

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

HOUSE.

Thursday, March 2, 1905.

Prayer by Rev. Mr. Kearney of Augusta.

Records of yesterday read and approved.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, in order that the engrossed bill, an act to amend the charter of the city of Rockland, may be sent to the Senate at this session, I move that it be taken up out of order and be passed to be enacted at the present time.

The motion was agreed to, and the bill was passed to be enacted.

Papers from the Senate disposed of in concurrence.

Bill, an act to change the name of the Dover Gas Light Company, came from the Senate, introduced there under a suspension of the joint rule limiting the time in which matters of a private and special nature shall be received.

The House by a rising vote refused to suspend the joint rule on its part.

Bill, an act for the protection of fishing in Dead, Bailey, Levensaler brooks in the towns of Brooks and Waldo in the county of Waldo, came from the Senate, introduced there under a suspension of the joint rule limiting the time in which matters of a private and special nature shall be received.

The House by a rising vote refused to suspend the joint rule on its part.

The following resolves came from the Senate, introduced there under a suspension of the joint rule limiting the time in which matters of a private and special nature shall be received:

Resolve in favor of the town of West Gardiner, appropriating the sum of \$50 to be paid the town of West Gardiner on account of money expended for roads for the year 1903;

Resolve in favor of the town of Wayne, appropriating the sum or \$50 to that town;

Resolve in favor of the town of Litchfield, appropriating the sum of \$50;

Resolve in favor of the town of China, appropriating \$100;

Resolve in favor of the town of Chelsea; appropriating \$50;

Resolve in favor of the town of Farmingdale, appropriating \$100;

Resolve in favor of the town of Vienna, appropriating \$50;

Resolve in favor of the town of Vassalboro, appropriating \$100.

Resolve in favor of Ida Yeaton, widow of John Yeaton, late of the Third Maine Battery, came from the Senate introduced there under a suspension of the joint rule limiting the time in which matters of a private and special nature shall be received.

The House by rising vote refused to suspend the joint rule on its part.

Bill, an act to amend section 62 of chapter 15 of the Revised Statutes, relating to tuition of free high school scholars in academies, came from the Senate referred to the committee on education in non-concurrence.

The House receded and concurred with the Senate in its reference.

Bill, an act to authorize the Sebec Lake Lumber Company, its successors and assigns, to maintain a wharf and boom in Sebec Lake, came from the Senate amended by Senate amendment A.

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

Bill, an act relating to the prevention, control and extinguishment of forest fires in plantations and unorganized townships, came from the Senate amended by Senate amendment A.

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

The SPEAKER: The Speaker has received a communication from the Supreme Court as follows:

"Ellsworth, Maine, Feb. 27, 1905.

To the Hon. Morrill N. Drew,
Speaker of the House of Representatives,

Augusta, Maine.

Sir:

I have the honor to herewith transmit the answers of the Justices of the Supreme Judicial Court to the questions submitted by the House of Representatives by an order passed on the 27th day of January, 1905.

Very respectfully,

ANDREW P. WISWELL,
Chief Justice."

On motion of Mr. Higgins of Limerick, the opinions of the Court were laid on the table to be printed.

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

Legal Affairs.

By Mr. Nash of Damariscotta: Petition of E. S. Perkins and 20 others asking for increase of tax on wild lands.

Agriculture.

By Mr. White of Levant: Petition of O. A. Emery and 16 others of Carmel in favor of a bounty on crows.

Ways and Bridges.

By Mr. Jillson of Otisfield: Petition of E. J. Kilbourn and eight others of Naples in the county of Cumberland, to repeal the private and special law passed by the 71st Legislature, entitled, "An act to maintain and operate a draw bridge at the outlet of Long Lake in the town of Naples."

Inland Fisheries and Game.

By Mr. Norcross of Winthrop: Petition of F. W. Shaw and 63 others that Berry and Dexter ponds in Winthrop and Wayne may not be closed to ice fishing; petition of F. L. Perry and 98 others for same; petition of H. M. Stanley and 33 others for same.

Temperance.

By Mr. Milliken of Island Falls: Petition of J. L. Corson and 11 others of Alton and Argyle for an act providing for the labelling of patent medicines containing alcohol and narcotic drugs.

By Mr. Tracy of Winter Harbor: Petition of John C. Jackson, M. D., of Sorrento, for same; of S. S. DeBeck, M. D., and 15 others of Franklin for same; of F. H. Bridgham and 7 others of Sullivan for same.

By Mr. Milliken of Island Falls: Petition of A. B. Carter and nine others of Brooksville for same.

By Mr. Jillson of Otisfield: Petition of C. B. Sylvester and four others for same.

By Mr. Staples of Elliot: Petition of E. E. Shapleigh, M. D., and 8 others for same.

By Mr. Milliken of Island Falls: Petition of George A. Pinkham and 20 others of Monmouth for same.

By Mr. Thurlough of Fort Fairfield: Petition of James R. Thurlough and 24 others of Fort Fairfield for same.

By Mr. Pendleton of Islesboro: Petition of Lucy E. Roberts and 14 others for same.

By Mr. Witt of Norway: Petition of Annette Bennett, M. D., and 47 others of Norway for same.

By Mr. Gray of Paris: Petition of F. H. Packard, M. D., and 12 others for same.

By Mr. Percy of Bath: Petition of John H. Morse and 30 others of Bath for same.

By Mr. Hodgkins of Jefferson: Petition of A. W. Nash, M. D., and 19 others for same.

By Mr. Bradford of Livermore: Petition of R. R. Thompson and 40 others for same.

By Mr. Burkett of Union: Petition of P. A. Crooker and 30 others for same.

By Mr. Hutchins of Penobscot: Petition of Melvin A. Wardwell of Penobscot and 37 others for same.

By Mr. Abbott of North Berwick: Petition of W. E. Lightle, M. D., and 23 others for same.

By Mr. Hall of Dover: Petition of S. O. Brown and 16 others for same.

By Mr. Giddings of Gorham: Petition of A. W. Lincoln and 13 others of Gorham for same.

By Mr. Cousins of Limington: Petition of John M. Akers of Alfred and 17 others for same; of A. L. Struthers and two others of Alfred for same.

By Mr. Milliken of Island Falls: Petition of E. W. Williams an 27 others of Silver Ridge for same.

By Mr. Grant of Freeport: Petition of W. F. Studley and 35 others of Freeport for same.

By Mr. Morrison of Eden: Petition of D. W. Bunker, M. D., and seven others of Eden for same.

By Mr. Nash of Kennebunk: Peti-

tion of Frank M. Ross and 23 others for same.

By Mr. Powers of Houlton: Petition of Harry L. Putnam and 16 others for same.

By Mr. Sargent of Castine: Petition of George H. Tapley and 17 others of Brooksville for same.

By Mr. Weatherbee of Lincoln: Petition of Dr. L. M. Howes and 47 others of Enfield for same.

By Mr. Briggs of Auburn: Petition of I. C. Fortin and 44 others for same.

By Mr. Thompson of Roque Bluffs: Petition of E. J. White and 21 others of Machias for same.

By Mr. Bunker of North Anson: Petition of Harry L. Ryder and 24 others of North Anson for same.

By Mr. Copp of Cornish: Petition of Dr. J. A. Kennard and 11 others of Parsonsfield for same.

By Mr. Morton of Jackson: Petition of E. H. Boynton and 20 others of Winterport for same; of Rev. H. Small of Brooks for same.

Taxation.

By Mr. Barrows of Newport: Petition of G. G. Grinnell and 29 others of Exeter in favor of increase of school tax.

By Mr. Newbegin of Gray: Petition of John W. Morrill and 31 others of Gray praying for the Merrill bill for equalization of taxation.

By Mr. Barrows of Newport; Petition of W. E. Pullen and 25 others of Exeter to repeal Revised Statutes relating to manufacturing, mining and smelting.

Salaries.

By Mr. Barrows of Newport: Petition of G. G. Grinnell and 29 others of Exeter in favor of the abolition of the fee system.

Reports of Committees.

Mr. Johnson from the committee on the judiciary, reported ought to pass on bill, An Act to amend section 101 of chapter four of the Revised Statutes, relating to harbors and waterways.

Mr. Powers from same committee, reported ought to pass on bill, An Act to amend Chapter 83, section 23, of the Revised Statutes, relating to orders for service.

Mr. Merrill from same committee, reported ought to pass on bill, A general act relating to negotiable instruments.

Mr. Newcomb from same committee, reported in a new draft bill, An Act relating to plumbers and plumbing, and that it ought to pass.

Mr. Higgins from same committee, reported in a new draft bill, An Act to incorporate the Kittery Water and Electric Light Company and that it ought to pass.

Mr. Newcomb from same committee reported in a new draft and ought to pass bill, An Act to confirm the organization of the Sebec Power Company and amend its charter, extending its corporate powers and purposes.

Mr. Weatherbee from the committee on legal affairs, reported ought to pass on bill, An Act granting rights of maintaining a ferry between Lincoln and Chester to Ethel C. Blackman.

Mr. Gray from same committee, reported ought to pass on bill, An Act to extend the charter of the Buckfield Water Power and Electric Light Company.

Mr. Baxter from same committee, reported ought to pass on bill, An Act to authorize the construction and maintenance of a wharf into the tide waters of Casco bay on the Island of Little Chebeague, situated in the town of Cumberland and city of Portland, Maine.

Mr. Gray from same committee, reported ought to pass on bill, An Act to amend Section two of Chapter 406 of the Private and Special Laws of 1850 entitled, An Act to establish the Norway Village Corporation.

Mr. Weatherbee from same committee, reported ought to pass on bill, An Act to legalize and make valid the acts of the Phillips Village Corporation.

Mr. Reed from the same committee, reported ought to pass on bill, An Act to authorize E. S. Everett and others to erect and maintain a wharf into the tide waters of Casco bay in the town of Freeport.

Mr. Weatherbee from same committee, reported ought to pass on bill, An Act to amend Section 19 of Chapter 77 of the Revised Statutes, relating to title by descent.

Mr. Stevens from the committee on railroads and expresses, reported ought to pass on bill, An Act to extend and amend the charter of the Waterville and Winslow Bridge Company.

Mr. Abbott from same committee reported ought to pass on bill, An Act to amend Chapter 391 of the Private and Special Laws of 1903, amending and extending the charter of the Farmers Telephone Company.

Mr. Knapp from the committee on banks and banking, reported ought to pass on bill, An Act regulating the sale on land and other obligations issued on the installment plan by foreign corporations.

Mr. Knapp from same committee, reported ought to pass on bill, An Act to extend the charter of the Bluehill Trust and Banking Company.

Mr. Knapp from same committee, reported ought to pass on bill, An Act to incorporate the Stonington Trust Company to be located at Stonington, Maine.

Mr. Knapp from same committee reported ought to pass on bill, An Act prohibiting the use of titles ordinarily applied to banks and trust companies by other than duly authorized banking corporations.

Mr. Knapp from same committee reported in a new draft bill, An Act to amend the charter of the Augusta Trust Company authorizing the establishment of a branch at Readfield in the county of Kennebec and at Warren in the county of Knox, and that it ought to pass.

Mr. Knapp from same committee, reported in a new draft bill, An Act to incorporate the Fidelity Trust Company of Portland, Maine, and that it ought to pass.

Mr. Oakes from the committee on ways and bridges, reported ought to pass on resolve in favor of the town of Edmunds in the county of Washington to aid in building a bridge across tide waters in said town on road leading through the town of Edmunds to Whiting.

Mr. Goodwin from same committee, reported in a new draft bill, An Act to amend Section 16 of Chapter 24 of the Revised Statutes, relating to law of the road and that it ought to pass.

Mr. Marshall from the committee on shore fisheries, on petition reported bill, An Act to repeal Chapter 264 of the laws of 1824, as amended by Chapter 459 of the laws of 1827, and Chapter 258 of the laws of 1887, relating to fisheries in the waters of Vinalhaven.

Mr. Kinsman from the committee on mines and mining, reported ought to pass on bill, An Act to amend an Act authorizing a topographic survey of the State.

Mr. Newcomb from the committee on judiciary, reported ought not to pass on bill, An Act to amend Section 28 of Chapter 114 of the Revised Statutes, relating to relief of poor debtors.

Mr. Weatherbee from the committee on legal affairs, reported ought not to pass on bill, An Act to prohibit persons not residents of Maine from peddling merchandise of any kind in Maine until a license of \$100 has been paid to the treasurer of each town or city. (Report recommitted to the committee on legal affairs on motion of Mr. Staples of Eliot.)

Mr. Baxter from the committee on legal affairs, reported ought not to pass on bill, An Act to prohibit the use of motor boats in hunting sea birds on the waters of Casco bay, so-called, on the coast of Maine.

Mr. Holmes from same committee, reported ought not to pass on bill, An Act in relation to the business of selling, giving or delivering trading stamps, checks, coupons, or similar devices in connection with sales of articles, wares and merchandise.

Mr. Reed from same committee, on bill, An Act to incorporate the Shore Acres Water Company, reported a bill in a new draft under the same title, and that it be referred to the next Legislature.

Mr. Buzzell from the committee on railroads and expresses, reported ought not to pass on bill, An Act to amend section 7 of Chapter 53 of the Revised Statutes relating to locations of street railroads organized under the general law of the State.

Mr. Kimball from same committee, on order of the Legislature relating to publishing a history of the railroads of Maine, reported legislation thereon inexpedient.

Mr. Bradford from same committee, reported ought not to pass on bill, An Act to incorporate the Aroostook Telephone Company.

Mr. Knapp from the committee on banks and banking, on order of the Legislature relating to the expediency of enacting a general law for the organization and regulation of trust and banking companies, reported legislation inexpedient.

Mr. Oakes from the committee on ways and bridges, reported ought not to pass on resolve in favor of the town of Crawford in aid of building a bridge across East Machias river in said town.

Mr. Oakes from same committee, on bill, An Act to amend Section 10 of Chapter 19 of the Revised Statutes, relating to the law of the road, reported ought not to pass as the subject matter is contained in another bill.

Mr. Oakes from same committee, on petition of the selectmen of Naples and 57 others praying for repeal of the law providing for the maintenance of a draw bridge at the outlet of Long lake, with accompanying bill, reported leave to withdraw.

Mr. Higgins from the committee on the judiciary, reported ought not to pass on bill, An Act to amend Section 51 of Chapter 32 of the Revised Statutes, relating to searches and seizures. (Report tabled pending acceptance on motion of Mr. Higgins.)

Mr. Kinsman from the committee on inland fisheries and game, reported ought not to pass on bill, An Act to repeal the first clause of sub-division entitled "In Washington County" of Section one of Chapter 407 of the Private and Special laws of 1903 entitled "An Act to consolidate and revise certain laws relating to closing certain lakes and ponds to ice fishing and so forth."

Mr. Kinsman from same committee, reported ought to pass on bill, An Act relative to the artificial cultivation of fish by riparian proprietors.

Mr. Kinsman from same committee, reported in a new draft bill, An Act to amend Section 13 of Chapter 32 of the Revised Statutes, relating to the manner of hunting or catching wild hares or rabbits.

Mr. Kinsman from same committee, reported ought to pass on bill, An Act for the protection of fish in the tributaries of Upper Kezar pond in Oxford county, with accompanying petition for same.

Mr. Treworgy from the committee on shore fisheries, on petition reported bill, An Act to amend Section one of Chapter 463 of the Private and Special Laws of 1897, relating to taking alewives in Bagaduce river, and that it ought to pass.

Mr. Johnson from the committee on the judiciary, reported ought to pass on bill, An Act relating to trustee process.

Mr. Baldwin from the committee on shore fisheries, reported in a new draft bill, An Act to prohibit the taking of oysters from Dyr's and Sheepscoot rivers in the county of Lincoln, and that it ought to pass.

Mr. Baldwin from same committee, on petition reported bill, An Act against the wilful destruction of fish in the bays, harbors and rivers of this State.

Messrs. Staples, Baxter, Mills, Reed, Tracy and Weatherbee, a majority of the committee on legal affairs, reported ought not to pass on bill, An Act in relation to the South Paris Village Corporation, and to establish a system of municipal lighting.

Messrs. Pierce, Oakes, Holmes and Gray, a minority of the same committee, reported that the bill ought to pass.

On motion of Mr. Gray of Paris, pending the acceptance of either report the bill was tabled for printing and next Thursday assigned for its consideration.

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

First Reading of Printed Bills.

An Act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state and authorizing the acquisition thereof.

An Act pertaining to the duties of the cattle commissioners.

An Act to amend Section 93 of Chapter four of the Revised Statutes relat-

ing to town and city by-laws and ordinances.

An Act in addition to Chapter 19 of the Revised Statutes, relating to contagious diseases among cattle.

Resolve in favor of W. S. Cotton.

Passed to be Engrossed.

An Act relating to the bill of expenses of State and county officers.

An Act relating to the compensation of trustees, visiting committees and the board of cattle commissioners.

An Act relating to the compensation of certain State officers. (Tabled pending third reading on motion of Mr. Oakes of Auburn.)

An Act relating to the compensation of examining boards.

An Act to amend Section 11 of Chapter 116 of the Revised Statutes relating to the compensation of the Executive Council.

An Act enlarging the duties and fixing the compensation of the Attorney General. (Tabled pending third reading on motion of Mr. Oakes of Auburn.)

An Act relating to the taking of scallops in Bagaduce river, so called between the towns of Castine and Brooksville in the county of Hancock from March 1st to November 1st in each year.

An Act to prohibit scallop fishing in Bluehill bay from the first day of April to the first day of November in each year.

An Act relating to fishing in the tributaries to Anonymous pond.

An Act to authorize the Farmington Village Corporation to take water for municipal and domestic purposes.

Resolve for an appropriation for the use of the commissioner of sea and shore fisheries.

Resolve providing for the screening of Sabattus pond, Androscoggin county.

An Act to amend Chapter 15 of the Revised Statutes of Maine, relating to education.

Resolve in favor of the Western State Normal school at Gorham.

Resolve in favor of repairing Mattawamkeag bridge.

Resolve providing for the repair of a roadway in Townships five and six in Piscataquis county.

Resolve in favor of Lee Normal Academy.

An Act to change the name of Upper Stone pond to Virginia Lake.

An Act to change the name of Lower Stone pond to Lake Keewardin.

An Act to extend the charter of the Lily Water Co.

An Act to amend Section 60 of Chapter 93 of the Revised Statutes, relating to liens on monumental work.

An Act to incorporate the Fort Kent Light & Power Co.

An Act to incorporate the Milo Water Co.

An Act to incorporate the Fort Kent Water Co.

Resolve in favor of Aroostook Normal School at Presque Isle.

Resolve in favor of Sebocies road.

Passed to Be Enacted.

An Act to amend the charter of the City of Rockland.

An Act to incorporate the Messalonskee Electric Co.

An Act to extend the charter of the Caratunk Power Co.

An Act to organize the plantation of Portage Lake.

An Act to extend the charter of the Hillside Water Co.

An Act to provide for recording condemnation proceedings.

An Act to legalize the doings of the town of Masardis in the county of Aroostook.

An Act to incorporate the Farmington Society for the prevention of cruelty to animals.

An Act to amend Section 17 of Chapter 53 of the Revised Statutes, relating to street railroads.

An Act additional to Section 12 of Chapter 107 of the Revised Statutes, relating to easements.

An Act to amend Section 25 of Chapter 114 of the Revised Statutes, relating to the relief of poor debtors.

An Act to amend Section 13 of Chapter 128 of the Revised Statutes, relating to malicious mischief.

An Act authorizing and ratifying the construction and maintenance of a wharf from Mackworth or Mackey's Island, so called into the tide waters of Casco bay, in the town of Falmouth, Maine.

An Act to amend Section one of Chapter 274 of the Private and Special Laws of 1901, relating to the maintenance of piers and boom on the St. John river in the town of Grand Isle.

Orders of the Day.

The following were introduced under suspension of the rules:

By Mr. Leonard of Milo: Resolve of A. E. Leonard and 21 others against passage of the Sturgis bill. (Referred to the committee on judiciary.)

By Mr. Merrill of Skowhegan: Bill, An Act to repeal acts incorporating the Skowhegan Village Corporation. (Referred to the committee on judiciary.)

By Mr. Kinsman of Augusta: Resolve that the State accept the property known as Widows Island. (Referred to committee on insane hospitals.)

By Mr. Norcross of Winthrop: Remonstrance of S. A. Gay and 59 others of Readfield against passage of any law prohibiting fishing in Carleton pond and taking ice from the same. (Referred to the committee on judiciary.)

By Mr. Tupper of Bangor: Bill, An Act to amend Section two of Chapter 211 of the Private and Special Laws of 1895 relating to the Bangor Municipal Court. (Tabled for printing pending reference on motion of Mr. Tupper.)

By Mr. Jordan of Yarmouth: Petition of F. W. Russell and three others relative to the act providing for proper labelling of proprietary medicines. (Referred to the committee on temperance.)

On motion of Mr. Higgins of Limerick, resolve in favor of Waldo County General Hospital was taken from the table.

Mr. Higgins presented a statement of facts to accompany the resolve, and on his motion the resolve and statement of facts were tabled for printing.

On motion of Mr. Higgins, resolve in favor of building a bridge between Bingham and Concord was taken from the table.

Mr. Higgins presented statement of facts to accompany the resolve, and on his motion the resolve and statement of facts were tabled for printing.

On motion of Mr. Littlefield of Rockland, resolve in favor of F. A. Giddings, was taken from the table.

Mr. Giddings presented a statement of facts to accompany the resolve.

The resolve was then read a second time and was passed to be engrossed.

The Speaker announced that the Senate had returned House Document No. 99, An Act to amend Sections 100 and 102 of Chapter 23 of the Revised Statutes, relating to State roads.

On motion of Mr. Purinton of Bowdoin, the bill was re-committed to the committee on State lands and State roads.

On motion of Mr. Trickey of Cumberland, the report of the committee on judiciary reporting "ought to pass" on bill to incorporate the Foreside Water Co., was taken from the table.

The report of the committee was accepted in concurrence.

Mr. Trickey offered amendment A, by inserting in Section four, line eight, after the word "way," the words "under such reasonable restrictions and conditions as the selectmen of said town may impose."

The amendment was adopted, the bill was read twice and assigned for tomorrow morning for its third reading.

On motion of Mr. Wilder of Pembroke, petition of H. D. Corthell and 22 others for two cent mileage on Washington County Railroad, was taken from the table, and on motion of Mr. Kimball of Rockland, it was placed on file.

Mr. Littlefield of Rockland, offered the following order:

Ordered, The Senate concurring, that no bills shall be contracted to be paid by the State by any committee or a member thereof unless the same have been ordered by a vote of both branches of the Legislature. This shall not apply to the actual necessary expenses of the committee itself in visiting such institutions coming under its charge.

The order received a passage.

Special Assignment.

Bill to abolish the common council and increase the membership of the board of aldermen of Portland.

Mr. HALE of Portland: Mr. Speak-

er, I offer House amendment A.

Amend as follows: By striking out Section 13 of said Act, and inserting in place thereof the following:

Section 13. At a special election to be held on the 11th day of September, 1905, the legal voters of the city of Portland, shall be called upon to give in their votes upon the acceptance of this Act at meetings in the several wards in said city, duly warned by the mayor and aldermen. The vote shall be taken by ballot and shall be in answer to the following question: Shall the Act passed by the Legislature of the State of Maine in the year 1905, entitled "An Act to abolish the common council and increase the membership of the board of aldermen of the city of Portland," be accepted? Those in favor of the acceptance of said Act shall vote Yes, and those opposed, No. The same proceeding shall be had for the sorting, counting, declaring and recording of the returns of said votes as is provided for the election of mayor; and the board of aldermen shall compare the returns of the several ward officers of the votes upon the acceptance of this act; and if it appears that a majority of the votes given upon the acceptance of this Act are in favor thereof the mayor shall be so notified and shall forthwith make proclamation of the fact and this Act shall thereupon take full effect.

Section 14. So much of this Act as authorizes the submission of the question of its acceptance to the legal voters of the city of Portland, shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said city as hereinbefore provided.

Mr. Speaker, the bill to which I have just offered an amendment—referring it to the people, and giving them an opportunity to vote upon its acceptance, is a bill to change our Portland city charter by abolishing the common council and increasing the board of aldermen.

The bill, as originally presented by Mr. Baxter of Portland, provided for three aldermen from each ward. It was by him referred to the committee on legal affairs. Why it should have been

so referred I confess I am unable to determine.

The committee on legal affairs is made up of 10 as good men and worthy representatives as you will find in this Legislature; but, gentlemen, eight of these 10 men are interested in anything rather than the local affairs of the city of Portland.

We have a Portland delegation of nine men here—all of us vitally interested in this question. Why not refer it to us?

Two years ago the same question was referred to the Portland delegation and by it was referred to the present Legislature.

I confess I cannot understand the action of my colleagues in respect to this matter of reference.

At the hearing before the legal affairs committee a number of citizens of Portland appeared in favor of the bill, including a delegation from the city government. The mayor also appeared, with several others, in favor of a new draft providing for two aldermen for each ward instead of three. This new draft the committee adopted.

I have no fault to find with the decision of the committee. Everybody present at the hearing wanted a single board of either 18 or 27 members. No one appeared in favor of the double board. This is not very astonishing, gentlemen; the promoters of a measure are usually enthusiastic and interested in it, and are generally pretty well organized. Those who are opposed decide to let somebody else do the kicking and take the trouble, and it is a good deal of trouble to take a trip down to Augusta from Portland. If we had the State House in Portland it might be a different matter.

There are those who still favor the old-fashioned American form of government, national, state or municipal, an executive with two legislative bodies, a president or governor with the Senate and House; a mayor with the board of aldermen and the common council, and certainly there is a strong sentiment in favor of a referendum. Let me read from the Portland Press of this morning:

"That there are still two sides to the proposition to have a single board of

aldermen for a city council is evident from the expressions of a good many citizens in favor of referring the matter to the people. Many of these citizens are in no way opposed to the single board plan, but stand upon the broad and secure principle that matters of this importance should always be put to popular vote. The question at present is therefore, not so much on the value of the single board of three members, which has evidently been practically agreed upon; but on the propriety of adopting so important a novelty in the city's government, without an expression of the popular will.

"A good many citizens," said one of them on Wednesday, "have believed in the lower board in the city council, but have waived their own opinions in the face of the general desire for a single board. But they to a man believe the case should go before the people of the city for a decision, as one of those questions which should always be settled in that way. There is a wide support of this position. A large number of our people would like to see a referendum on this matter; and their opposition to any other method ought not to be misjudged and underestimated because they have been comparatively silent about it."

The matter will come up at Augusta on Thursday, and there will be considerable interest in the outcome. Representative Hale of Portland, is leading the movement for a referendum, and undoubtedly has a great many citizens with him—not against the single board plan, but in favor of giving the people a chance on this unusually important matter. That is always a safe principle, and there is no danger in any proposition which is tested by the popular vote. It is not an unusual proceeding and, since the people have on one previous occasion voted down just such a plan, there is a good deal of logic in the argument that they have their rights at this time. Representative Hale's idea evidently is that the people's choice is the proper system to be adopted—that they have a right to govern themselves, in the usual limits, as they prefer. The people have had no opportunity as yet to express their views, and the referendum would give them exactly that.

And in last night's Evening Express I find an editorial:

"Whatever change is made in the form of our city government should be left, finally, to the decision of the legal voters of the city. The referendum in local affairs of this nature is certainly just and right."

The question of a change is not a new one to the citizens of Portland. In 1897 the same matter was brought before the Legislature, passed by them with a referendum, and submitted to the people. The people turned it down; they did not want it. Is this Legislature to pass a law foisting on the citizens of Portland a form of self-government that they have at a recent election decided and voted that they did not want?

My opponents will say that matters have changed now—that the best people of Portland favor the change, and that there is no opposition. If there is no opposition they are all right, and will be all right in September.

There are no classes of voters; the poorest, least influential citizen of Portland is entitled to his vote and his say as to how he shall govern his city, just as much as is the mayor, or any other influential citizen. A vital change is contemplated.

Our charter, our constitution given us by the Legislature in 1832, and adopted by vote of the people, is to be radically changed—as radically changed as it could be—and we are not to vote on it.

Our betters say that we are not to be trusted to decide what we want. Gentlemen, I have more faith in the people; I am willing to abide by their decision. Give it to them.

If they want one board they will have it, and they should have it. If they don't want it, and vote it down, I care not who wants the change; it should not take place.

Our municipal election in Portland takes place early in December. At that time the citizens elect the municipal officers and such is a provision of the present bill. The special election in September decides the matter of one or two boards, and if the change is made there is plenty of time before the December election.

The referendum is in no way delaying matters. I have named September instead of an earlier date, so that both sides may have an opportunity to array their forces. Since 1832 we have had

two boards. There need be no indecent haste in making a change, if we are to make a change.

Gentlemen, my position in this matter is not a particularly pleasant one for myself; I am not against the one board idea; I am not for it. All I ask is that the citizens of Portland shall have an opportunity to vote as to whether or not they want a change. I know that there are petitions against a referendum, petitions signed by good men, friends of mine. I know that the mayor and aldermen have sent a committee down here to take what honorable means they can to prevent the referendum.

But, gentlemen, they are here in their private capacity as citizens, or at least I hope they are, and must be regarded simply as so many persons in favor of the bill. They were not elected to office to make any change in the city charter and cannot represent the sentiment of the city officially.

And what are they asking?—that the people who elected them be denied the opportunity to vote as to whether the office to which they were elected shall longer exist.

I wish I could agree with them. They are my friends, men with whom and for whom I have worked politically. It is not pleasant to work against them, and it is not healthy; but my honest conviction is that this is a matter for the people to decide and I hope that the House will sustain me in my amendment in referring the question to the citizens of Portland. (Applause.)

Mr. BAXTER of Portland: Mr. Speaker and Gentlemen: The bill which the gentleman from Portland (Mr. Hale) proposes to amend, is entitled, "An Act to abolish the common council and increase the membership of the board of aldermen of the city of Portland." The title of the bill clearly shows what is its substance. I want to relate to you very briefly the organization of the present city government of Portland and the steps that have led up to the introduction of this bill.

The city of Portland is divided into nine wards. We elect three councilmen and one alderman from each ward, giving us a dual form of government con-

sisting of 27 councilmen and nine aldermen. When two or three generations ago the Legislatures of the various states began to grant charters for cities, they naturally looked around for some model on which to form their city charters. They found but one form, the dual form of government, such as prevailed in the Legislatures of the states and in the national government, and it was but natural that, knowing nothing better, they should adopt this form. Consequently most of the cities in this State are, today, using this form. Municipal government was then in its infancy. For many years no progress was made, but, today, however, a change has come to pass, and the people of our cities are beginning to realize that the government which controls their streets and their sewers, their fire and police departments, the government that has so much to do with every phase of home and business life, must be a government that can properly manage these important interests. Hence, they are constantly seeking for improvement. Progress in municipal government is necessarily very slow, and comes about only after a long campaign of education. Eight or 10 years ago in Portland, this movement for a single form of government was started. It has since then met with many rebuffs and discouragements alike from those who are honestly opposed to it as well as from those whose personal, pecuniary and political interests and political aspirations are threatened by it. So, today, the people of Portland want a change and they are asking it at the hands of this Legislature.

The functions of a municipality are not in any sense legislative. They are purely administrative. A city government does not make laws; it only administers them. Its functions are precisely those of a great corporation whose business interests must be managed by a board of directors; and what corporation is there, today, that could successfully transact its business interests with as cumbersome a form of government as prevails in most of our cities? There are in this House gentlemen who have been mayors of our

cities, gentlemen who have been connected with the city governments of our cities and within the past few days many of them have expressed to me the wish that, when they were connected with their city governments, they might have been favored with a single board in order to have properly transacted their business.

This single board idea has been thoroughly tried. It has been adopted in many cities and without exception it has proved itself thoroughly successful. The people of Portland, as I said, desire a change in their city government. The only difference of opinion among them has been whether it should consist of 18 or 27 members. The bill before us provides for 18 members; but I believe that most of the people in Portland want 27 members; and whether the motion of the gentleman from Portland (Mr. Hale) prevails or whether it is lost, I shall offer an amendment providing for a board of aldermen of 27 members.

The gentleman from Portland (Mr. Hale) proposes to refer this question to the people of Portland. And at first thought such a proposition may seem to have some weight. But, Mr. Speaker and gentlemen, the people of this State of Maine have entrusted into our care their most vital interests. They have sent us here as their chosen representatives to act upon all questions that may properly come before us. They have given us almost absolute and sovereign power, restricted only by the limitations of our constitution. They have given us this power to use, and we must use it wisely. Do we not, then, basely shirk our duty by referring back to the people of this State the very questions that we are sent here to decide? We are their chosen representatives and we must act for them as our conscience and our honest judgment dictate. Until the people of this State adopt a general referendum policy and place it in our constitution, I hope that this Legislature will honestly and squarely face every question that is presented to them, and either favor or oppose it upon the real merits of the question. We must bear the burdens placed up us.

Let me give you a history of this bill

inasmuch as the gentleman from Portland (Mr. Hale) has commented upon it. This bill, presented to the Legislature at the request of many Portland citizens, was referred to the committee on legal affairs on which were two members from Portland, one of whom at that time I understand was not altogether in favor of it, while the other, myself, was in favor of it, but I thought it was a fair reference to refer it to a committee on which were two Portland members and two members who held opposite views on the question. A hearing was advertised in every paper in Portland. The hearing was held. A representative delegation of the citizens of Portland, over 20 in number, came to Augusta, and appeared before the legal affairs committee. Not one voice among all these 20 was heard in opposition to this bill, not a word of dissent was spoken, and the matter was as thoroughly threshed out as any question has been before this committee during this session. The committee reported unanimously. That report was accepted unanimously by this House; and on the first reading of the bill the gentleman from Portland (Mr. Hale) laid it on the table and served notice that he was going to attach a referendum to it. I submit, Mr. Speaker and gentlemen, that if there is any honest opposition to this bill that opposition has had time to present itself. I would welcome such opposition. That opposition should have appeared before the legal affairs committee. It is not now too late for that opposition to appear. Let those who represent it appear on the floor of this House, and if there are any valid reasons why this bill should not pass, let them state those reasons here in order that these disinterested and honorable members may pass upon their merits.

I submit that the opposition to this bill does not wish to declare itself. It says very plausibly, that the people of the city of Portland should be heard. The people of Portland have been heard and their voices have been raised in no uncertain tones. They ask us to try this question fairly and squarely, and upon its merits, not to open the floodgates of politics and political manipulations upon a question that

should be decided upon a plane, broader and nobler and higher. These gentlemen who are so jealous of the rights of the citizens of Portland, why have they not appeared before? This Legislature almost daily grants charters to cities of this State, it amends their charters by giving them additional powers or by taking away powers which they already possess. It grants to corporations and individuals rights to go over and under their streets. These matters are as vital to those cities as is this question is vital to the city of Portland. Now why have not these gentlemen arisen in their seats and demanded of this House that it refer all these questions to the people of the various towns and cities whose interests are affected and whose rights they guard so jealously? Such a course would relieve us of great responsibilities.

Who asks for a referendum? I don't know of any considerable number of citizens who ask for a referendum. The gentleman from Portland (Mr. Hale) is, with two exceptions, the only citizen of Portland whom I have heard asking for a referendum. He asks us to put this legislation upon others. But, Mr. Speaker, I want to show you who asks us to pass this bill without a referendum. I have here a resolution passed by the Portland Board of Trade that has a membership of over 600 men, who represent every phase of business and professional life within our city, and whose sole interests are for the welfare of our city. This resolution was unanimously passed, and is in the following terms:

"Whereas, There is a proposition before the State Legislature to discontinue the dual government heretofore and now existing in the municipality of Portland, and

"Whereas, Such a proposition is for the purpose of consolidating the common council and board of aldermen as now constituted into one effective working organization,

Now, therefore, be it Resolved that the Portland Board of Trade, comprised of the merchants, manufacturers and business men of the city, with a membership of over six hundred, here-

by endorse and commend the proposed legislation."

Is that a demand for a referendum from those six hundred business and professional men of Portland? I hold in my hand, and the gentleman from Portland (Mr. Hale) has told you about them, numerous petitions from the citizens and taxpayers of Portland, bearing over eight hundred names, and they represent men of every walk in life. They represent business men and professional men, they represent the laboring men and the mechanics whose interests we all want to protect, and these petitions are signed by men who knew what they were signing; they are the constituents of this Portland delegation. More than this, the gentleman from Portland (Mr. Hale) suggested that he would like a reference of this question to the Portland Delegation. There are seven members of the Portland Delegation in this House and five out of that number are against a referendum as proposed by the gentleman from Portland (Mr. Hale.)

Mr. HALE: I question that statement.

Mr. BAXTER: They are all here and they can and will speak for themselves. There is also a delegation of Portland citizens here who have come to do what they honorably can to assist in the passage of this measure. Among them are members of the common council whose very offices are to be abolished. They are here as private citizens, not as members of the city government of Portland, and I maintain, Mr. Speaker, that they have a perfect right to come here even though they are members of the city government of Portland. Though the gentleman from Portland (Mr. Hale) would have us think otherwise. They come here asking us to pass this bill without a referendum because they are unselfish and are only seeking for the city's highest interests.

Now, Mr. Speaker and Gentlemen, I submit that the gentleman from Portland represents an opposition that has not and evidently will not declare itself. He seeks dilatory methods in regard to this measure and he hopes

thereby to defeat the almost unanimous sentiment of the people. A vote against this referendum is a vote that will send forth to the people of the State of Maine this word; that their representatives, sent here to pass laws, are unwilling and will not send back to the people the very questions that it is their duty to decide; it will send forth to the people of the State of Maine the word that we are here to perform our duties and not to shirk them.

I hope, Mr. Speaker and Gentlemen, that this House will vote No on the proposed amendment.

Mr. O'BRIEN of Lewiston: Mr. Speaker, I have listened with a great deal of interest to the arguments advanced by both of the gentlemen from Portland, for and against the reference of this question and the form of the Portland city government to the voters of the city of Portland. I must admit that I cannot agree with Mr. Baxter when he sets up an argument here to the effect that if this House should by its vote refer back to the voters of Portland a question which is of vital importance and interest to them, that we, as members of this House, are shirking our duties. I believe, Mr. Speaker, that the members of this House are elected by their different constituencies with the sole intent and purpose that we should come here and in the exercise of our legislative duties form, pass and make any legislation which is of a general nature or of general importance to all the citizens throughout the commonwealth of Maine. I believe on the other hand that those same constituencies sent us here with the desire that in regard to any form of legislation which they in their different cities, towns or plantations, acquainted as they are with all the different conditions in those cities, towns and plantations,—that they should be allowed themselves to make whatever legislation or change in legislation they may deem necessary.

Now, the gentleman from Portland (Mr. Baxter) presents a petition here from an organization in Portland made up of 600 members; then he presents letters or petitions of 800 more. I have no interest in this matter other than

to see to it that the rights of the people of Portland are not put at a disadvantage. But here are 1400 hundred signatures brought in here, 600 from the board of trade. Now, I know that in a great many of the other towns in Maine,—I do not know how it is in Portland,—but we know that boards of trade in a great many other towns in Maine are made up of men who haven't any money but are looking for somebody's else. The 800 petitioners that he has here, together with the signatures of the board of trade, make 1400. The gentleman from Portland (Mr. Hale) has told us that there are 12,000 voters in the city of Portland. I submit whether 1400 signatures secured to petitions are a fair percentage of 12,000 voters living in the city of Portland, intelligent voters as they must be. I believe on the other hand, Mr. Speaker, that a question of such importance as this should indeed be referred back to the people of Portland. Now, for example, what do I, as a citizen of Lewiston, know especially about the matters of Portland? What does the gentleman from Presque Isle, for example, know about the conditions of Portland? The gentlemen coming from the coast of our good old State,—how are they expected to know what the citizens of Portland desire who have their money invested there, their homes there, their every interest there, many of them born there, many of them having entombed there those who are nearest and dearest to them? Are not they the people to say whether the city of Portland shall have a common council and a board of aldermen, or whether it shall have a government made up of but one body? I submit that we are doing our duty when we send back this bill voting in favor of this referendum amendment, when we give to the voters of Portland an opportunity to decide for themselves as men acquainted with every condition in the city, knowing more about political manipulations which the gentleman (Mr. Baxter) has referred to than we as members from other communities can know,—I say to you that when we refer this matter back to them we are sending it back to a court and a court which has at heart their own interests, and what-

ever their verdict shall be upon it will be a verdict from which there can be no just appeal.

I submit, further, Mr. Speaker, what right have we, coming from different sections of this commonwealth, to try to dictate to the citizens of Portland whether they shall have one or two bodies in their city government? The gentleman from Portland (Mr. Baxter) practically asks you to put aside and disorganize and illegalize a body which corresponds practically to the House of Representatives here in the government of the State. Suppose for example somebody should stand up in the Senate today and ask for the passage of a bill to do away with the House of Representatives. Would you as members of this House, as conscientious American citizens, would you believe in taking from the people this branch of our legislative government, this branch of our State government which is so near and so dear to the hearts of our constituencies? And I say to you that when the gentleman from Portland (Mr. Baxter) asks you to abolish the common council, he is practically asking you to do something which is along the same lines to which I have referred. I am glad that the gentleman from Portland (Mr. Baxter) has said that no matter whether this amendment of Mr. Hale's passes or not, he intends to offer an amendment to the effect that there shall be 27 members. I am glad that they both agree on that; but I submit, Mr. Speaker, that we as members of this House should vote in favor of the amendment presented by Mr. Hale allowing the voters of Portland to say whether or not they wish to do away with the dual form of government which they have.

Reference has been made to the fact that there are certain members in this Legislature who have in the past presided as mayors over different municipalities, and that they expressed their opinion to Mr. Baxter that they wished while they were mayors of their different cities, that they had but one body with which to deal. It may be that it was for the very best interests of those same municipalities that those same mayors did not have one body but had two in order that they could

not manipulate their different political games. I say, Mr. Speaker, that we have no right, and there is no justice in the plea set up here that we, sent here to enact legislation which is supposed to be of interest to the State at large, that we have no right to put our hand into these Portland affairs and take from the voters of Portland the rights which an American form of government has given them. Reference has been made to the management of the streets and of the sewers, if the people of Portland desire that there should be two bodies in their city government to manage those departments, we people from outside of Portland should be perfectly satisfied to let them have it. They are the people who pay the bills. They are the people who pay the taxes. If they are willing to stand up under the burdens that are imposed upon them by a dual form of government and pay the bills contracted by that system, then why in Heaven's name should we, coming from Aroostook, from Franklin, from Washington, from Penobscot, and all the other counties of the commonwealth, say to them that they cannot have that which they desire?

I am free to confess, Mr. Speaker, that there are, as my friend from Portland (Mr. Hale) has said, a great many people who still believe in the old American form of government. It is not a question here of how many boards there should be; the question set up in this amendment is, whether or not the people of Portland shall have a right to say whether they shall have a dual form of government or a single board. And I say to the members of this House that if you have at heart the principles of a Republican form of government, if you have at heart every principle ever set up in a real American plank of an American platform enunciated by any one of the conventions of the different parties, you will cling to the principles, you will cling to that thought which is addressed to every American voter, that no high form of State or National government shall interfere with the interests or with the management or with the control of cities or towns or plan-

tations except when there is some pressing necessity for it which has not been shown here in this case; and I say to you, Gentlemen, vote in favor of that amendment giving to the people of Portland the right to say whether or not they wish this change. In so doing you will be living up to and in keeping with every principle that has ever been enunciated upon this line by anyone of the great political parties. (Applause.)

Mr. STEVENS of Portland: Mr. Speaker and Gentlemen, as there seems to be a difference of opinion in regard to the position occupied by the representatives from Portland, I arise at this time, not waiting for a vote, to define my position. And I will say just here that I am opposed to the referendum. This question has been before the people. It has been advertised; it has been talked. Now, I am not a politician, but I became interested in this question, and in Portland, yesterday, it occurred to me that I would make inquiry of different business men as I met them, not stating my position in the least, in order to get their opinions; and while I had but an hour I saw 11 men who represent our best interests in the city of Portland. Every one of those men, with the exception of one, at once said: "Let the Legislature settle the question; we are opposed to a referendum." One man said: "Perhaps it will be better to refer it—but, no," he said, "I guess perhaps we might as well let it go along as it is."

Now, gentlemen, this question was referred to your legal affairs committee. What was that committee appointed for? Was that committee appointed for their good judgment in such affairs as this? They have heard the evidence and have unanimously voted in favor of the bill. Now gentlemen, can you do anything else than sustain the report of that committee? I trust when the vote is taken, that with the amendment that is to be offered by the gentleman from Portland (Mr. Baxter) the report of that committee will be sustained.

Mr. HALE: I would like to ask the gentleman from Portland (Mr. Baxter)

what it is that he fears in presenting it to the people. It strikes me that if the majority of the people don't want to have it they should not be compelled to have it. He has all these petitions; probably he will have plenty at the September election. That is the only question that comes up at that time. I am sure he won't say if a majority of the people don't want it, that it ought to go through.

Mr. BAXTER: My objection to having it referred to the people is this: We are sent here for a specific purpose, and we should perform the duties laid upon us; and if there are any objections why this bill should not pass I should like to have the gentleman from Portland (Mr. Hale) enlighten us. This is the place and now is the time. We are not sent here for any other purpose.

Mr. SWETT of Portland: I desire to say a few words on this question. The members of the House might judge, and it would be a natural inference that they would draw from what has been said in opposition to the motion of the gentleman from Portland (Mr. Baxter) that this was a new proposition, that it was something that he was springing upon the people of Portland without giving them an opportunity to make their views known to their representatives in the Legislature. Now, this matter has been under discussion in the city of Portland for the past 10 years. It has been discussed by the papers, it has been discussed in public meetings, by the Board of Trade, by the city government; and yet these gentlemen come here and object to its consideration at this time under the method proposed by the gentleman from Portland (Mr. Baxter), when they have not produced the name of a single citizen in opposition to it, not a petition, not a remonstrance. Will the gentleman from Portland, Mr. Hale, name me one prominent citizen or one prominent business house in the city of Portland that is opposed to this proposition of Mr. Baxter? Gentlemen, the question seems to answer itself.

Mr. HALE: Shall I answer the gentleman?

The SPEAKER: If the gentleman desires.

Mr. HALE: I have made no attempt to go around and get petitions in regard to this matter. I talked it over with a number of people last week. I talked it all over with Edward A. Noyes who, I think, is a fairly prominent man in Portland, and he told me that he was in favor of the two board system, and that there was no question about it, that it should be referred to the people. When I was there also we had a meeting of the Republican city committee. After the meeting was over I talked with several of the chairmen of the ward delegations. Four or five that I talked with said they thought unquestionably the matter should be submitted to the people. Two of them said they were in favor of leaving matters as they are now.

The SPEAKER: The Chair hopes that gentlemen will not indulge in any personalities. The question is on the adoption of this amendment.

Mr. SWETT: I am not aware, Mr. Speaker, that I have indulged in any personalities.

The SPEAKER: The Chair only suggests that there should not be any conversation between members. If a member desires to ask another member a question, under the rules it should be done through the Chair.

Mr. SWETT: Mr. Speaker, I do not wish to consume the time of the House on a question which ought to be so thoroughly understood by the Portland representatives who are, after all, the men responsible for what action this House may take. But, as I say again, you have had no petitions, no remonstrance against it and we have had at least ten years in which to consider it.

Mr. MERRILL of Skowhegan: Mr. Speaker, so far as relates to the question of the city of Portland having one or two or three or more branches, it is one that does not interest me at all; but it seems to me that one of the great fundamental principles underlying a Republican form of government is at issue here and presented by the amendment of the gentleman from Portland (Mr. Hale). This is the government as has been said by one of our greatest statesmen, of the people, by the people and for the people. Now,

how are you to get that kind of a government unless when you go to the fundamental law governing a great city like the city of Portland,—how are you to get that principle and have it exercised unless you go to the people and ask them what they want? Now, the gentleman from Portland (Mr. Baxter) says that no other great corporation would so manage its business under two boards. The city of Portland is a corporation. And who are the stockholders in that corporation? Every individual property holder and voter within the limits of the city of Portland is a stockholder and directly interested in the business management of that corporation. Is there any corporation within the limits of the State of Maine that is not governed by a vote of the stockholders? At every annual meeting of each and every corporation in the State, every stockholder is notified that a meeting is to be held at such a time in order that he may be present and that he by his voice and by his vote may give his opinion and be heard upon the question of the management of the corporation. That is what this amendment asks for. It asks that the members of that corporation have a right to vote upon the questions in which they are interested.

Now, I propose to make a statement that may perhaps seem a little absurd on its face, and that is that a body of legislators, that the representatives and Senators composing the two houses of the Grand Court of the State of Maine, do not always pass such laws as the people of the State like. Let us go back if you please, to 1883 when a Republican Congress passed a law known as the tariff law; and what were its results? The people of this great commonwealth in 1884 turned them down and elected a Democratic President. Why? Because the learned Congressmen and Senators of the United States Congress passed a law that the people did not approve of. And when President Cleveland was inaugurated he too thought the tariff question was the great thing to play with; and what was the result? In 1896 he was again turned down and the affairs of the corporation of this great coun-

try were again placed in the hands of the Republican party. Now, I say that these Congressmen and Senators, wise and noble and true men, did not know what was in the hearts of the people, and the people turned them out and put in another class, and then again turned them out and put in the Republicans again. Why? Simply because they had not done what the people wanted.

Now here is the organic law of the city of Portland, its constitution, as it were. The city charter of Portland is to the city of Portland what the constitution of Maine is to the State of Maine. They come in here by this bill and ask to have it changed. What reason has any gentleman given why it should not be referred to the people? Not a single reason has the gentleman from Portland (Mr. Baxter) given except that the board of trade of Portland and the leading men of Portland desire it. Oftentimes, Mr. Speaker and Gentlemen, the so-called leading men of a community desire things and measures that the people do not want; and I say, Mr. Speaker and Gentlemen, many is the time and many is the legislative act that goes through this House that is put through by the so-called leading men of the State when the great mass of the people are injured and damaged thereby.

I say, Mr. Speaker and Gentlemen of the House, I hope that when you come to vote upon this amendment, while I care not what they have in the city of Portland to govern its affairs, I say of all things let us vote in such a way that the dearest rights of the humblest citizen of our commonwealth shall be preserved, the right to vote and have a voice in the control of that corporation of which he is a stockholder. (Applause.)

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I am no more directly interested in this question than the gentleman from Skowhegan or the gentleman from Lewiston who have preceded me. I am interested in the general proposition, and I have listened with much interest to the gentlemen who have spoken in opposition to this amendment to discover one valid reason why this amendment should not

pass. I say one valid reason, because I think the gentlemen have undertaken to give some reason, but to my mind no valid reason has been given. One gentleman says that the people of Portland desire a change in this organic law. If they do he cannot be hurt. He should not be so afraid of this amendment if he is satisfied that the premise on which he starts, i. e., that the people of Portland are unanimously or substantially so in favor of this proposition, is correct. If so there is no reason from his standpoint why it should not be submitted to them.

Another reason that one gentleman from Portland has given is that we should sustain the action of the committee on legal affairs. The committee on legal affairs are able members of this House and fully the equal of any other committee in it; but I have not heard, Mr. Speaker, that the committee on legal affairs has ever passed upon this question. In fact, I understand that it was not before them, and consequently, whatever we do in voting upon this amendment, we in no way turn down or sustain the committee on legal affairs as a committee.

But the gentleman from Portland, (Mr. Baxter) says that there is nobody that wants a referendum. One of the members of this House at least from the city of Portland wants the referendum. Apparently from the extracts he has read, the newspapers of Portland want the referendum. And therefore I will dismiss that objection by saying that I am satisfied that there is somebody in the city of Portland of respectability that wants the referendum.

Now, Mr. Speaker, whether a city should be governed by one board or by two is a grave question about which there is a decided difference of opinion, and this is shown in no way better than by the hearing which took place before the judiciary committee, yesterday, on an amendment to the charter of the city of Augusta. The opposition to just such an amendment of its charter as is proposed for the city of Portland was almost as overwhelming as the gentleman of the legal affairs committee has said was the sentiment

in favor of the Portland amendment before that committee. He says as another reason why this should not be submitted to the people that we should not submit it to the people until we have adopted in these matters a general policy of referendum. I will say to the gentleman from Portland and to every other member of this House that in these particular matters we have already adopted that policy. I know of no case where the fundamental law that governs a municipality of this State has been passed upon in this Legislature, that either the people have not voted upon it before we acted or it has been referred to them to vote upon afterwards. I expect myself, Mr. Speaker, to vote in favor of one board in the city of Rockland on Monday next. I am personally in favor of that proposition; and I expect from the best information I can obtain that it will be buried so deep that they will think it was folly to have ever undertaken it. Now, I do not speak on this proposition because I am in favor of two boards, because my vote on Monday next will negative that. But at the same time I have not the least doubt I could bring you a vote of the Board of Trade of Rockland in favor of one board. I could carry a petition or have one carried along the main street of Rockland and I could have it generally signed for I know that most of the business men favor it, and I know that they do not expect it will be carried in the city of Rockland on Monday next. The fact that there are petitions from the Board of Trade is on reason why this should not be referred. If there are any considerable number of people of Portland that wish to vote on this question, I submit, Mr. Speaker, they should have an opportunity to do so; I submit that no reason has been given why they should not have that opportunity. The Legislature has not laid down a policy that cities should be governed either by one or two boards. Charters have been granted always with two boards. The Legislature is now giving various cities an opportunity to say whether they will have one board or two boards; and I think it is a proper vote on the part of this House to give the city of Port-

land, when any of the citizens want it, the same privilege that we are giving in this Legislature the other cities and towns of the State of Maine. (Applause)

MR. REED of Portland: Mr. Speaker, I am not going to make a speech I notice you smile of satisfaction when I tell you this. I will take but a few moments of your time. I arise more in the way of explanation. I was one of the unfortunate members of the committee on legal affairs, and I feel that a great weight of sorrow rests upon me, not because I am a member of that committee, but because, as such, I was obliged to take such a position, and my re-election, if I ever have one, must depend upon these humble citizens of Portland whom we have been so eloquently told we propose to wrong.

Now, my position was this to start with. I was a firm believer in two boards, but when I looked into the matter I found this condition of things practically existing, that while we have two boards in the Portland City Government, only one of them has anything in particular to do. The other by a kind of process of evolution has lost its privileges, one after another, until it forms, at the present time, hardly a respectable tail to the kite. First, I convinced myself of this fact, and then I began to ask questions, as I usually do, to try to bring out the opposition which was said to exist somewhere in Portland; and the only opposition that I have heard to this measure,—and I searched for it diligently as an opponent of the entire measure,—I tried to find it,—the only opposition I have heard is the opposition that has been represented to you, Gentlemen, by the gentlemen from Portland (Mr. Hale) on the floor of the House today. The persons whom the gentleman has named are the only ones that I know of who desire a referendum. Now, they tell us that the people of Portland cannot conveniently come here and oppose this measure. But they can write. I have received numerous letters from Portland people, saying that they wished this measure to pass as it is, and not a line from the hundreds and perhaps thousands of people I know in Portland asking for the referendum. I thought it over very carefully, and I

realize that I am taking a direct responsibility perhaps in a certain way the gentleman from Portland (Mr. Baxter) and myself more than others of this House, but I am willing and glad to take that responsibility, and I believe I stand here asking for the defeat of this amendment as a true representative of the citizens of Portland. That is my position today and that is what I believe.

The gentleman from Rockland (Mr. Littlefield, and the gentleman from Skowhegan (Mr. Merrill) spoke in eloquent terms in regard to the rights of the people. Well, I am glad to see that the citizens of Portland have such eloquent advocates in this House to so earnestly protest their rights. It is true that we are changing the constitution of our city. How was it when, in this very House on Tuesday last, we talked about referring to the people the right to change the constitution of our State? Do either of those gentlemen doubt that there are some people in this State, that there are as many in this State in proportion as there are of those who wish to vote for this amendment in Portland, who would wish to vote for resubmission? Did these gentlemen take the same position in regard to referring that change in the constitution of the State to the people that they now take in regard to this change in our city charter. (Laughter and applause) No, they did not take that position then, and I did not take it either; and I have a reason for it, and I will assume that they had a reason for it; and the reason is this, and it is a logical and proper reason, and that is that even in an initiative and referendum we must find some people who propose, before we ask all the voters to exercise the power which we delegate to them. I don't know of anyone who proposes an initiative, which calls for the representation of less than five per cent of the citizens. We do not refer all matters of legislation to the people, only those that they ask to have referred; and now if any gentleman will show, directly or indirectly, by petitions, by names or in any manner that three per cent of the citizens of Portland want this referred, or that two per cent of the citizens of

Portland want it referred to them, I will vote for the referendum but until such is shown you are doing no wrong to the citizens of Portland, you are only doing your plain duty by passing this matter as it has been reported by the committee, with the amendment to be offered by the gentleman from Portland (Mr. Baxter) upon which we all agree. That is what we ask you to do. You gentlemen do not wish to interfere with the rights and privileges of the citizens of Portland, but rest assured that you are not doing so. You are only saving from the citizens of Portland a task which they do not wish to perform, which I believe they have requested their representatives to perform for them. If you give them what they want you need not be afraid that the foundations of society will be shaken, or that any great damage will be done to our Democracy by voting against the amendment offered by Brother Hale. (Applause.)

The SPEAKER: Is the House ready for the question?

Mr. HALE: Mr. Speaker, I move that the vote be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER: The pending question is on the adoption of the amendment offered by the gentleman from Portland, Mr. Hale. Those in favor of adopting the amendment, referring this bill to the people of Portland, will vote yes; those opposed will vote no. The Clerk will call the roll.

YEA:—Abbott, Allan, Baldwin, Barrows, Belleau, Blanchard, Bliss, Bradford of Friendship, Briggs, Bunker, Burkett, Clark, Cobb, Cole, Copp, Cousins, Davis of Benton, Downs, Dudley, Fawsette, Foss, Fulton, Gannett, Garcelon, Giddings, Goodwin, Grant, Hale, Hall, Hanson, Hathaway, Higgins, Hill, Hodgkins, Holmes, Howes, Hussey, Hutchins, Irving, Jillson, Johnson of Waterville, Jones, Jordan of Cape Elizabeth, Jordan of Yarmouth, Kimball, Kinsman of Augusta, Kinsman of Cornville, Laliberte, Leighton, Leonard, Libbey, Littlefield, Longfellow, Marshall, Merrill of Skowhegan, Milliken, Morrison, Mullen, Nash of Damariscotta, Nash of Kennebunk, Newbegin, Newcomb, O'Brien, Page of Appleton, Pendleton, Philbrook, Poor, Powers, Price, Purinton, Russell, Sanborn, Sargent of Castine, Sawyer of Smithfield, Scribner of Charleston, Scribner of Springfield, Seavey, Sewall, Shevenell, Smart, Smith of Madison, Smith of Saco, Sparrow, Staples, Stearns, Talpey, Terreault, Thomas, Thompson of Orono, Thurlough, Tracy,

Treworgy, Turner, Usher, Verrill, Vittum, Walker, Weatherbee, Webster, White, Whitmore, Wilder, Witherspoon--103.

NAY:—Albert, Baxter, Berry, Bradford of Livermore, Buzzell, Byron, Cushman, Dennison, Gray, Hastings, Ingersoll, Johnson of Hallowell, Josselyn, Knapp, Lanning, Lougee, Norcross, Oakes of Auburn, Page of Hampden, Reed, Sargent of Brewer, Stevens, Swett, Thompson of Roque Bluffs, Trickey, Washburn, Webb, Witt--28.

ABSENT:—Bean, Davis of Guilford, Hagerthy of Ellsworth, Hagerthy of Sedgwick, Johnson of Calais, Martin, Merrill of Dixfield, Miller, Morey, Morton, Oakes of Milford, Peacock, Percy, Perry, Putnam, Sawyer of Milbridge, Shaw, Swain, Tupper--19.

So the motion prevailed.

Mr. BAXTER of Portland: **Mr. Speaker**, I offer amendment B to the bill as follows:

Section 1 is hereby amended by striking out the word "eighteen" in the seventh line and by substituting therefor the words "twenty-seven."

Section 7 is hereby amended by striking out the word "two" in the sixth line, and by substituting therefor the word "three."

Section eight is hereby amended by striking out the word "and" in the seventh line, and said

Section eight is also amended by adding after the word "years" in the eighth line the following: "And one alderman to serve for three years." And said

Section eight is further amended by striking out the word "two" in the twelfth line, and by substituting the word "three" therefor.

Section twelve is hereby amended by striking out the word "and" in the sixth line, and said

Section twelve is also amended by adding after the word "years" in the seventh line the following: "And one alderman to serve for three years." And said

Section twelve is further amended by striking out the word "two" in the eleventh line, and by substituting the word "three" therefor.

The question being on the adoption of amendment B, the amendment was adopted.

The bill was then read twice as amended and assigned for tomorrow for its third reading.

Special Assignment.

Report of the committee on appropriations and financial affairs, reporting "referred to next Legislature," on resolve in favor of Girls Orphanage of Lewiston.

Mr. GARCELON of Lewiston: I move that this resolve be re-committed to the committee.

Mr. JOHNSON of Hallowell: I object to the motion, **Mr. Speaker**.

The **SPEAKER**: The pending question is on the acceptance of the report.

Mr. GARCELON: Owing to the lateness of the hour I had a preference that this matter be recommitted to the committee. I think it is but due to the members of this House that a matter of this kind and of so much worth and merit should be duly considered and the facts presented to this body.

The information contained in the statement of facts is not understood by the members of this House, and I should like to have the statement of facts accompanying this resolve read for the information of the House.

Mr. MERRILL of Skowhegan: **Mr. Speaker**, I raise the point of order that there is not a quorum of the House present.

The **SPEAKER**: The clerk will have to call the roll.

Mr. MERRILL: I withdraw my motion and move that the matter be tabled, on account of the lateness of the hour, until tomorrow morning, and that it shall be the first matter taken up on tomorrow's assignments.

The motion was agreed to.

Mr. LITTLEFIELD of Rockland: I move an amendment to the order which I introduced earlier in the day to make it perfectly clear. I move to reconsider the vote whereby it was passed.

The motion was agreed to.

Mr. Littlefield then offered an amendment by inserting after the word "itself" the words "in performing its duties of."

The amendment was adopted and the order then received a passage as amended.

On motion of **Mr. Giddings** of Gorham,

Adjourned.