assessed it and collected it, it shall be paid into the State treasury, every cent of it, and it shall be designated as the common school fund. Now you have got a tax assessed on all the property of the State, you have collected it, you have put it into your State treasury as a common school fund. The only thing we are fighting over is the distribution of that tax; and I take it for granted that when the wild land owners say that the amount which you assess upon them is all right and they agree to it, that this mill and one-half is not too much, you don't want to make it any less for the benefit of the schools of the State. The only question is, how shall we distribute it? We should distribute it as equitably as we can. I think it is almost impossible to distribute it with exact equity. If it were possible to do so with exact equity among the towns of the State we should distribute to each town according to its assessed value. That would give each town according to its assessment, but we cannot do that very well, and so the bill provides that one-third of it shall be distributed to the towns according to their scholars. So far you have done a slight injustice because the town that has only a few scholars would have to pay for the town that has a good many scholars. So far you have not done exact justice. Now if you give all that fund according to the scholars you have done more of an injustice than if you gave one-third of it. I apprehend it is not just to ask one town to educate the scholars of another town and punish them because they have not a great many scholars. This fund you are distributing is a school fund, it always remains a school fund. Now the other two-thirds is distributed according to the assessed value. That far you are doing justice and equity. It goes back into the treasury

of the towns according to the assessed value, two-thirds of it. The town which has but a few scholars, having paid out one-third for educating the scholars of some other town, can take that fund that goes back and make better schools in their own town. Is not that right and just? And I say this talk that it is unconstitutional to do that is not good sense. It seems to me that when the legislative committee of the Grangers in this Legislature get together on a common plane with the wild land owners, the legislative committee of the Grangers is going to get left. I am suspicious when the legislative committee of the Grangers which is not composed of lawyers meets a committee of the wild land owners who are all lawyers. They try to stampede them. It is unequitable when you give back the whole fund to the towns according to their scholars because you leave many towns with scarcely any benefit from it at all. They are raising their tax and getting back scarcely anything and some are losing by it. Under this other arrangement of this bill every town, it seems to me, is being used fairly and as squarely as you can use them.

It seems to me that when we have raised a fund and distributed it for the support of our schools, it is not unconstitutional to say after we have given each town so much according to its scholars that that town shall not have the right to get back the balance of what is due them by the assessment and make better schools in that town. The method of raising it from the wild land owners is the same according to both propositions here. You do not distribute anything to the wild land owners under either bill. The question of constitutionality in one case is the same as in the other. I say the question of the unconstitutionality of this law is raised here to stampede the Legislature and practically raise from the wild land owners a mere pittance, when they should contribute, as this bill says, according to the value of their property in support of the schools of this State; and the towns should have something to say about what that money should be used for, or

some portion of it, after it goes back to their treasury. (Applause).

Mr. WING of Kingfield: Mr. Speaker, as a member of the committee on taxation I desire to say a few words in support of the pending measure. The wild lands of our State have never been assessed anything in the way of a satisfactory tax. Forty or fifty years ago the wild lands of the State were considered almost worthless, and not until within 15 or 20 years have we realized the rapidly increasing value of our wild lands. There are in my section large tracts of these lands and I am somewhat familiar with the wild land question. All of the territory north of Kingfield extending to the Canadian line is composed of a vast tract of wild lands, and I know that in our town there are numerous tracts of land which were formerly owned by parties who resided in Kingfield and they have moved away and never even attempted to sell their lands so that they were forfeited for taxes; they did not consider them of sufficient value to attempt to realize anything from them. But during the past 15 years the lands have rapidly increased in value. An old resident of Kingfield told me that about 40 years ago he was offered Mount Abram Township for \$1000. The owner tried to persuade him all of one season to purchase that township for \$1000. For that same tract of land, after being cut heavily for a good many years, the party who owned it was offered during the present winter \$93,000. This gives a little idea of the rapid increase in the value of wild lands. Thirteen years ago \$1.50 was the average price for an acre; today it is selling for \$10 an acre. It has come to a point where we ought to consider the fact that the wild lands of this State are a valuable asset for the State, and the question naturally arises, are they contributing the amount toward the support of schools and roads and the general expense of the State which they should. They are now paying a tax of three mills on a dollar. The valuation of our wild lands is \$41,000,000, one-tenth of all the property of the State, and that is contributing toward State expenses only three mills on a dollar. The average rate of all other property in the

State 2.08 per cent. There seems to be a wide gulf between the tax rate of the wild lands and the tax which is assessed upon other property. It seems to me that if two of the gentlemen of this House have a hundred thousand dollars each and one of them invests his money in wild lands and the other in some manufacturing enterprise, the investment in wild lands should not practically escape taxation, while the other gentleman pays on his investment the municipal rate of taxation. The people of this State have been interested in this matter; they have been thinking of this proposition; they have been talking it; they have been agitating it; and it seems to me it is one of the most important matters which has come before this Legislature at this session. The committee on Taxation have carefully considered the matter, they have spent a great deal of time in inspecting the various measures which have been presented to them, and they have come to the conclusion that this bill which we have reported by a unanimous report is the best measure that we could present to this Legislature.

A question has been raised about the constitutionality of this bill. While I do not pretend to be constitutional lawyer, I have looked the matter over carefully and I believe that this bill is legal. The Constitution provides that all taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof. The words "apportioned and assessed" I think refer wholly to the method of assessment and not to the method by which we distribute the tax after it is assessed. The tax must be apportioned and assessed upon all the property of the State, and I contend that the Legislature has a right to determine how it shall be expended. The gentlemen owning these wild lands have for many years thrown out the objection that our tax measures are unconstitutional. Tom Reed once said in Congress that when some of the gentlemen there declared that a measure was unconstitutional, at first it scared him a great deal, but after hearing it so many times when some member of the House arose and

in a deep sonorous voice declared a measure to be unconstitutional it simply meant that he simply did not like it. (Laughter). And I think, gentlemen, that the unconstitutionality of the bill which this committee has presented arises simply from the fact that the wild land owners of this State do not like it. (Applause).

Mr. COLBY of Bingham: Mr. Speaker: The gentleman from Waterville has told you that this bill has the unanimous support of the committee. He has told you correctly; but I say this, that I never was in favor of this plan of distribution. I wanted to bring in a minority report, but it did not seem best after we talked it over. I can see now where I made my mistake. I never believed, as I say, in the manner of distributing it. I cannot believe it. I don't know whether it is unconstitutional or not, but it seems to me that it is not fair to my constituents. It certainly is not fair to my own mind; and while I did not bring in a minority report, I wish to say that when the vote is taken I claim the right to vote as I think best and according to my conscience in each particular case.

Mr. ADDISON of Leeds: Mr. Speaker: As a member of the committee on taxation I wish to state my position. When this question came up for consideration before our committee, it is well known that I was in favor of the Grange bill, so-called, which raises one mill on a dollar and distributes it in equal shares to every school child of the State, but when I found that this committee could not agree on this measure, I, with other members of the committee who felt as I did, consented to the report of the bill which is under consideration; but now that this amendment has been offered, by the gentleman from Bremen, I claim the right to vote as I see fit, and I propose to favor this amendment. I do this because I believe that it is right and just. I believe that the Grange bill is constitutional and that there is no doubt about its legality. With the other bill there is a doubt and an uncertainty. It may jeopardize the whole State tax and I do not believe that we as sensible men should take that

stand. I believe in this amendment because I believe that the distribution of it is fair and just as proposed in this Grange bill. Under it every child in the State, whether it be the child of the rich or the child of the poor, will receive precisely the same amount. What fairer proposition has there been placed before you? I should vote for this amendment because I do not believe in the principle, and never have, of returning this tax according to the valuation because it is unjust to the poor towns and small plantations, and under it the rich towns receive more and the poor towns less. I do not consider that this is just taxation, such as the Grange stands for. If we can raise one mill on a dollar according to the valuation, we can raise five mills or ten mills, and this is not taxation, it is confiscation; and for these reasons, Mr. Speaker and gentlemen, I shall favor the amendment to this bill.

Mr. PATTANGALL of Waterville: Mr. Speaker, if the gentleman is willing I should like to ask him a question to correct a wrong impression. I understood you to state that the committee bill was unjust to the poor towns in that it gave them less. Does the gentleman think that the committee bill give any town less than the Grange bill?

Mr. ADDITON: I think that it does when you consider the same rate of taxation. I understand that under the bill as returned by the committee it gives the towns a larger amount than this amendment; but when comparing the two methods I think they should be compared from the same rate of taxation.

Mr. PATTANGALL: Will the gentleman name a single town in Maine which gets less money under the committee bill than under the Grange bill—just one town?

Mr. ADDITON: Mr. Speaker, I have not figured out the different towns. I am not prepared to make any statement.

Mr. PATTANGALL: Has the gentleman heard anybody name a town or suggest a town?

Mr. ADDITON: I think I have, several towns.

Mr. PATTANGALL: Can you give me

the name of one town? I will give you the figures on it.

Mr. ADDITON: I am not prepared to do so. I would be willing that the gentleman from Waterville should take any town if he will figure it out on the same rate of taxation.

Mr. RICHARDSON of Presque Isle: Mr. Speaker, I believe that the House of Representatives and the people of the State of Maine have been looking for this tax commission to devise some means whereby more revenue could be obtained from the wild lands to help run the machinery of the State government. I realize that this tax problem is a knotty one. I can say, as did one of the members of the taxation committee, that I from the start was opposed to the way this money was distributed. I believe every child of school age, whether located in a village, town, or in a camp of some squatter in the back woods of Maine, should receive the same amount of money toward his or her education, and for that reason I favor this amendment. In looking over the figures I see that our town of Presque Isle under this proposed bill would be obliged to raise the sum of \$13,800, and in some of the towns and cities of the State this law would result in flooding them with more money that they would have to use for school purposes than they would know what to do with.

Mr. McLAIN of Bremen: Mr. Speaker, I wish to correct an impression which the gentleman from Waterville might have made this forenoon when he stated that this measure which I presented was a Grange bill, and did not get after the wild lands. As I understand it, the Grange bill calls for a two mill tax, one mill for schools to be apportioned to the cities and towns according to the scholars enrolled, and one mill for roads apportioned according to the mileage. Now had the committee passed the Grange bill we would have got out of the wild land fellows just half a mill more than this committee would get. Now this amendment of mine is not the Grange bill at all. This amendment I offered after consulting with the State superintendent of schools. I should have made the amendment one mill instead of one-half of one mill, but I consulted

with some of the older members of the House and Senate and they said that the measure would not get through the Senate; and I had always rather take half a loaf than none, so I made it one-half a mill instead of one mill. The last Legislature increased the mill tax one-half a mill and with this increase we will have doubled the mill tax. I did not raise any question as to the method of assessment; I agree with the bill in that respect, that the assessment is all right. The only question I raised was as to the distribution. I claim that after this money has been assessed and collected it has become the property of the State of Maine, and to my mind the State stands to the several cities and towns just the same as an individual stands in his town—that is, that a man is assessed in his town according to his property. He may have a few scholars, he may not have any. If he is a large tax payer and has no scholars, it is evident that his tax helps to educate the small tax payers' children. To my mind the rich cities and towns in this State should help the poor towns and cities to educate their children. I had just as soon you would make it a mill and a half, but distribute it equally; give it to the scholars.

Mr. PATTANGALL: Mr. Speaker, the gentleman from Augusta raised the point that if this particular act should be declared to be unconstitutional it would vitiate the entire assessment of taxes throughout the State for a year. Upon that point I seriously differ with him. In my opinion this law is constitutional. If it were decided that this was unconstitutional the simple result would be that no tax would be assessed under it after that, and that the State would have taken from the towns for one year a certain amount of money which it would necessarily return to them. It could affect no local assessment. Under this bill no tax is assessed; it is simply a separate amount raised by the State for a certain purpose.

I want to suggest this to you. The amount raised by taxation on the whole State for school purposes gives back to the towns a portion of it according to the valuation, by our plan

but it does not go back to the town to do what they want to do with. It is not money paid back to the towns to spend in any way they see fit. It is a trust fund distributed in a certain way to the towns, those towns having the privilege of spending it for schools and for nothing else. It is an increase of the school fund and a direction as to how the school fund should be spent. Now it has been said that school money should be spent according to school population and in no other way. I agree with you up to a certain limit, and if you will use figures and not generalities you will not go beyond a certain limit on that proposition. Let me illustrate. You say, tax the property where it is and pay the children where they are. That sounds well. We say, tax the rich cities to help the poor towns. Figure it for yourselves and you will find if you apply your mill tax any further than you have that here is one result you will get. You take from the city of Portland by a half mill something like \$6500. You give money by that half mill to the city of Biddeford to quite an extent. Portland taxes herself four mills on a dollar nearly to support her schools today; Biddeford taxes herself 1.2 mills. Do you think it is equality to take any more from Portland and give it to Biddeford? Take Waterville. You can run your mill tax into the sky and the farther you run it the more Waterville makes out of it because there isn't a bit of race suicide in Waterville. (Laughter.) Take Kennebec county. You take from Augusta with your half mill proposition a few hundred dollars. You give to the city of Waterville an almost equal amount. Waterville is not asking Augusta to support her schools. You would think from the remonstrances of some gentlemen here that we were taking some money from the country towns. We are giving the country towns the benefit of the old mill tax of a mill and a half as increased by the last Legislature, and half a mill more. We are taking two mills on all the property in this State amounting to \$800,000. We are taking half of the bank tax and adding to it making about \$1,200,000. We are taking \$1,200,000 of the money of the people of Maine and distributing

that per capita. Now all we ask to add to that is \$40,000 of the wild land money to distribute in that way to level up the burden which some of us are bearing for the others; and gentlemen stand up here and say that it will be unjust to do that! To take the case of one town. It was said to me today at the hotel that there was one town in Waldo county that our bill hurt. I asked the gentleman what town. He said he heard it was Lincolnville. I have figured out Lincolnville. And by the way one would think that some gentlemen had the idea that I was trying to mislead them. I would like to ask what motive I could have to try to mislead in regard to a tax matter? I don't get any money out of this thing. My children want the school money spent where the children are. Take Lincolnville. Under the Grange bill it would pay an additional tax of \$155, it would receive back \$308, it would make a net gain of \$153. Under the committee bill Lincolnville would pay in \$465, it would take out \$648, making a net gain of \$183, or \$30 more than the amendment would give it. Now it was suggested by the gentleman from Oxford county that the amendment ought to be a mill instead of a half mill. Don't deceive yourselves. If an amendment is offered here of a mill to be distributed according to school population, it would never go through the Senate.

I said in good faith that this bill was the unanimous report of the committee. After a somewhat protracted session when I had yielded my personal views—for I frankly say that this bill does not entirely represent my personal views—when the senators who were on the committee had yielded their personal views, when each one had sought to come to the others as nearly as he could, we met together on a Thursday night and about midnight nine of the committee agreed upon a proposition. One of the committee requested until Sunday to look it over. We met again on Tuesday and after another long sitting, after careful argument, we agreed upon this bill. The bill came into this House. The deliberations in this House were delayed two days because after Tuesday's consideration one member of the committee recalled the bill and asked us to meet and consider it

again. We met again and then the committee, after reviewing the objections which had been raised outside the committee, the committee united again. I am very free to say to you that my friend, the gentleman from Bingham (Mr. Colby) united with us with great reluctance. He said then, as he says now, that the bill did not meet with his approval and that he united because there was nothing else for us to do. It did not seem to me today that the position which he took on the floor of the House was very different from that which he took in the committee. I felt it was then more reluctance and modesty on his part that he did not file a minority report. There was no other member of that committee who intimated in any way when we united on the bill that he would not stand for it on the floor of this House. We were requested to divide our measure into two bills; that matter was brought before the committee. It was said then that if we did that certain men on the committee would push their bill through and then try to beat ours; and to obviate any such piece of treachery, after long and careful argument, the gentleman from Leeds and the gentleman from Presque Isle and each and every one of us agreed to stand by and support that bill. I do not know what arguments or what reasons have moved men to do any different today. I desire to impugn no man's motives, but I say this, that if I ever sit in a committee again and there are upon it men whom I do not believe can be trusted to go out of the room and stay three days and keep the word they give me, I shall never unite on a compromise measure but shall bring in a bill that suits myself regardless of anybody else. (Applause.)

Some of us, I cannot quote the whole committee, but seven of us at least, have united on a measure which we believe to be of some practical use to the people of the State of Maine. You may defeat it, but plans are made in such a way that if it defeated in this House, that is the end of it. As a practical legislative proposition you are either going to get this bill or nothing. It has been said that I referred to this amendment wrongfully in calling it the Grange amendment. I was misled in doing that because when the amend-

ment was offered a leading member of the Grange legislative committee, a gentleman whom the State of Maine paid over \$3000 last year to investigate the tax laws of this State, sat in the seat with the gentleman from Bremen and prompted him when his amendment came in. It may not have been a Grange measure; it may be what I truly believe it to be, a wild land measure prompted by a man in the interests of wild land owners. (Applause.)

Mr. COLBY: Mr. Speaker: I wish to say that I appreciate the fair treatment of the gentleman from Waterville and I appeal to the committee if I am taking any very great back tracks. I said I never believed in this measure. I will say now that if I was on the committee again and the thing came up again, I should surely put in a minority report. I might have ducked, I might have gone home; it did not seem right to me to do that. I think that every man should vote one way or the other. That is why I have taken the position I have.

Mr. PATTANGALL: Mr. Speaker, I suppose I stated to the House as clearly as I could that I saw very little difference between the position of the gentleman from Bingham now and the position he took before the committee, and that he assented to this report with great reluctance.

Mr. ADDITON: Mr. Speaker and gentlemen, just one word more to say that I am always ready to be censured for what I am to be blamed for, and I am free to admit that I was to blame in consenting to that unanimous report, and every gentleman on that committee will bear me out when I say that I was radically for the Grange bill, first, last and all the time; and while I do not claim that I am going back on this bill now, yet after this amendment is offered, which is practically the Grange bill which I stood for all the time, I did feel and I do feel that I should have a right to stand for it; and I do not feel that I am going back on the bill as a whole in doing so.

The question being on the adoption of House Amendment "A" to correct a clerical error—

The amendment was adopted.

The question being on the adoption of House Amendment B offered by Mr. McLain of Bremen,—

Mr. Wing of Kingfield moved that the yeas and nays be ordered.

The motion was agreed to.

The SPEAKER: Those in favor of adopting House Amendment B will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Bartlett of Elliot, Bearce of Stonington, Blake, Bradford, Bragdon, Burleigh, Campbell of Cherryfield, Clark, Colby, Cole, Conners, Harriman, Higgins, Ludgate, Marshall, McLain, Miller, Montgomery, Morse, Nelson, Orff, Patten, Paul, Peters, Richardson, Silsby, Smith of Berwick, Stanley, Strickland, Thompson, Varney—32.

NAY:—Allen of Jonesboro, Allen of Richmond, Andrews, Bartlett of Stoneham, Beals, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blanchard, Bourassa, Burse of Pittsfield, Bussell, Buswell, Campbell of Kingman, Charles, Chase of Sebec, Chase of York, Cook, Coolidge, Cousins, Davies, Doble, Donnell, Duncan, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Gilbert, Grant, Hall, Hanson, Harrington, Harris, Havey, Hersey, Hill, Hodgkins of Damariscotta, Holt, Hussey, Hyde, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lombard, Lord, Mace, Mercier, Merrifield, Merrill of Bluehill, Millett, Moulton, Packard, Pattangall, Patterson, Pelletier, Pike, Pinkham, Porter, Pressley, Quinn, Redlon, Rounds, Sanborn, Sleeper, Smith of Biddeford, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Stackpole, Stetson, Stover, Thurlough, Tibbetts, Trafon, Trimble, True, Weld, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—91.

ABSENT:—Bogue, Bowley, Couture, Cummings, Day, Dorr, Drake, Dufour, Emery, Hamlin, Hannaford, Harmon, Hines, Hodgkins of Temple, Jones, Merrill of Durham, Moore, Nickerson, Perry, Putnam, Robbins, Ross, Sawyer, Smith of Dover, Spear of Warren, Trickey, White of Wayne—27.

So the amendment was lost.

The bill then received its third reading and was passed to be engrossed as amended.

On motion of Mr. Peters of Ellsworth, the majority and minority reports of the judiciary committee in regard to Biddeford police bill was taken from the table, and on further motion by Mr. Peters it was assigned for Tuesday of next week.

On motion by Mr. Montgomery of Camden, the House voted to take a recess of 20 minutes.

After Recess.

Committee report: Mr. Bigney from the committee on interior waters reported ought to pass on bill, in new draft, An Act authorizing the building of a dam at the outlet of Sebec lake. (Tabled for printing under the joint rules.)

Unfinished business: Majority and minority reports of the committee on telegraphs and telephones, to which was referred bill, An Act to protect the rights of holders of preferred stock in telephone companies, the majority reporting "ought not to pass," the minority reporting "ought to pass."

Mr. Smith of Biddeford moved that the minority report be substituted for the majority, and moved that the yeas and nays be called.

The question being, shall the yeas and nays be ordered?

The motion was lost.

The question being, shall the minority report be substituted for the majority report?

The motion was lost.

The report of the majority was then accepted.

The SPEAKER: The Chair will lay before the House on its passage to be enacted Resolve containing an emergency clause, Resolve laying a tax on the counties of the State for the years 1909 and 1910.

A division was had, and pending the announcement of the vote Mr. Burleigh of Augusta called for the yeas and nays.

The SPEAKER: Those in favor of the final passage of this Resolve, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Jonesboro, Allen of Richmond, Andrews, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bearce of Eddington, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blake, Blanchard, Bourassa, Bowley, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Kingman, Charles, Chase of Sebec, Chase of York, Colby, Cole, Conners, Cook, Cousins, Davies, Doble, Donnell, Duncan, Dunn, Ferguson, Frost, Gilbert, Grant, Harriman, Harrington, Harris, Havey, Hersey, Hill, Hodgkins of Damariscotta, Holt, Hussey, Hyde, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lombard, Lord, Ludgate, Mace, Marshall, McLain, Merri-

field, Merrill of Bluehill, Miller, Millett, Montgomery, Morse, Moulton, Nelson, Orff, Packard, Patten, Patterson, Paul, Pelletier, Peters, Porter, Pressley, Redlon, Richardson, Rounds, Sanborn, Silsby, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Spear of South Portland, Stackpole, Stetson, Stover, Strickland, Thompson, Thurlough, Tibbetts, Trimble, True, Weld, White of Columbia, Whitehouse, Wing of Auburn, Wing of Kingfield—104.

NAY:—Quinn—1.

ABSENT:—Bogue, Campbell of Cherryfield, Clark, Coolidge, Couture, Cummings, Day, Dorr, Drake, Dufour, Edwards, Emery, Farnham, Fortier, Hall, Hamlin, Hannaford, Hanson, Higgins, Hines, Hodgkins of Temple, Jones, Mercier, Merrill of Durham, Moore, Nickerson, Pattangall, Perry, Pike, Pinkham, Putnam, Robbins, Ross, Sawyer, Sleeper, Smith of Andover, Snow of Scarboro, Spear of Warren, Stanley, Trafton, Trickey, Varney, White of Wayne, Whitney—45.

So the resolve was finally passed.

On motion by Mr. Blanchard of Wilton, Senate Doc. No. 434, An Act to amend Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs, was taken from the table, and on further motion by Mr. Blanchard its consideration was postponed to Tuesday of next week.

On motion by Mr. Morse of Belfast, the rules were suspended and that gentleman presented the following order:

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

Unfinished business: Majority and minority reports of Portland delegation to which was referred bill to amend laws pertaining to appointments to the police department of the city of Portland, majority reporting "ought to pass," minority reporting "ought not to pass."

On motion of Mr. Redlon of Portland the majority report was adopted.

Mr. Beyer of Portland moved that the rules be suspended and that the bill receive its three several readings at the present time without being printed.

The motion was agreed to.

The bill received its two readings.

Mr. Redlon of Portland offered House Amendment A, which was

adopted, and the bill then received its third reading and was passed to be engrossed.

Unfinished business: Majority and minority reports of Portland delegation to which was referred bill relating to time of service of members of the fire department of the city of Portland. Majority reporting the same in a new draft under same title and that it "ought to pass," minority reporting the bill "ought not to pass."

On motion by Mr. Kavanaugh of Portland the majority report was accepted.

Mr. Kavanaugh moved that the rules be suspended, and that the bill receive its three several readings at the present time and pass to be engrossed without being printed.

The motion was agreed to.

The bill was then read twice.

Mr. Kavanaugh offered House Amendment A, which was adopted, and the bill then received its third reading and was passed to be engrossed.

Unfinished business: Majority and minority reports of Portland delegation to which was referred bill to make permanent the tenure of office of the city electrician of Portland, majority reporting "ought to pass," minority reporting "ought not to pass."

On motion by Mr. True of Portland, the report of the majority was accepted.

Mr. True of Portland moved that the rules be suspended and that the bill receive its three readings at the present time and pass to be engrossed without being printed.

The motion was agreed to.

The bill was then read twice.

Mr. True offered House Amendment A which was adopted, and the bill then received its third reading and was passed to be engrossed.

On motion by Mr. Rounds of Portland the majority and minority reports of the Portland delegation on bill, An Act relating to the commissioner of public works for the city of Portland, were taken from the table, the majority reporting ought not to pass, the minority reporting ought to pass.

On motion by Mr. Rounds the majority report was accepted.

On motion by Mr. Davies of Yarmouth the House voted to take from the table majority and minority reports A and B of committee on judiciary, to which was referred bill to provide for nomination of candidates of political parties by primary elections, majority reporting "ought not to pass," minority A reporting the same in a new draft under same title and that it "ought to pass," minority B reporting same "ought to pass."

On further motion by Mr. Davies, the consideration of the three reports was postponed until Tuesday of next week.

On motion by Mr. Cook of Unity, House Doc. 384, An Act to extend the open season on deer in the towns of Unity and Burnham in the county of Waldo, was taken from the table, and on further motion by Mr. Cook, the House voted to insist and ask for a committee of conference.

The Chair appointed on the part of the House Messrs. Cook of Unity, Miller of Lincolnville and Morse of Belfast.

Unfinished business: An Act relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors.

On motion by Mr. Burleigh of Augusta, the consideration of this bill was postponed until Tuesday of next week.

On motion by Mr. Havey of Sullivan, the report of the committee on temperance, reporting "ought not to pass"

on bill An Act providing for the better enforcement of laws against the sale and manufacture of intoxicating liquors, was taken from the table and on further motion by Mr. Havey the consideration of this bill was postponed until Tuesday of next week.

Unfinished business: Bill, relating to the election of road commissioner.

On motion by Mr. Burleigh of Augusta, the consideration of this bill was postponed until Monday of next week.

On motion by Mr. Hersey of Houlton, bill, An Act to enlarge the powers and duties of the railroad commissioners and to regulate the fares and tolls of common carriers, was taken from the table.

House Amendment A was adopted, and on further motion by Mr. Hersey the further consideration of the bill was postponed to Tuesday of next week.

Unfinished business: Bill, relating to trustee process.

On motion by Mr. Smith of Berwick, this bill received its third reading and was passed to be engrossed.

Unfinished business: Bill, to provide for the State examination and certification of all teachers.

On motion by Mr. Dunn of Brewer, this bill was indefinitely postponed in concurrence.

On motion by Mr. Weld of Old Town, Adjourned.