

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

HOUSE.

Monday, March 25, 1907.

Prayer by Rev. Mr. Kearney of Augusta.

Papers from the Senate disposed of in concurrence.

An Act to incorporate the Portland Water District, came from the Senate with Senate amendment "A."

On motion of Mr. Murphy of Portland, the vote was reconsidered whereby the bill was passed to be engrossed, Senate amendment "A" was adopted in concurrence, and the bill was then passed to be engrossed as amended.

Reports "A" and "B" of the committee on public buildings and grounds, in regard to capital removal came from the Senate that branch insisting on its action in adopting report "A" and asking for a committee of conference.

Mr. Johnson of Waterville, moved that the House adhere to its former action.

Mr. Davies of Yarmouth, moved that the House recede and concur.

Mr. JOHNSON of Waterville: Mr. Speaker, I would like to inquire whether the motion to recede and concur is in order, the House having voted not to concur with the Senate in accepting report "A," and also having voted not to reconsider its vote by which it voted not to concur.

Mr. MONTGOMERY of Camden: Mr. Speaker, I would like to ask on what particular thing we are acting. The House voted not to accept report "A" and then voted not to reconsider that vote. That ended that. Then it voted to accept report "B." Now, what is this motion on that is being made?

The SPEAKER: The gentleman from Yarmouth moves to recede and concur with the Senate.

Mr. MONTGOMERY: On what? of those votes?

Mr. DAVIES: The motion which I make is to recede and concur with the Senate upon the acceptance of report "A." Report "A" was accepted in the Senate. I now make the motion to recede and concur, and that my motion must have precedence at this time.

Mr. MONTGOMERY: When this House voted not to reconsider its

action it is well understood that that ends it on the part of the House.

Mr. DAVIES: It may be well understood by the gentlemen from Camden, but it is not in accordance with parliamentary procedure not only in this body but in any other body. We have a perfect right and it is perfectly proper that we should at this time insist upon the motion to recede and to concur with the Senate.

The SPEAKER: The Speaker will say that he has looked at this matter with some care and is of the opinion that the motion is in order. The chair will entertain the motion to recede and concur.

Mr. NEWBERT:— Mr. Speaker and Gentlemen: I represent Augusta in this House. My business and my home are here, and here center my great affections. You would pardon me did I so far forget myself as to speak only from a local point of view. And Augusta has equities here. The city has grown up around this Capitol. Our homes, our business houses, our churches share in these equities. All this however aside. I would speak not only as representing Augusta, which city I love beyond words to tell, but as a citizen of Maine, sensible of my duty, as a member of this House, to the whole state.

This question involves more than a conflict between two rival cities. It is not a question of Augusta's right or Portland's ambition. We do not sit here to serve either Augusta or Portland. That map on yonder wall is a reminder whose we are and whom we serve. Between Fort Kent on the north and Portland on the extreme southwest is an empire. Portland against Augusta means but little. Portland against the State of Maine, and the issue becomes grave.

I had hoped that this question would not call for a division in this House. No Legislature for a quarter of a century promised more of good than this. Certain great principles were shaped as issues and fought out in the campaign of last September. Who in this House made his canvass on the issue of capitol removal? Does any member on this floor so far deceive

himself as to think for a moment that he would be here had he talked capitol removal before election? All winter this question has overshadowed us. Because of it other measures have had to wait; because of it economy has been forgotten; because of it bad measures have been enacted into law.

I would that I had the genius of thought and the power of speech adequately to set forth Portland's part in this matter. I mean official Portland, commercial Portland, political Portland. Portland has gone after vanity. Consumed by ambition, she stops at no obstacle to gratify her mad desire. And this ambition is chronic. In the dark days of the Civil War, when the state was stooping under a burden of fast accumulating debt, Portland was willing to become the seat of government. She lost then. Eighteen years ago she came again. She came en masse. She brought her strong men. She swaggered in her pride. She boasted her wealth; but she lost again. The capitol of Maine was not for sale, nor were our people willing to desert their ancestral home. Now Portland comes again. She comes not as eighteen years ago. Her great men are not here; they have not been here. The kindergarten politician has come; the real estate man has come; the boomer has spoken. But Portland's old ambition is here. Her vanity is in evidence; her boast of pride and power and wealth is here. Portland has grown rich, and she raises the bid from that of 1889. Commercial prosperity has given her power, and she swings the club with brute force. Portland is here to trade and traffic. She is here to play on prejudice, to inflame passion, to bid high for great stakes.

Portland complains that Augusta is too small a city to be the seat of government. She compares her population, her hotels, her stores, her theatres, her clubs, with those of this city. But what has this Legislature to do with stores, hotels, and theatres? Men who represent their constituents here are intent on the serious business of state. Augusta too small? State capitols are almost uniformly in small

towns or cities. Seven ninths of the states have heeded Washington's advice, and have deliberately separated commercial and governmental capitols. Only six states have capitols with a population of more than 50,000, the others ranging from 3,000 to below 30,000.

Baltimore with a population of 500,000 is the chief city of Maryland. The capitol of Maryland, however, is at Annapolis whose population is but 8,000. New Orleans is the metropolis of Louisiana. It has a population of nearly 300,000, but little Baton Rouge with a population of only 11,000 is the capital city of the state. Wilmington is the chief city of Delaware, having a population of 76,000, and Wilmington has dreamed for years of becoming the seat of government, but the people of Delaware have steadfastly opposed the claims of Wilmington and so continue to make their laws in the little town of Dover with a population of only 3,000. Louisville, Kentucky, has a population of more than 200,000, but the capitol of Kentucky is at Frankfort, a city much smaller than Augusta. St. Louis boasts a population of more than 600,000. Her statesmen agree that it is wisest to keep the capitol in Jefferson City, a quiet place far removed from the commercial centre of the state and having a population of only 9,000. Michigan is justly proud of the commercial greatness and promise of Detroit, and Detroit is proud of herself, proud of her situation, proud of her wealth and her homes. Detroit's population is upwards of 300,000. A capitol in that city would be an adornment and a source of pride. Lansing, however, with a population of only 16,000, a country town in comparison with Detroit, continues to be the capitol. All Wisconsin goes up to Milwaukee, great and rich and proud of her population of 300,000. Against the persistent claims of Milwaukee, Wisconsin wisely continues to go to the small city of Madison, a city of only 19,000, to make her laws and to transact her business. Having suffered a partial loss of her state-house by fire, it is significant that Wisconsin has plans to re-build at a cost of from five to eight millions, and to re-build not in the small commercial city of Milwaukee,

but on the old site in the little town of Madison. Olympia in Washington holds but 3800 souls, yet the capitol of the state is there rather than in Seattle with its population of nearly 100,000. Sacramento has but 29,000 in population yet the capitol of California is here and not in San Francisco. In the re-building of that great city, wrecked and destroyed, a new state-house overlooking the Golden Gate, would be most desirable, but California knows that it would not be wise. Portland, Oregon, has a population of 90,000 but the capitol of Oregon is at Salem, a town of only 4200. Chicago holds more than 1,600,000 souls. It is rich enough to buy many capitols, even the nation's capitol, and yet the capitol of Illinois remains at Springfield. Burlington, Vermont, is the state's chief city, and Burlington has had the ambition for many years to be the seat of government, but the little city of Montpelier, nestling among the quiet hills of the Green Mountain State, far removed from commercial centres, with a population only half that of Augusta, remains the Capitol.

In the opening of Portland's case before the committee her attorney drew a clumsy analogy between Augusta and Bethlehem, ridiculing the hotel accommodations in both. In defense of the small city as against the great commercial centres, this analogy might easily be turned against Portland. Though Bethlehem was a little place and the Christ-child was laid in a manger, because there was no room in the Inn, it is to be noticed that angels visited him and the wise men brought him gifts. Later the imperial city of Jerusalem, the metropolis of Judea, crucified the Son of Man.

Hotels! Who on this floor cares whether Augusta has more or larger hotels? Who, indeed, but the lobbyist, paid to take you into his whispered confidence? We are a plain people and our communities are largely rural. We represent sturdy and thrifty constituents. Not one in ten who compose the membership of this House, representing our towns and villages, desire to live in great hotels. In the bitterness of Portland's attack on Augusta no word has

and courtesy of the citizens of this city. Augusta's homes are thrown open to the legislators, and better than all hotel privileges, to the quiet men who sit as members here, is the home comfort, the family life, the cheerful fireside. Even now you cherish pleasant memories of your stay in this beautiful capital city, memories which all the cheap advertising and misrepresentation of Portland cannot efface. Last December Augusta entertained the State Grange. It was estimated that 1500 visitors responded to the cordial invitation of our citizens. There was no congestion. No visitor wanted for a bed. No man or woman within these hospitable gates went hungry; and on the books of the committee when all had been cared for and assigned to their rooms, there remained 150 rooms in the best homes of Augusta awaiting guests who did not come. As a capitol type, Augusta is unsurpassed among the governmental cities of the country.

Not only is Augusta unfit, according to Portland's opinion, to be the seat of government, but this State-house is inadequate, antiquated and dilapidated. But is this State-house all that Portland pictures it? Are Portland's representations, sent broadcast over the State, fair and honest? This building is historic. It was conceived in patriotism and built on honor. Its hammered granite walls were laid block upon block to endure as long as the State endures. Stand on State street and face by day or night the imposing front. Or go to the rear and behold the solidity and simple beauty of these walls. Nor is there a site finer in all New England. Behold this splendid property! This historic building! This site of 34 acres! Eighteen years ago the State expended \$150,000 in the addition authorized by the Legislature, and improvements since have kept this building up to date, in perfect repair, and entirely adequate for all the needs of the State's business. If changes are needed, let the State make them. If there is not room enough, let additions be made. If this chamber is too small, enlarge it by taking in the lobby. The State would be better off if the average lobbyist were given a spittoon

and allotted quarters on the band stand in yonder park. Does a room here and there need ventilation? Then ventilate. If you own a home, you repair it when necessary; you enlarge if too small. Maine owns this Capitol. How absurd to desert it because it may be improperly ventilated. What is the proposition? Why, to throw away this million dollar property and build anew in Portland at a cost which no man can measure. There is nothing more or less in the proposition. Think of it, you sober men of Maine who sit here, think of it! Do you believe it right? Will you give to the infamous proposition the sanction of your vote?

Did Maine have no State-house, we might well discuss the question of building one. But we have a capitol; the State owns it; it is adequate for all our needs; it is furnished and equipped for business. In view of all this it is an infamous proposition that demands that this property be thrown away, and a new structure of stone and marble and gold be built to gratify the chronic ambition of Portland. Again I say the people of our State are a plain people. Our men go for town business to unpretentious town houses. Will these submit to be taxed that Portland may be adorned? Will your constituents hold you guiltless if this proposition carries by your vote? Voting for this bill, can you justify yourself in the eyes of the people of Maine, the men who toil, who till the farms, who pay the taxes?

And there are associations here not lightly to be ignored. Sentiment has place in this discussion. We may increase in material wealth and grow in power; we may build cities and railroads and develop natural resources; we may sit in plenty and make our boast of gain, yet without sentiment life is poor. How true the great words, "Though I speak with the tongues of men and of angels and have not love, I am become as sounding brass or a clanging symbol." Woe to that people whose shrines are forgotten! Woe unto a nation that forgets its heroic dead! Woe unto a state that is careless of its history, forgetful of its traditions, regardless of its holy places, unmindful of its sacred memories!

What is hero worship or patriotism, or sacrifice, or glory to a blatant commercialism? What is there in the flag floating from its staff above the dome, beneath which we sit, if we strip it of sentiment, take that indescribable something from it? The eye beholds the folds that rise and fall in the breeze; sentiment reads into it glory, stripped of which the flag is but bunting at so much a yard. Men would not die for bunting; bunting could never be the rallying center of a nation. Men die, however, for the flag and the nation follows where it leads.

It will cost more than money to build a new State house in Portland. We desert this capitol at the cost of holiest memories. This building is historic; these walls are hallowed; this spot is consecrated; this hill is Maine's holy hill. This State house is inseparable from our history. Our laws were made here; our traditions center here; here the men of Maine have come to legislate. The names of our sons of genius and mark are written into these walls. Even now these chambers echo the eloquent voices of those whose memory we delight to honor; and silent witnesses to our acts today fill every corridor and gallery. Forget all this we may, but it is to our cost that we forget. Into this capitol city in the stirring days of the Civil War came the boys from our towns and cities, from school and factory and farm, to train for the soldier's strenuous life. These boys of Maine camped on the extensive grounds which have this stately building in view, and they drilled and slept on the State's muster grounds off there on the heights overlooking the city. These boys went to the front from here, their eyes saying good-bye to the flag at the mast head above this building. The war over, these soldiers returned with broken ranks and wasted strength to soberly salute this flag on the capitol again, then hence to their homes. And then came the battle-flags, rent by shot, torn by storm, stained with blood, to be encased in the rotunda below. I repeat this is Maine's holy hill. Her heroes' names are here; her battle-flags are here, her dearest associations are here. Why desert this capitol? Why leave

this historic spot? Why? There is no answer; no argument. Portland brazenly flaunts its demand in the face of the sober judgment, the better sense, the splendid sentiment of the plain people of the State.

But you will say that the question involves more than sentiment, and I agree that it is so. The main question is one of cost. Portland has considered her own gain, but she has not thought of the taxpayer. What will a new State house cost? Who will build it? Who will pay for it? As a question of cost alone, no graver proposition was ever made to a Maine Legislature. Laying aside every other consideration, it is for us, before we give further support to the measure, to stop and count the cost.

Was ever so great a proposition put up to a Maine Legislature without a statement of facts? What is it that Portland asks and demands that we do? Why, that we vote today to remove the seat of government to Portland and build there a new State-house. Laid bare of all misrepresentations there is nothing else in the proposition. The bill which is offered here is unfair. It is cunningly drawn by skilful attorneys. It is misleading, false in conception, a trick to deceive, a fraud on this Legislature and a fraud on the people of Maine. The wonder is not that this infamous measure meets its defeat in this House; the wonder is that it has now the support of a co-ordinate branch of this Legislature supposed to be made up of honest and intelligent men. Portland's reading of this bill names a figure at which it limits the cost of the proposed new capitol to \$1,250,000. And this glaring piece of misrepresentation Portland has had the temerity to spread broadcast over the State. One hundred and twenty-five thousand dollars annually for four years and Portland does the rest! Not one dollar for the taxpayer, shouts Portland. "Do you realize," says a Portland circular, "that Portland offers to pay for 5-6 of every brick and every block of granite that will be used in the construction of the new State-house?" And as if answering the argument of 40,000 remonstrants, the Portland circular goes on to ask: "Do you believe

that the legislators of the State of Maine are so wicked that they would make a \$1,000,000 capitol building cost the State \$5,000,000?" Why talk of a \$1,000,000 State-house? Intent on deceiving that she may gain her ends, Portland asks us to accept her false figures of cost. And why have practical men in this Legislature listened and believed? We are asked to vote for this new capitol, asked to take Portland's guess as if it were fact, while not a plan or a specification nor one item from any architect or builder is submitted. Portland points to a newspaper cut of a capitol in Mississippi. And Portland talks of a limit of cost. But who will limit the expenditure once a new capitol is begun? Or how much will Portland care for cost once the long coveted prize is in her grasp? If Maine ever begins to build a capitol here or elsewhere, she will complete it at whatever cost from foundation to dome. Portland knows this. She knows, too, that her bill is a fraud, that her posters and advertisements are falsehoods, that the boasted \$750,000 will not put in the foundation, lay out the grounds, and raise the walls of granite one story above the ground. I repeat, Portland knows all this. She knows a new capitol cannot be built for her figures, and she knows that once begun successive Legislatures will complete it.

If Portland meant to be fair and honest she would have come here with an honest bill. She would have shown us plans and specifications; she would have a site plotted; she would have admitted a reasonable estimate of cost. Instead she comes here with loud boasting; she comes to force charity on a proud people; she comes as to an auction and bids high; she comes flaunting a newspaper cut of a Mississippi capitol; she comes to deceive; to buy, to sell, to stampede sober men who sit here to protect and advance the people's interests. And Portland's bid suggests a vivid picture in the New Testament, where Jesus is taken up to a high mountain and shown all the kingdoms of the world, which should be his if he would but fall down and worship him who tempted. It was a bold stroke, but the devil did not own a square inch of God's great earth.

There are many examples of the cost of state-houses. I need not refer to many. Eighteen or twenty years ago Colorado began to build a capitol. At that time it was to cost but \$400,000. It is not yet completed and has cost \$2,700,000.

Arkansas had a similar experience. Several years ago Arkansas fixed upon \$1,000,000 as the outside cost. Four years later \$800,000 was appropriated in addition and this winter the legislature appropriated a quarter of a million more and the end is not in sight.

Pennsylvania started to build for \$4,000,000; the total cost has been \$13,000,000.

The enormous cost of the capitol at Albany as compared with the original estimate is an item of common knowledge.

Missouri is talking a new state house. One branch of the legislature has just voted to ask the people to authorize a bond issue of \$5,000,000 for this purpose, and Missouri knows that this is only a beginning.

Wisconsin has plans for rebuilding her capitol on the old site at Madison at a cost of from \$5,000,000 to \$8,000,000.

The new court house in Portland was begun on lines thought to cost \$400,000. The cost increased to \$600,000, and Cumberland county has had to come to this Legislature for authority to expend \$250,000 more, and good judges know that the cost will reach around the million mark.

It is all mere guess-work when we try to estimate the cost of a great public building without plans or specifications. But with the experience of other states to go by, and considering that the cost of stone buildings has increased in ten to fifteen years at least 33 per cent., we may be able to approximate the cost of this venture to the taxpayer of Maine. It will be worth your while to do a little figuring. This bill has advanced to its present alarming stage because men have not figured. Members of this House who have objected to the bridge bill because it would cost too much, who have opposed the school mill-tax bill because it would cost too much, who have attacked the Sargent good roads bill because it would cost too much, are led

blindfolded by Portland in support of this bill, counting not the cost. The bridge bill, the school mill-tax and the good roads bill call for expenditures to improve the conditions of all the people of Maine. How many would be served by a new State-house? How mysterious the workings of a man's mind who frowns on an appropriation for a hospital or a school and votes at the same sitting to remove the seat of government to Portland?

I believe that practical and unprejudiced men will agree that my estimate is conservative when I say that, in addition to Portland's offer, a new State-house in Portland would cost not less than \$4,000,000. And this means eleven mills on the total valuation of the State. It means eleven mills on the valuation of your county. It means eleven mills on the valuation of your town or plantation. It means eleven mills on the valuation of your factory, store or farm. A little figuring will aid you to think. For illustration, the total valuation of Kennebec county in round numbers is \$31,000,000. A tax rate of eleven mills would mean in round numbers \$342,000, the cost of Portland's ambition to Kennebec. Penobscot would pay more than \$400,000, Androscoggin more than \$318,000, Aroostook nearly \$192,000, Oxford nearly \$160,000, Hancock more than \$197,000, Somerset more than \$165,000. Why this great cost for a luxury when Maine needs so much? What folly have we here? Is reason fled and judgment gone? Think of our needs in Maine along the lines of education! Think of our stinted gifts to our increasing charities! Think of great moral enterprises dreamed of but made impossible because of lack of money! Think of our mediaeval prison! Of the reformatory for women that should be! Think of the piteous appeal of the blind, the cry for help from the consumptive, the despair of the insane, the woeful need of the feeble-minded! I can see these and more coming in successive years to the Legislature of Maine, only to go away empty-handed. Maine is too poor to help because she is building a new State-house! The cost of \$4,000,000 to \$5,000,000 means that the resources of the State would be

mortgaged for ten or fifteen years to come. The Maine treasury would be wrecked and every taxpayer would pay tribute. The wickedness of the scheme is unmatched in the annals of Maine legislation.

But it will be charged that I am in error, that all this I have said is aside from the question, and that it is not for us to stop to count the cost, for the question at its worst is only one of referendum. How cunningly is the plan to capture the seat of government devised. Were it not for the infamy behind it, we might applaud the daring scheme and the genius that gave it shape. Portland's form of referendum is tantamount to putting the State House up at auction with Portland the only bidder. The bill violates every principle of the referendum. The referendum contemplates petitions from the legal voters of the State asking that legislation be referred to popular vote. Are the people of Maine asking to have this bill submitted to them? The petitions for capitol removal, received by the Legislature have just 6526 signers, and of this number 5198 live in Cumberland county. The remonstrances against removal have 40,429 signers representing every county, and ranging from 6087 remonstrants in Penobscot to 555 in Cumberland itself. Fourteen of the sixteen counties have each more remonstrants than there are petitioners in the whole State outside of Cumberland county.

A cursory glance at these figures will determine for any friend of the referendum his duty. Nor can a member of this House vote today for the referendum on this bill without voting for the bill as a whole. Let no man be misled. The question really before us is the removal of the seat of government to Portland and the building in that city of a new State-house. It cannot be otherwise. This intention of Portland is plain. The bill is a fraud on the Legislature because it is so drawn. The Portland Argus of March 13, said: "It is hardly possible that the people of the State would vote against the proposition after it has received the endorsement of the Legis-

lature." An endorsement! Portland counts upon this. Voting for this referendum, you will go on record as supporting the bill for capitol removal. And this false referendum, to gratify a whim of Portland, would cost too much. A special election would cost \$50,000. Yes, it would cost more. For whether it be held in June or September, it would take 60,000 farmers and their helpers from their work in seed-time or harvest. Did these toilers on our Maine farms ask for this legislation they would go willingly to their polling places. But this bill is not of their asking, and it would compel them to leave their work to vote, that the resources of the State be not mortgaged for years to come. Why impose this burden on our people?

Ours gentlemen, is a grave responsibility. Consider well before you give your vote to this bill. Look again at the map of Maine on yonder wall. Note again the central location of this capitol city. Re-value this State-house which has withstood the storms of eighty winters. Think of the place this capitol occupies in our history. Remember the choice which our fathers made in locating here the seat of government. Place due value upon sentiment, and above all else count the cost to the tax-payer, for on his shoulders will the burden fall and from him will tribute be exacted.

Under your oath, which with uplifted hand you called God to witness, and representing the manhood of Maine, vote upon the pending question, and as you vote so shall be your responsibility.

Mr. Dow of Brooks opposed the motion.

Mr. Murphy of Portland, and Mr. Hall of Caribou, supported the motion.

Mr. Scates of Westbrook, inquired if a motion to amend the bill by changing the date of the election from June to October would be in order after the first reading of the bill, or before.

The Speaker ruled that it would be in order after the first reading.

Mr. Scates stated that at the proper time he should offer an amendment by striking out the word "June" in line six of Section 4, and inserting in lieu

thereof the word 'October,' and by striking out the word and figures "November 1907," in line seven of Section 5, and inserting in lieu thereof the word and figures 'October 1908;' and he moved the previous question and that it be taken by the yeas and nays.

Mr. Davies of Yarmouth seconded the motion.

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

The motion was agreed to.

The question being, shall the vote be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER: All those in favor of the motion to recede and concur with the Senate will say yes as their names are called; all those opposed will say no. The Clerk will call the roll.

YEA:—Brackett, Chase, Clark, Davies, Davis, Dyer, Emery, Frost, Gleason, Gordon, Grinnell, Hall of Caribou, Hawkes, Horigan, Irving, Jordan, Leighton, Lord, Loring, Lowe, McClutchy, McKinney, Merriman, Moore, Murphy, Perkins, of Alfred, Perkins of Kennebunkport, Pike, Scates, Skillin, Smith of Lisbon, Snow, Spear, Stearns, Stover, Tarbox, Theriault, Thomas of Harpswell, Tolman of Portland, True, Waldron of Portland, Walker, Whitehouse, Wight, Witham, Young.

NAY:—Allan of Dennysville, Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Barrows, Brown, Cobb, Colcord, Crosby, Cyr, Danforth, Decker, Dondero, Donigan, Dow, Duncan, Dunton, Edwards, Farrar, Folsom, Hadlock, Hall of Dover, Harriman, Hathorn of Detroit, Havey, Herrick, Hubbard, Higgins, Hill of Monticello, Jacobs, Johnson of Waterville, Joy, Kelley, Kendall, Knowlton, Libby, Lovejoy, Lynch, Martin of Bangor, Mayo, Milliken, Montgomery, Mullen, Newbert, Newcomb, Noyes, Perry of Randolph, Pooler, Powers, Preston, Reynolds, Skidmore, Smith of Patten, Sprague, Stevens of Jonesport, Stevens of Portage Lake, Strickland, Stuart, Stubbs, Thomas of Howland, Tolman of Glenburn, Weeks, Weld, Wood.

ABSENT:—Blanchard, Charles, Copeland, Davidson, Emerson, Farnham, Flaherty, Giddings, Harris, LaBree, Martin of Rumford, Merrill, Michaud, Minahane, Morneau, Newton, Oram, Pinkham, Waldron of Dexter, Wardwell.

Yeas, 46; nays, 64; absent, 19.

Paired—Baldwin, no; Goodwin, yes; Barker, no; Safford, yes; Erawn, yes; Hathorn, of Milford yes; Hill of Machias no; Langley, yes; Johnson of Calais, yes; Tucker, no; Leader, yes; Morneau, no; Merry, no; Fulton, yes; Peacock, yes; Lane, no; Perry of Fort Fairfield, no; Gallagher, yes; Titcomb, no; Haskell, yes.

So the motion was lost. (Applause and cheers.)

The question being on the motion to adhere, Mr. Johnson of Waterville called for the yeas and nays.

The question being, shall the yeas and nays be called.

The motion was agreed to.

Mr. Davies of Yarmouth moved that the motion to adhere be laid on the table, and especially assigned for tomorrow.

The motion was lost.

The question being, shall the House adhere to its former action.

The SPEAKER—All those in favor of adhering to the former action of the House whereby it voted to reject report "A" will say yes as their names are called; those opposed will say no. The House not only voted to reject report "A," but also voted to accept report "B," and in adhering to its action it covers both. The Clerk will call the roll.

YEA:—Allan of Dennysville, Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Barrows, Brown, Cobb, Colcord, Crosby, Cyr, Danforth, Dondero, Donigan, Dow, Duncan, Dunton, Edwards, Farrar, Folsom, Hadlock, Hall of Dover, Harriman, Hathorn of Detroit, Havey, Herrick, Hubbard, Higgins, Hill of Monticello, Jacobs, Johnson of Waterville, Joy, Kelley, Kendall, Knowlton, Leader, Libby, Lovejoy, Lynch, Martin of Bangor, Mayo, Milliken, Montgomery, Mullen, Newbert, Newcomb, Noyes, Perry of Randolph, Pooler, Powers, Preston, Reynolds, Skidmore, Smith of Patten, Sprague, Stevens of Jonesport, Stevens of Portage Lake, Strickland, Stuart, Stubbs, Thomas of Howland, Tolman of Glenburn, Weeks, Weld, Wood.

NAY:—Chase, Clark, Davies, Decker, Dyer, Emery, Frost, Gleason, Gordon, Grinnell, Hall of Caribou, Hawkes, Horigan, Irving, Leighton, Lord, Loring, Lowe, McClutchy, McKinney, Merriman, Moore, Murphy, Perkins of Alfred, Perkins of Kennebunkport, Pike, Scates, Skillin, Smith of Lisbon, Snow, Spear, Stearns, Stover, Tarbox, Theriault, Thomas of Harpswell, Tolman of Portland, True, Waldron of Portland, Walker, Whitehouse, Wight, Witham, Young.

ABSENT:—Blanchard, Brackett, Charles, Copeland, Davidson, Davis, Emerson, Farnham, Flaherty, Giddings, Harris, Jordan, LaBree, Martin of Rumford, Merrill, Michaud, Minahane, Morneau, Newton, Oram, Pinkham, Waldron of Dexter, Wardwell.

Yeas, 64; nays, 44; absent, 23.

Paired—Baldwin, yes; Goodwin, no; Barker, yes; Safford, no; Erawn, yes; Hathorn of Milford, no; Fulton, no; Merry, yes; Gallagher, no; Perry of Fort Fairfield, yes; Haskell, no; Titcomb, yes; Hill of Machias, yes; Langley, no; Johnson of Calais, no; Tucker, yes; Peacock, no; Lane, yes.

So the motion prevailed.

Mr. JOHNSON—I move that the House now reconsider its vote by which it voted to adhere to its former action; and I hope every member of the House will vote me down.

The motion was lost. (Applause.)

On motion of Mr. Scates of Westbrook, Adjourned until 8 o'clock in the evening.

Evening Session.

Mr. Hill of Monticello introduced resolve in favor of Francis O. Hill to pay expenses of special joint committee appointed to investigate the fish and game department of Maine. (Referred to committee on appropriations and financial affairs.)

Reports of Committees.

Mr. Joy from the committee on appropriations and financial affairs reported ought to pass on resolve in favor of the clerk and stenographer and the messenger to the judiciary committee.

Mr. Stubbs from same committee reported ought to pass on resolve in favor of Walter J. Mayo, secretary of the committee on military affairs.

First Reading of Printed Bills and Resolves.

An Act to amend Chapter 213 of the Private and Special Laws of 1903 as amended by Chapter 355 of the Private and Special Laws of 1905, authorizing the county commissioners of Cumberland county to erect a county building in Portland. (Read a third time and passed to be engrossed under a suspension of the rules, on motion of Mr. Lane of Brewer.)

Resolve in favor of L. S. Lippincott. (Read a second time and passed to be engrossed under a suspension of the rules, on motion of Mr. Brawn of Bradley.)

Resolve in favor of M. H. Hodgdon, clerk and stenographer to the committee on inland fisheries and game. (Read a second time and passed to be engrossed under a suspension of the rules on motion of Mr. Havey of Sullivan.)

Resolve in favor of J. W. Gordon. (Read a second time and passed to be engrossed under a suspension of the rules, on motion of Mr. Smith of Patten.)

Resolve in favor of the messenger to the committee on railroads and expresses. (Read a second time and passed to be engrossed under a suspension of the rules, on motion of Mr. Kelley of Farmingdale.)

Passed to Be Engrossed.

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

An Act to incorporate the Calais Water District.

Resolve in favor of the town of Gray. Resolve in favor of C. Bradstreet, clerk to the committee on banks and banking.

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

Resolve in favor of W. G. Fuller.

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

Resolve in favor of W. S. Knowlton to pay expenses of investigation of office of State superintendent of schools.

Resolve in favor of J. Merrill Lord, chairman of House committee on elections. (Tabled pending passage to be engrossed on motion of Mr. Milliken of Island Falls.)

Passed to Be Enacted.

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

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

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

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

An Act to extend the close time on muskrats.

An Act relating to attendance of witnesses at court.

An Act relating to locations of street railroads.

An Act to incorporate the Goodwin Trust Company.

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

An Act to incorporate the Municipal Light and Power Company.

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

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

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

An Act to extend the close season on

landlocked salmon and trout in Sebago lake in Cumberland county.

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

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

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

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

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

An Act to incorporate the Somerset Trust Company.

An Act concerning the appointment of married women as guardians.

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

An Act to incorporate the Wilton Water District. (Tabled pending passage to be enacted on motion of Mr. Emery of Jay.)

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

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

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

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

An Act to amend Sections 13 and 124 of Chapter 15 of the Revised Statutes, relating to the mill fund and school tax.

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

An Act to regulate fishing in Swift river and its tributaries in the counties of Oxford and Franklin, and to prohibit

the throwing of sawdust and other mill refuse into said water.

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

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

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

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

An Act to amend Chapter 130 of the Special Laws of 1822 as amended by Chapter 550 of the Special Laws of 1828, relating to taking fish in Dyer's river.

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

An Act to provide for the remuneration of deputy sheriffs.

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

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

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

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

An Act to incorporate the trustees of Machiasport bridge.

An Act relating to the assessment of taxes.

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

An Act to incorporate the Waldoboro Water Company.

An Act to amend Section 44 of Chap-

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

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

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

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

An Act to incorporate the Hancock and Sullivan Bridge Company.

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

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

An Act to incorporate the Livermore Falls Water District.

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

An Act for the preservation and better protection of ballots.

Finally Passed.

Resolve in favor of Bridgton Academy.

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

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

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

Resolve in favor of Edward Fahey of Lewiston.

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

Resolve in favor of the town of Union.

Resolve providing for the repair of bridges in Macwahoc plantation.

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

Orders of the Day.

Special assignment: Address to the governor for removal of Harry J. Chapman, judge of the municipal court of the city of Bangor.

On motion of Mr. Smith of Patten, the House went into executive session for the purpose of considering the charges against Harry J. Chapman, judge of the municipal court of the city of Bangor.

In Executive Session.

Mr. Smith of Patten moved that the House proceed to the consideration of the first charge in the specifications in the address.

The motion was agreed to.

Mr. Smith moved that the votes on each specification be taken by the yeas and nays.

The motion was agreed to.

The Speaker read the first specification as follows:

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

Mr. Smith moved that the House reject the first specification.

Thereupon the yeas and nays were called, 75 answering yes and 18 no.

So the specification was rejected.

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

Mr. Smith moved that the second specification be rejected.

A yeas and nays vote resulted as follows: yes, 67; no, 27.

So the specification was rejected.

Third. Because said Harry J. Chapman, as judge of said municipal court of the city of Bangor, has arraigned

outside of the dock exclusively, and usually in his office, persons charged with the violation of the statutes prohibiting the sale and keeping for sale of intoxicating liquors, while requiring drunkards and other persons charged with crime to be arraigned in the dock, thus discriminating in favor of persons charged with a violation of our prohibitory laws.

Mr. Smith moved that the third specification be rejected.

A yea and nay vote resulted as follows: yes, 79; no, 15.

So the specification was rejected.

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

Mr. Smith moved that the fourth specification be rejected.

A yea and nay vote resulted as follows: yes, 73; no, 20.

So the specification was rejected.

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

Mr. Pike of Eastport, moved that the fifth specification be rejected.

A yea and nay vote resulted as follows: yea, 72; no, 19.

So the fifth specification was rejected.

Sixth. Because said Harry J. Chapman is, and for a long time has been, a stockholder, director and president of the Madine Cigar Company, a corporation engaged in the manufacture and sale of cigars in said Bangor, and many liquor dealers in said Bangor purchase cigars of said Madine Cigar Company for retail trade in their saloons, and said Harry J. Chapman has used, and does use, his judicial position and power as judge of said municipal court to promote the business of said Madine Cigar Company by wilfully and cor-

ruptly discriminating in his judgments and decisions in favor of liquor sellers, who are customers of said Madine Cigar Company, and against those who are not, thus clearly indicating to all liquor sellers in Bangor that it is for their interest to purchase their cigars of the Madine Cigar Company.

Mr. Dow of Brooks moved that the sixth specification be adopted.

A yea and nay vote resulted as follows: yes, 41; no, 50.

So the specification was rejected.

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

Mr. Dow of Brooks moved that the seventh specification be adopted.

A yea and nay vote resulted as follows: yes, 25; no, 62.

So the seventh specification was rejected.

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

Mr. Folsom of Norridgewock moved that the eighth specification be rejected.

A yea and nay vote resulted as follows: yes, 52; no, 29.

So the eighth specification was rejected.

On motion of Mr. Smith of Patten the address as a whole was then rejected.

On further motion by Mr. Smith the House voted to transmit the address to the Senate with a record of the action of the House thereon.

On motion of Mr. Montgomery of Camden,

Adjourned.