

# GRANGE VISITOR

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"THE FARMER IS OF MORE CONSEQUENCE THAN THE FARM, AND SHOULD BE FIRST IMPROVED."

VOL. XVIII, NO. 8.

LANSING, MICHIGAN, APRIL 15, 1893.

WHOLE NO. 416.

## A RIGHTEOUS LAW.

Paper read at Cass City Institute, Feb. 13-14, 1893  
by Hon. Enos Goodrich, Fostoria, Mich.

Three years ago it appeared that about three-fifths of all the farms of the county were under mortgage. Perhaps it is fair to presume the ratio holds good today, and that these mortgages amount to half the value of the land they cover. The assessed value of our county is not far from ten millions of dollars, and if the preceding premises are correct not three million dollars worth of our farms is passed away by mortgage deed to the money lender. Heretofore and up to the last session of our legislature the farmers were compelled to pay the whole tax on the full amount of all this mortgaged property. I will not stultify myself by producing argument to prove that this practice was wickedly unjust. It was a gross and grievous wrong which it would seem that no one could have the audacity to vindicate. How it was that our law makers whose duty it was to guard the interests of the people should have suffered the years to roll on without applying the remedy is beyond my comprehension. But our last legislature came nobly to the rescue.

The mortgage tax law of 1891 was and is one of the most righteous laws that ever graced the statute books of our state. It justly and humanely took from the shoulders of the debtor the tax on that part of the property that he did not own and placed it on the holder of the mortgage where it honestly belongs. It empowered the debtor to pay it and take the tax gatherer's receipt, which was made a legal tender upon the interest or principal of the mortgage.

But which of you ever knew a good thing to be enacted for the farmers, but what one-half of them would do their best to kick it over? You have heard the hue and cry raised against this righteous law by the partisan press. You have heard the threats of some Shylock money lenders that in future they will grind the face of the poor by withholding their money unless the borrowers would agree to pay the tax, and I regret to say you have seen many a terror stricken poor man consent to their unrighteous demand. Need I tell you in the most emphatic terms that this is wrong?

I have said to my friends, and I desire here to proclaim it, that the vaults of our country's savings banks now hold millions of idle money, whose owners would willingly invest at a low rate of interest on good security, and if farmers would be firm and stand together in support of their rights they would come out victorious. But they won't do it. Some of them will break and fly like an undisciplined army, and those who stand alone become disheartened, and surrender their rights. Who would think that even now our Legislature is being besieged by farmers' petitions to repeal the mortgage tax law, and throw the whole tax back upon themselves? Yet such I am told is the fact. And when farmers will persist in doing such foolish things "saltpetre won't save them." Their destiny is sealed. But, believe me, my friends, the money lenders are not all Shylocks. Many of them have a high sense of justice and honor, and it does me good to record the name of one of them. There lives in the village of Goodrich and county of Genesee, a staunch old retired farmer, who has his surplus, thirty thousand, loaned out in half a dozen surrounding counties; and he takes

especial pains to tell his customers to give in their mortgages to the supervisors, and have the tax assessed to him. He earned his thousands by frugality and economy through a life of half a century on the farm, and he knows that the poor farmer has enough to do to pay his own tax, without being taxed for his debts. In one instance his mortgage upon a farm in the town of Richfield was said to be four thousand dollars. The supervisor said it was all the farm was worth, and assessed the whole tax against McNeil. And what did the Honorable John L. McNeil do? Did he "swear, curse and damn" at that supervisor? Not by any means. He calmly remarked: "If that is all the farm is worth, it is all right." And a burden was lifted from this industrious farmer's mind and heart.

I have not time to present the arguments in favor of retaining this most righteous law upon our statute books. No man in his senses can fail to see its justice, and that ought to be all the argument needed. And right here, my friends, you have it in your power to perform a most valuable service to the State. And how glad I would be to read in your proceedings that right here and now you have passed a resolution of instructions to your senators and representatives at Lansing, to do all in their power to retain the mortgage tax law upon our statute books. If it needs amending, why amend it; but repeal it never, so long as there is a God in Israel.

## HOW IT WORKS.

Extracts From a Paper Read at Mason Farmers' Club by O. C. Wheeler, of Lansing.

The mortgage tax law is peculiar in its language and faulty in its construction. I am not a lawyer, but a farmer; you can take my criticisms for what there is in them. The farmers asked for the California mortgage tax law. They got it with the vital point left out. In the first place the California law is not a legislative enactment at all. It is article 13 of the constitution. The Michigan legislature of 1891 copied the California document verbatim until they came to section five which reads as follows: "Every contract hereafter made by which a debtor is obligated to pay any tax or assessment on any money loaned or any mortgage deed of trust or other lien, shall as to any interest specified therein and as to such tax or assessment be null and void." This was omitted.

There is a serious question as to whether section 5 of the California constitution could be a legislative law under our constitution. Act 4, section 43 of the Michigan constitution reads as follows: "The legislature shall pass no bill of attainder or *ex post facto* law or laws impairing the obligation of contract." Under this section the legislature cannot enact a law to prevent two parties from making a contract as to who should pay the taxes. It is readily seen that to enact the mortgage tax law so as to make it effective, will require an amendment to the constitution or better still to embody it in the constitution. The present law is defective because it conflicts with this section of the constitution. The law covers all mortgages in force at the time of the enactment. The literal translation of *ex post facto* "the thing having been done," and the constitution forbids such a law.

Embody article 13 of California constitution into the Michigan constitution, and strike out the last clause of article 4, section 43,

which reads, "the legislature shall pass no laws impairing the obligation of contracts." Then enact the New York state compulsory interest law, or better still embody this also into the constitution. This law provides that usury is above six per cent, and forfeits both interest and principal.

The money power would denounce such legislation and would bulldoze and bluff.

But let the farmers stand firm to their principle of justice.

The money lenders would threaten to call in their money, but they will submit as they did in New York. The farmers have submitted to a hundred times worse things than this at the hands of the money power.

If the constitution is to be revised this year, would it not be well for the farmers to look after their interests and secure proper amendments.

There is no justice in the present law, the farmer pays the tax on his own property, also that of the mortgagee who goes free, while under the old law he paid his own taxes if he was honest enough to give in to the assessor. The mortgager paid it also.

I have now on my hands several cases where the mortgage was paid during December and now both parties refuse to pay the taxes. I would like to see the Attorney General in my place, about 24 hours and attempt to enforce his plausible theory it would make merriment for the whole town. In these cases the mortgagee has no chattels on which to levy. Is it right that the farmer should pay this tax? The law leaves no other way open for me. The farmer must submit.

The assessed valuation of Lansing township is \$881,580. Of the 338 farms and lots, 80 are mortgaged for \$87,198, of these 80 mortgages the taxes on 8 were paid by the mortgager. By the present law we lose the valuation of \$70,000 as there is that much more loaned by the residents than there is borrowed from outside the township. This tax must necessarily fall upon the real property. Those who own the \$794,382 free from debt would stand this shrinkage of valuation if those who hold the farms mortgaged for \$87,000 got the benefit of the mortgage tax law, but as it has worked the shrinkage is all around.

One treasurer informed me that out of about 150 mortgages only two mortgages paid the tax on their mortgage.

Because this law fails to do the work expected, do not throw it aside. If you went into the field to plough and your plough cut too wide, too narrow, too shallow or too deep, you would not throw it aside but adjust it until it works satisfactorily. If this law does not cut as wide a furrow as you wish adjust it until it does its work thoroughly.

Under date of Jan. 19, the Attorney General declares, 1st, that the assessment of a mortgage is held as a personal assessment against the party. If this be true why does the law say that if the mortgagee shall neglect or refuse to pay the tax, the treasurer shall collect it of the mortgager if possible or return it against the real property. If it is a personal tax against the mortgagee, why is the property of the mortgager holden for the tax. Is this consistent?

2d. "That his subsequent disposal of the mortgage or its redemption did not affect the validity of the tax." Why does not the same law apply to this that is used in the transfer of real property?

A man may own a piece of land at the time of the assessment, but disposes of it in the summer. You cannot compel him to pay the taxes. The same is true with the mortgage. It is merchantable property subject to barter and sale.

3d. "The collector must collect the tax, if necessary by levy." Suppose the mortgage was redeemed during December, at a time when it is unlawful for either party to pay the other's tax, and the mortgagee has no chattels, what would the Attorney General do were he the collector? Return it on the poor farmer of course.

4th. "The owner of real property might proceed against the collector if he did not collect the tax of the mortgagee. The collector is responsible and must collect it of the party to whom assessed." Perhaps the Attorney General wishes to scare some one. The law is very plain.

## IT WOULD NOT BE RIGHT.

EDITOR GRANGE VISITOR—Judge Ramsdell is undoubtedly correct in his opinion in last week's VISITOR, to the effect that the constitutional provision that the legislature shall pass no law impairing the obligation of contracts, only applies to contracts previously entered into, and does not prevent the legislature from controlling future contracts; but he does not answer the question whether it would be constitutional to prohibit mortgagers from agreeing to pay the taxes on the property mortgaged.

Before that question can be answered in the affirmative, reference must be made to the greatest and most important provision of the Bill of Rights, that "no person shall be deprived of life, liberty or property without due process of law."

The ownership of a farm, or other real estate, carries with it something more than possession and use. The right to sell it and deed it, which includes the right to mortgage, is as much a right of property, as the possession and use.

Personal liberty does not consist merely of the right to go about, but includes the right to labor, and to enter into contracts, and carry on business, and the pursuits of life.

To a certain extent the exercise of these rights is subject to regulation and control by the legislature; but no one would be willing to admit that the legislature has power to pass a law prohibiting the owners of real estate from hereafter making any deed or mortgage on their property; and if a person has a right to mortgage, it is difficult to see by what right the legislature could prohibit him from agreeing in any mortgage to pay the taxes on the property mortgaged.

There must be something radically wrong in a policy that leads to any such results.

In California they adopted such a provision in the constitution, but it was accompanied with legislation that took all restraints from the rates of interest to be agreed upon, so that the mortgagees charged enough interest to cover the taxes.

If the Michigan legislature should pass a law prohibiting mortgagers from agreeing to pay the taxes, and should prohibit agreements to pay interest above a very low rate, say five or six per cent, it would have no other effect than that of preventing the people of the state from borrowing money on real estate security, or compelling them to resort to evasions of the usury law.

The truth is taxation of the real estate, and taxation of the mortgage

thereon, is double taxation, and any law that forces the collection of both these taxes, necessarily and inevitably oppresses the owner of real estate, who is compelled to mortgage his property in order to hold it.

If the GRANGE VISITOR would advocate a plain and simple law, that mortgages on real estate shall not be subject to taxation, and have it adopted as the permanent policy of the State, it would do the farmers, and all borrowers more real good, than anything else that has been suggested of late years.

FRED A. BAKER.

Detroit.

## AMEND, DON'T REPEAL.

I say "amen" to Robert L. Hewitt's article in March 15th VISITOR, on the mortgage tax law. Until we are sure of something better, we don't want the present law repealed, but amended and so made more effective.

I see Hiram Andrews comes back at me because I asked if mortgages were not now assessed the same as landed property, and he says "no." All I have to say in reply to him is that if real estate is not assessed at its full value it's not the fault of the mortgage tax law, and should not be used as an argument for its repeal. If real estate does not pay taxes on its cash value, that is the reason why mortgages should escape taxation altogether. My conclusion is that as Mr. Andrews has become a capitalist to the extent of \$500 he "can't see himself as others see him," or more properly, the tax law. If the law is repealed does he expect to beat the assessor out of the \$500? If not I can't see but what he will have to pay just as much tax. If he intends to escape taxation on the \$500 with the repeal of the present law, then he is one that the law was intended for—the shoe pinches and the man swears!

Under the old plan the farmer paid taxes on all his land and if it was mortgaged to one-half its cash value then the mortgagee too was assessed, hence a double tax was paid, unless the mortgage was canceled, in which case the farmer was benefited. It stands to reason that a double tax would produce more revenue than a single, and just there I think will be found the chief cause of the falling off. The loss on personal property tax will fall (under the present law) chiefly on the wealthier communities, those best able to bear it.

If the capitalist is willing to pay his share of the burden of taxation why does he want the present law repealed? His eagerness for repeal ought to furnish pretty valid evidence of his intention to escape taxation. The farmers should "size him up," and demand that the present law be amended and retained.

If the capitalists, like Mr. Andrews, object because land is not assessed its cash value, they can try their hand at a remedy, but if they will take into consideration the thousands of dollars in notes that exceed taxation, (notes mostly held by the capitalists) and cash in bank, they will see that the farmer who does not pay taxes on cash value of his farm does not get ahead of the capitalist after all. When the law compels the rich to pay taxes on every dollar they possess then the farmer will be willing to pay tax at cash value of farm. How many capitalists pay taxes on every dollar they possess?

Amend the present law and let it stand.

APOLLOS S. LONG,  
Eaton Rapids.











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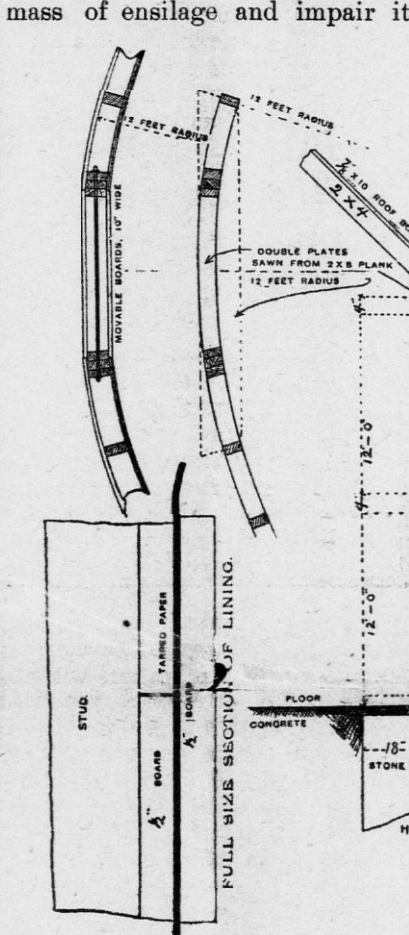
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Advertisement for 'Non-pull-out' watches, featuring an illustration of a watch and text about its reliability.

BUILDING A SILO.

JAMES M. TURNER.

In regard to the construction of a proper silo, I would say by all means build a round one, if at liberty to construct just such an one as may be thought best.



value. Silos built after my plans it will be readily seen, are too expensive to be practicable, requiring too much timber to properly secure them.

BRIEF SPECIFICATIONS FOR THE CONSTRUCTION OF A CIRCULAR "SILO" OF 207.63 TONS CAPACITY.

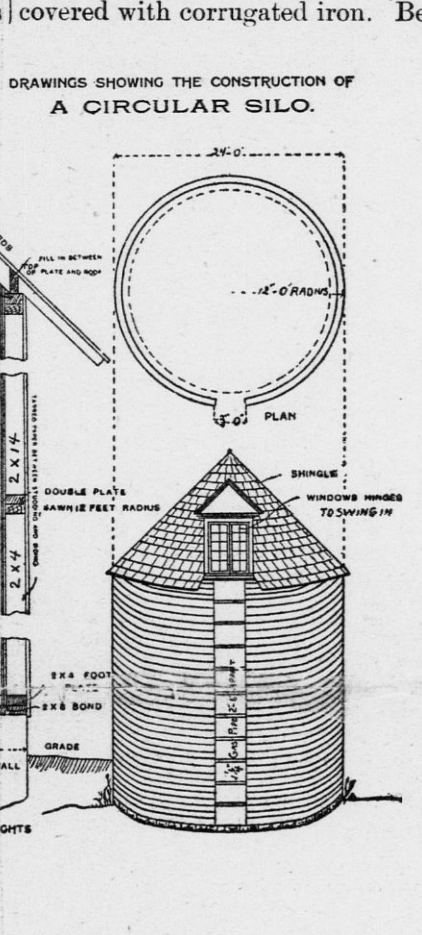
Excavations.—Excavate trench for wall not less than three feet deep, of sufficient width to allow the wall to be laid, without the earth touching the stone, until the mortar is set, throw the earth from the trenches to the outside; this will be used to grade and fill around the building.

Carpenter Work.—

The carpenter should see that the bond timbers are ready for the mason, and that the plates are all properly sawed; the studding will be placed not more than sixteen inches on centers; the opening should be about three feet wide and triple studded; the opening should be spanned by at least ten quarter-inch bolts of sufficient length to bolt through the three studs on each side; the bolts should be fitted with large washers; all plates and rafters should be thoroughly spiked to their bearings; the plates should break all joints by as nearly one-half of their length as possible; the roof boards should be laid not more than one and a half inches apart and fastened by at least two nails to every bearing. Shingles should be laid five inches to weather and have two nails each.

Lining.—The lining (see section) will be made of two thicknesses of half-inch boards, laid to break joints by one-half of their width. These should be firmly secured to every bearing and have a thickness of tarred paper between the boards.

Outside Covering.—The outside covering may be of five-eighths inch novelty siding, or may be sheathed diagonally and shingled, or may be covered with corrugated iron. Be-



fore the covering is put on there should be a thickness of tarred paper spread over the studs from top to bottom. Every joint should be over a stud and should lap, say two inches, and be well nailed. The silo should have one or more dormer windows, with sash hung so as to swing in. They should be fitted with suitable bolts, etc. The valleys and joints of dormer and main roof should be well flashed with good tin. The opening of silo should have jambs fitted to receive boards as they are required in filling or using from the silo. The interior should be given a good coat of hot tar and pitch.

I give here a list of material and quantity, with prices of labor and material as I find about Lansing:

Table listing materials and quantities for silo construction: Excavation (\$2 50), Stone wall (43 00), 80 feet, lineal, 2x8 circle bonds (2 30), 490 feet, lineal, 2x4 circle plates (7 50), 56 pieces 2x4 rafters 20 feet long (6 25), 2,280 feet 5-8 cove siding (41 10), 6,000 C. B. shingles (15 00), 2 dormer windows (20 00), 170 pieces 2x4 12 ft. long, for studding (16 68), Nails (7 00), 408 yards tarred paper, 6 1/2 rolls (8 25), 2,700 ft. 1/2 inch by 6 inch sheathing (55 00), 770 feet 3/4 inch sheathing (72 00), Carpenter labor (2 50), Ten (10) 1/4 inch iron rods 3 feet 10 inches long with burrs and washers; thirty six (36) 1/4 inch iron bolts 24 inches long, 3 inches bent at a right angle at one end, for anchors (2 50). Total: \$298 98.

It will be seen from the foregoing plans and specifications that to properly house 207.63 tons of ensilage in a circular silo 24 feet in diameter and 24 feet 10 inches in depth, will cost, at prices which are current here, nearly \$300. I am confident, however, that in many localities much of the material may be found upon the farm, and labor may be obtained at more advantageous rates, considerably reducing the above cost. A silo of this size would be entirely suitable for a farmer intending to maintain a dairy of 30 cows or the equivalent of this in any other stock. An opportunity will be seen to greatly increase this capacity without increasing the diameter, by simply adding to the length of the studding. For instance, under this plan, another set of twelve-foot studding could be added, making the silo 36 feet deep, which would add nearly twice to its capacity when filled, as the increased depth would result in much greater compression of the mass; and while on its face it would seem to increase the capacity but fifty per cent, it would in reality greatly exceed this. This increased compression would result in still better ensilage, so that the increase of size would have more than one advantage.

THESE MEET AROUND.

EDITOR GRANGE VISITOR—Perhaps some of your readers would like to know if Battle Creek Grange No. 66, is still in existence. To such I will say that, although not very strong in numbers, yet we are having very interesting meetings and are getting some new recruits. We have held our meetings at the houses of the different members during the winter and find it a pleasant change. I send you the program which was carried out at our last meeting, held at the residence of Brother and Sister Hoag.

Meeting at 10 o'clock A. M. Initiation in first degree. Refreshments. Initiation in second degree. Quotations by all. Song by the Grange. "Things most needed to make country life pleasant," Lillie Adams. "Incidental profits on the farm," Frank Minges. "Can farmers lessen their hours of labor without detriment to themselves?" Frank Hoag. Song. Recitation, L. E. Smith. Question for discussion: "Are agricultural experiment stations a benefit to the farmer?"

The program was fully carried out, the doors being opened to the public, after the initiation, quite a number not members being present.

THEY DID IT.

EDITOR GRANGE VISITOR—I feel that I must through your valuable paper inform Brother Bank that we have not fallen very much short of what he wished us to do when he was among us. He requested us to try, and if possible, secure ten new members soon. This year, so far, we have reinstated one old member, just finished taking in two new members and have a class of six to start on at the next meeting and hope soon to add more to our number.

We had Washington exercises February 25. Several outside the gates were present. Our exercises consisted of music, both vocal and instrumental, recitations, selections, tableaux and Dr. Topping read a carefully prepared historical address on George Washington which was both interesting and instructive. Our hall was tastefully decorated with Washington's picture, evergreens and the national colors.

At our last Grange meeting the following committees were appointed: Executive—Elmer Lankton, N. L. Webb, Dr. G. W. Topping. Finance—Ada Bedell, Ellen Ferguson, Mrs. A. Cattermole. Charity—Mattie Simmons, ex officio, E. H. Bedell, Flora Cattermole, Jerome Dills. Woman's Work—Mrs. Ada Bedell, Lizzie Webb, Elizabeth Steinhart. Correspondent to GRANGE VISITOR Mrs. C. L. Pearce. Every time we go to Grange we can but wonder why every farmer, every farmer's wife and daughter, cannot be made to see it would be to their interest to join the Grange. MRS. C. L. PEARCE.



Notices of Meetings.

HILLSDALE COUNTY POMONA will hold its next meeting in Hillsdale at G. A. R. hall, Thursday, May 4, 1893, 10 o'clock sharp. All 4th degree members are expected to attend.

CROP BULLETIN.

Northern Section—Owing to the ground being covered with snow in many portions of this section, the crop is still somewhat backward. Some correspondents report the ground clear in exposed localities, and in these places wheat is looking well.

TO THE EDITOR:

The GRANGE VISITOR deserves great credit for agitating the question of good roads. The suggestive article by Mr. Bailey last winter was, I trust, read and digested by every legislator.

Our legislators and the visitors to Lansing would appreciate a drive which the seasons could not convert into a cloud of dust or a slough of despair.

About Pontiac the roads are graveled, and the people advertise this fact. It has helped them boom their town. Railways in the east find it to their interest to construct fine drives through picturesque regions accessible to their lines.

By organization the farmers become the balance of power on all questions politically and socially, but to accomplish this, the action must be independent and free from partisanship.

THE MAGAZINES.

The April Arena contains a strong paper by Hamilton Garland on the "Future of Fiction." Dr. Alfred Russell Wallace writes on the Wage-Worker and how he may be delivered from the Social Quagmire.

"THE BUSY MAN'S MAGAZINE." The Review of Reviews has adopted for itself the above title. It is its "pet" name and an appropriate one.

Harness: You will notice on page 5 the advertisement of the Hand Made Harness Co., Stanton, Mich. They are reliable people, and refer to Hon. H. H. Hinds of Stanton, member of executive committee of State Grange.

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