

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

ERRATA:

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

ERRATA.

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

HOUSE.

Wednesday, March 24, 1909.

Prayer by Rev. Mr. Steele of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of the plantation of Magalloway in Oxford county. (Tabled on motion of Mr. Hersey of Houlton.)

An Act amendatory of Chapter 17 of the Revised Statutes relating to the practice of medicine, surgery and dentistry came from the Senate passed to be engrossed under a suspension of the rules without reference to a committee.

On motion of Mr. Hersey the bill was tabled.

Senate Bills on First Reading.

An Act to amend an act authorizing the county commissioners of Cumberland county to erect a county building in Portland. (Tabled pending second reading on motion of Mr. Rounds of Portland.)

An Act in amendment to Section 1 of Chapter 136 relating to sentences in criminal cases. (Tabled pending acceptance of the report in concurrence on motion of Mr. Spear of South Portland.)

An Act to establish the Old Orchard Park system.

An Act to authorize courts to suspend or continue for sentence on probation, and to provide for the appointment of probation officers.

Resolve in favor of Jefferson C. Smith of Waterville, Maine, State secretary of the Young Men's Christian Association.

An Act to amend Section 19 of Chapter 57 of the Revised Statutes relating to towns receiving devises and gifts for public libraries.

An Act to amend Section 13 of Chapter 131 of the Revised Statutes relating to detectives.

An Act relating to the Bodwell Water Power Co., of Old Town, Maine.

An Act to amend Chapter 401 of Private and Special Laws of 1889 relating to Waterville Trust Co.

An Act relating to inspectors of meters.

An Act to amend Section 1 of Chapter 169 of the Special Laws of 1906 relating to the Young Women's Christian Association of Portland.

An Act to amend an act authorizing the county commissioners of Cumberland county to erect a county building in Portland. (Tabled pending second reading on motion of Mr. Rounds of Portland.)

An Act to amend the charter of the city of Augusta with reference to the Augusta municipal court.

An Act to amend Section 47 of Chapter 29 of the Revised Statutes, in relation to the possession of liquors. (Tabled pending third reading on motion of Mr. Burrell of Augusta.)

An Act to amend Section 17 of Chapter 30 of the Revised Statutes relating to the sale of poisons. (Tabled pending first reading on motion of Mr. Rounds of Portland.)

An Act authorizing George R. Ketchum, his heirs and assigns, to erect and maintain a dam across Big Machias stream on lots numbered 55 and 56 in the town of Ashland and to maintain piers and booms in Big Machias stream in the town of Ashland and in Garfield plantation.

Resolve in favor of Susan Baker.

An Act to regulate fishing in the Bagaduce river and its tributaries in the towns of Castine, Penobscot and Brooksville in the county of Hancock.

An Act to further define and enlarge the duties of the commissioner of the bureau of industrial and labor statistics.

An Act to provide for the transfer of patients in insane hospitals to the Maine School for the Feeble-minded. (Senate Amendment A adopted in concurrence.)

An Act to authorize the Rangeley Lake Steamboat Co. to maintain wharves in Rangeley lake. (Senate Amendment A adopted in concurrence. Bill then received its three readings and was passed to be engrossed under suspension of the rules on motion of Mr. Wing of Kingfield.)

Resolve in aid in extension of Kineo

road from the Smith farm to the Northeast Carry.

Resolve in favor of free coal. (Senate Amendment A adopted in concurrence.)

Majority and minority reports of the committee on legal affairs, to which was referred An Act to protect the State of Maine against paying judgments obtained against officers when the supreme court of Maine has declared that said officers in the exercise of their duties are trespassers and have been guilty of torts in the exercise of their duties, the majority reporting "ought not to pass," the minority reporting "ought to pass" came from the Senate with the majority report accepted in that branch.

On motion of Mr. Smith of Berwick the majority report was accepted in concurrence.

Majority and minority reports of the committee on towns, to which was referred An Act to divide the town of York and establish the town of Yorktown, the majority reporting "ought not to pass," the minority reporting "ought to pass," came from the Senate.

On motion of Mr. Chase of York, pending acceptance of either report in concurrence they were tabled, together with the bill, and specially assigned for today.

An Act to authorize the city of Portland to retire and pension members of its fire department, came from the Senate with Senate amendment A adopted in that branch.

On motion of Mr. Marshall of Portland the votes were reconsidered whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

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

Appropriations and Financial Affairs.

By Mr. Ludgate of Sherman: Resolve in favor of the chairman of the Committee on Education.

By Mr. Hodgkins of Temple: Resolve in favor of the messenger of the Committee on Railroad and Expresses.

By Mr. Ludgate of Sherman: Re-

solve in favor of the clerk of the Committee on Education.

By Mr. Spear of South Portland: Resolve in favor of the clerk of the Committee on Claims.

By Mr. Wing of Kingfield: Resolve in favor of the messenger of the Committee on Taxation; Resolve in favor of the clerk of the Committee on Taxation.

Insane Hospitals.

By Mr. Tibbetts of Orrington: Resolve in favor of the Eastern Maine Insane hospital. (Tabled for printing pending reference to any committee on motion of Mr. Wing of Auburn.)

Placed on File.

By Mr. Spear of South Portland: Petition of J. F. Cobb and 105 others in favor of passage of Act raising the grade of Portland bridge; of A. G. Pettengill and 55 others for same; of S. J. Johnson and 52 others for same; of L. T. Skillings and 35 others for same; of F. G. Hamilton and 93 others for same; of the City Government of South Portland for same.

Orders.

On motion of Mr. Dufour of St. Agatha:

Ordered, That Beloni S. Dufour be excused from further duties as Representative, and that the clerk be instructed to make up his salary to the end of the term. (Referred to the Committee on Leave of Absence).

Reports of Committees.

Mr. Davies from the committee on the judiciary reported "ought not to pass" on Bill "An Act to amend Section 125, Chapter 84, Revised Statutes, relating to the admissibility of office copies of deeds."

Mr. Burleigh from same committee on Bill "An Act changing the name of the board of railroad commissioners to public service commission and providing for the supervision of railroads, street railroads, gas plants, electric light plants, telegraph and telephone lines and express companies," reported that the same be referred to the next Legislature.

Same gentleman from same committee on Bill "An Act to incorporate the Steuben Railway Company," reported

that the same be referred to the committee on railroads and expresses.

Mr. Pike from the committee on legal affairs on petition of Charles C. Hoyt and 47 others of Brewer for an act in favor of the law student who is also a laboring man, reported that the same be placed on file.

Same gentleman from same committee reported same on petition of Carpenters Local Union, No. 1917 of Bangor for same.

Same gentleman from same committee reported same on petition of Journeymen Barbers Union, No. 210, Portland, for same.

Same gentleman from same committee on petition of Carpenters Local Union of Bangor in favor of the Dunn Bill, so called, relating to the election of judges by the people, reported that the same be placed on file.

Same gentleman from same committee reported same on petition of Journeymen Barbers Union, No. 210, of Portland, for same.

Same gentleman from same committee reported same on petition of Lewiston Mule Spinners Union of Lewiston for same.

Same gentleman from same committee reported same on petition of Central Labor Union of Bangor for same.

Mr. Bowley from the committee on shore fisheries reported "ought not to pass" on Bill "An Act to amend Section 1 of Chapter 357 of the Private and Special Laws of 1907, relating to a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro."

Mr. Duncan from same committee reported same on Bill "An Act for the protection of smelts in Benjamin's river in the county of Hancock."

Mr. Tibbetts from the committee on Insane hospitals reported "ought not to pass" on Bill "An Act to amend Section 4 of Chapter 144 of the Revised Statutes, relating to insane hospitals," as subject matter has already been acted upon.

The reports were accepted.

Mr. Wing from the committee on the judiciary reported "ought not to pass" on Resolve to amend Article 22

of the Constitution and providing for a net indebtedness of five per centum on the valuation.

The report was tabled, pending acceptance, on motion of Mr. Beyer of Portland.

Mr. Montgomery from the committee on the judiciary reported "ought to pass" on Bill "An Act to incorporate the Milo Water District."

The report was tabled, pending acceptance, on motion of Mr. Chase of Sebec.

Mr. Wing from the committee on the judiciary reported "ought to pass" on Bill "An Act to amend Section 51 of Chapter 79 of the Revised Statutes, relating to the appointment of auditors, surveyors and referees in vacation."

Mr. Andrews from same committee reported same on Bill "An Act to increase the authority of the Fort Halifax Power Company."

Mr. Peters from same committee reported "ought to pass in new draft" on Bill "An Act to authorize the Franklin Power Company to transmit, sell and distribute electricity in the towns of Farmington and New Vineyard," under title of "An Act to incorporate the Farmington Power Company."

Mr. Snow from the committee on legal affairs reported "ought to pass in new draft under same title" on Bill "An Act to authorize the town of York to aid the York hospital."

Mr. Smith from same committee reported same on Bill "An Act to establish a municipal court at Millinocket."

Mr. Marshall from same committee reported same on Bill "An Act to prefer Maine labor and Maine contractors upon all work performed for State, county, municipal, charitable and educational institutions, buildings or public works, or any buildings or institutions supported or aided by the State or municipalities."

Same gentleman from same committee reported same on Bill "An Act to incorporate the Brunswick Power Company."

Mr. Pike from same committee reported same on Bill "An Act to incorporate the Calais Power Company."

Mr. Bisbee from the committee on appropriations and financial affairs reported

"ought to pass" on Resolve in favor of the clerk, stenographer and messenger of the legal affairs committee."

Mr. Kavanaugh from same committee reported same on Resolve in favor of the town of Harmony.

Mr. Bussell from same committee reported same on Resolve in favor of A. H. Miller, secretary of pension committee.

Same gentleman from same committee reported same on Resolve in favor of shorthand reporter to committee on railroads and expresses.

Mr. Emery from same committee reported same on Resolve in favor of W. S. Bemis.

Same gentleman from same committee reported same on Resolve in favor of State House employes.

Mr. Pressley from the committee on shore fisheries on Petition of John E. Hammond and others praying for the passage of a bill establishing a close time on lobsters in certain waters of Hancock county in July and August, reported Bill entitled "An Act establish a close time on lobsters in the bays of the towns of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento."

Mr. Thurlough from same committee on Petition of Cecil Stewart and others praying for an amendment to Section 1, Chapter 357, Special Laws of 1907, relating to a close time on lobsters, reported Bill entitled "An Act to amend Section 1 of Chapter 357 of the Special Laws of 1907, entitled 'An Act establishing a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro.'"

Mr. Bowley from same committee reported "ought to pass" on Bill "An Act prohibiting the building of smelt traps in the waters of Harrington river, Washington county."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to regulate the herring fisheries in the town of Roque Bluffs."

Mr. Weld from the committee on insane hospitals reported "ought to pass in new draft under same title" on Bill "An Act amending Chapter 144 of the Revised Statutes, relating to insane hospitals.

Mr. Libby from the committee on temperance reported "ought to pass" on Bill "An Act to abolish liquor agencies."

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

Majority report of the committee on legal affairs reporting "ought not to pass" on Resolve in favor of A. L. Dow and Company of Portland.

(Signed) Messrs. SMITH,
COOLIDGE,
PIKE,
HAMILTON,
MORSE,
SNOW,
HALL,
STAPLES.

Minority report of same committee on same subject matter reporting "ought to pass."

(Signed) Messrs. MARSHALL,
GOWELL.

On motion of Mr. Smith of Berwick the majority report was accepted.

The papers were sent to the Senate.

Majority report of the committee on the judiciary reporting "ought not to pass" on bill "An Act to provide for nomination of candidates for political parties by primary elections."

(Signed) Messrs. HASTINGS,
BAXTER,
PETERS,
HERSEY,
ANDREWS,
BURLEIGH,
WING.

Minority report "A" of same committee reporting "ought to pass in new draft under same title" on same bill.

(Signed) LOONEY.

Minority report "B" of same committee reporting "ought to pass" on same bill.

(Signed) HOWARD DAVIES.

Pending acceptance of either report all were tabled, on motion of Mr. Davies of Yarmouth, and Friday, March 26, assigned for their further consideration.

Majority report of the committee on the judiciary reporting "ought not to pass" on bill "An Act to amend Chapter 625 of the Private and Special Laws of 1893."

(Signed) Messrs. LOONEY,
HASTINGS,
BAXTER,
PETERS,
BURLEIGH,
ANDREWS,
HERSEY,
DAVIES.

Minority report of same Committee reporting "ought to pass" on same bill.

(Signed) J. H. MONTGOMERY,
GEORGE C. WING, Jr.,

Pending acceptance of either report, both were tabled, on motion of Mr. Peters of Ellsworth and Friday, March 26, assigned for their further consideration.

Majority report of the Committee on Legal Affairs reporting "ought not to pass" on Bill "An Act to regulate the employment of legislative lobby counsel and agents and to provide for the return of legislative expenses."

(Signed)

B. F. HAMILTON,
W. B. HALL,
H. E. COOLIDGE,
S. B. SMITH,
E. F. GOWELL,
L. M. STAPLES,
JOHN A. SNOW,
RALPH I. MORSE,
FRANK D. MARSHALL.

Minority report of same Committee reporting "ought to pass" on same bill.

(Signed) PIKE.

Pending acceptance of either report, both were tabled, on motion of Mr. Davies of Yarmouth.

First Reading of Printed Bills and Resolves.

An Act to confer additional powers and privileges upon the People's Ferry Company.

An Act to extend the time within which the Madison Municipal Court may be organized. (Tabled pending first reading on motion of Mr. Peters of Ellsworth).

An Act to authorize the building of a dam at the outlet of Sebec Lake. (Recommitted to the committee on interior waters on motion of Mr. Bigney of Greenville).

An Act in relation to Coroners and Coroners' Inquests.

An Act authorizing the city of Bangor to levy assessments for street improvements.

An Act to incorporate the Shawmut Water Co.

On motion of Mr. Burleigh of Augusta, that gentleman was charged with and conveyed a message to the Senate requesting the return to the House of An Act to amend Section 22 of the Revised Statutes relating to jail sentences for maintaining a liquor nuisance.

Mr. Burleigh subsequently reported that he had performed the duty assigned him.

Passed To Be Engrossed.

Bill, to provide for the better collection of inheritance taxes.

Bill, to amend law about sheriffs' pay.

Bill, to amend law about pay of officers in Augusta Insane hospital.

Bill, to amend law about smelts in Pleasant river.

Resolve, for Lowell E. Bailey. (Tabled pending passage to be engrossed and assigned for Friday morning on motion of Mr. Blanchard of Wilton).

Bill, to amend law about town clerks' duties.

Bill, to amend law about desertion of families.

Resolve, to amend resolve for Knox county fish hatchery.

Bill, to transfer Industrial School trust fund to State treasury.

Bill, about fishing in Big Rattlesnake and Big Panther ponds.

Bill, about identifying animals.

Bill, to amend law about State School for Boys.

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

Mr. BURLEIGH of Augusta: Mr. Speaker: I move that we reconsider the vote whereby this bill received its passage to be engrossed yesterday.

The SPEAKER: Does the gentleman have reference to the bill that was returned from the House to the Senate?

Senate Document No. 444 has not yet passed to be engrossed.

Mr. BURLEIGH: I would inquire what the action of the House was yesterday.

The SPEAKER: As the Chair remembers it, the House accepted the report of the majority and adopted House Amendment "A," which provides for a referendum.

Mr. BURLEIGH: Mr. Speaker: I move that we reconsider the vote whereby House Amendment "A" was adopted.

Mr. ROUNDS of Portland: Mr. Speaker: I did not suppose that anybody in this hall would be against the referendum in this State of any amendment that might be put on where so much money was put in as is involved at the present time; but it seems that there has been an underlying current ever since that vote was passed, so much so that by the evening papers, if I may quote correctly, that the mayor of the city of Portland left in the middle of the board of aldermen and rushed here to Augusta. I have seen this finance committee hovering around the hall here, and I have understood that there has been a delegation at the Augusta House, but I for myself went home to my own boarding house and went to my room. This morning I find that there has been a great reaction here of the lobby, as you may call it, dying around this hall to get something done. I received no less than four telephone calls from Portland while I was eating my supper last evening in regard to this very matter. Now, gentlemen, this matter is a matter of vital importance to the citizens of the city of Portland. I had asked to have this matter laid by until perhaps we could get together and not put upon the State what has been done in the last year or two, in our last year in Portland, but for some reason or other they have got the gentleman from Augusta to come down and tell the people of Portland how they should fix up their city hall, to reconsider the vote and all that. Now, they went into this matter with their eyes open, because I hold in my hand here a letter from the ex-city solicitor and I will

read it to the House, and I will read the whole of it. It is as follows:

"Dear Ed.:—The city warrants which were issued last year were issued contrary to my advice. I then stated that the issuance would be illegal. The Portland Trust Co. on the assurance of the mayor paid out money on same. They find them now illegal. If you validate the issue of these warrants, you will by implication wipe out the inhibition of \$200,000 for real estate which city may hold. The scheme is to do by indirection what they cannot do by direct action. If a bill can be drawn so as to provide that the outstanding warrants, notes, bonds, etc., shall be made valid but the city shall be prohibited from purchasing any more real estate or building any other buildings until your referendum is passed upon by the citizens it might be all right."

Now, gentlemen, in my talk yesterday I said that if any gentlemen wished to put that so that the referendum would be earlier it could be done, but in the delegation it was talked that the referendum should not be put on and save the city \$5000 for the referendum, that it might be all right, and that was why I have put on this amendment that it should be at the next annual election. Now, they have come here and said that it was all right for it to go through in that manner. The president of the Portland Trust Co. telephoned to me last night and he told me that it would mean simply that his claim would be invalidated. I, for one, I will say do not want to do anything that will invalidate any claim, and I don't want to put shame on any citizen of our city; but I do want this thing done legally and above board; I do not want the city of Portland to contract for any more debts that the citizens do not want, not contract a debt in the back room of some office and then come out and come down here to Augusta and have it legalized and not say what it is for. But they have seen fit to do that. I did not wish to bring this matter up at this time, and I was in hopes that we could fix it so that we could put in a bill, and the attorney for the Portland Trust Co. telephoned to me

yesterday afternoon and I told him with the advice of another eminent attorney in the city of Portland that any bill that they should draw to pay the debt that the city of Portland owed, that I was willing to ask the unanimous consent of the members of this House to come and present it here, and I have no doubt that in all fair-mindedness that the gentlemen of this House would pass that bill; and therefore I move, Mr. Speaker, that the bill lie upon the table until we can get together and see if we can get something by which we can pay this debt of the city of Portland in a legal way.

Mr. MARSHALL of Portland: Mr. Speaker, as I understand the motion which is before the House it is whether the House will reconsider the vote of yesterday adopting the amendment, and I hope that the motion of the gentleman from Augusta will prevail.

Mr. WING of Auburn: Mr. Speaker, I raise a point of order.

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

Mr. WING: I understand that the gentleman from Portland, Mr. Rounds, made the motion that the bill lie upon the table.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Rounds, made the motion to lay the motion of the gentleman from Augusta, Mr. Burleigh, on the table.

Mr. ROUNDS: Mr. Speaker, I will amend that motion if I may be permitted to do so, to lay the bill upon the table.

The SPEAKER: If the Chair understands the parliamentary situation it is this: The bill is not before the House. The motion before the House is the motion of the gentleman from Augusta, Mr. Burleigh, to reconsider the vote whereby the amendment was adopted. The Chair understands that the gentleman from Portland, Mr. Rounds, made a motion to lay the motion of the gentleman from Augusta, Mr. Burleigh, on the table. The bill is not before the House. The motion to reconsider is before the House.

Mr. MARSHALL: I understand that motion is not debatable.

The SPEAKER: The motion to lay

on the table is not debatable. The gentleman from Portland, Mr. Marshall, may proceed until some member of the House objects.

Mr. MARSHALL: I will simply say, Mr. Speaker ———

Mr. ROUNDS: I object.

The SPEAKER: The question is upon the motion of the gentleman from Portland, Mr. Rounds, to lay the motion of the gentleman from Augusta, Mr. Burleigh, on the table.

Mr. ROUNDS: Mr. Speaker, I call for a division.

The SPEAKER: The gentleman from Augusta, Mr. Burleigh, moves to reconsider the vote whereby House Amendment A to Senate Document No. 444 was adopted. The gentleman from Portland, Mr. Rounds, moves to lay that motion upon the table. The question is upon the motion of the gentleman from Portland, Mr. Rounds, to lay the motion of the gentleman from Augusta, Mr. Burleigh, on the table.

Mr. DAVIES of Yarmouth: Mr. Speaker, I believe it is a rule of the House that every member shall vote unless specially excused. Am I correct about that?

The SPEAKER: The Chair understands so.

Mr. ROUNDS: Mr. Speaker, I will call for a yea and nay vote then. I understood the Chair to state that all those in favor of the motion of the gentleman from Augusta to lay the motion on the table. I think it was the motion of the gentleman from Portland to lay the matter on the table, wasn't it?

The SPEAKER: The gentleman from Portland, Mr. Rounds, moved to lay the motion of the gentleman from Augusta, Mr. Burleigh, on the table.

A division was had, and 42 voting in the affirmative and 68 in the negative, ———

The motion to lay on the table the motion of Mr. Burleigh of Augusta was lost.

The SPEAKER: The question now recurs to the motion of the gentleman from Augusta, Mr. Burleigh, to reconsider the vote by which House Amendment A was adopted.

Mr. MARSHALL: Mr. Speaker and Gentlemen of the House, I hope the

motion of the gentleman from Augusta (Mr. Burleigh) will prevail. It is true, I take it, that the mayor did leave the meeting as stated to come to this city; it is true, I take it, that the committee on finance have come here, and it is true that the banking institutions of Portland and the men of affairs there are concerned about this matter. They consider it a direct attack upon the credit of the city of Portland, regardless of the future; and I believe it means something when eight of the nine members of the Portland delegation, all excepting the gentleman from Portland, Mr. Rounds, have agreed upon the matter that this bill should go through as drawn and without this amendment. I don't think I will go further into the merits of the case at the present time.

Mr. WING of Auburn: Mr. Speaker, I would like to ask the gentleman from Portland (Mr. Marshall) how many members there are in the Portland delegation.

Mr. MARSHALL: There are nine.

Mr. WING: Including the Senators from Cumberland county?

Mr. MARSHALL: Yes.

Mr. ROUNDS: Mr. Speaker and Gentlemen of the House, I do not like to take up so much of the time of this House upon matters of this kind, but this matter is of vital interest to the citizens of the city of Portland. I could have petition after petition asking for this referendum, and I did show you a few of them. I didn't know there was such a powerful lobby hanging around here until I came to the State House here this morning, and I did suppose that all fair-minded men, if the question of referendum was considered, that they would let it go as it is. You will remember what I said yesterday, that I was willing to accept any amendment that was wanted. Now in all fair-mindedness to everybody why shouldn't they be willing to let the citizens of Portland vote upon the question of whether they want this building or not, or whether they want to be put in debt and then to come here after the debt has been contracted, to have it brought here and considered and to be legalized by this Legislature. It looks to me, Gentlemen, as though if we let

this thing go on—though I will say that I have all respect for His Honor, the Mayor of Portland, and I did all I could to elect him and should do so again if he were up for office,—but I do think that we should put some safeguard on the money which is being put into these buildings, and have this building which we are discussing built as the people want to have it.

Now, I read to you yesterday in regard to the town meeting which we had, and you all saw what the voters at that time voted. There were 1200 of them in the hall that night; and the gentleman from Portland (Mr. Marshall) has told you that on a vote which was called there was something like 134 to 80, but he cannot deny the fact that that 1200 people raised up en masse to say that they should vote to have the City hall on the same site and to rebuild the City hall on the same lines as it was built before. He comes here now, after six months have elapsed, and we are told that he has some plans of his own. Inside of twenty minutes, gentlemen, their bill went through for a million and a half of money, or two million of money, to be spent on that building, and no discussion whatever. But you present a little claim for half a dozen hens being killed, and they will squabble over it for an hour. It looks to me as though this is a proposition of magnitude, and it should have the consideration of the people that pay the bills, and they should have an opportunity to say if they want this thing to go on. But I find that they do not wish it. I find that some of the members of the Portland delegation do not wish this thing to go on. I did not find any minority report. I gave them notice at that time that I was going to put it in, but they seemed to take no notice of it until that vote was had yesterday which was so decisive, and they rushed here with all haste to get here to see if they could not change some few votes and bring this matter to the attention of the House so that they could beat the referendum which has been voted upon so unanimously in this city election. Not only that, but they say that the bonds are impaired here. Now, our able city solicitor elected by the people has passed on those things, and he told them at that time

that it was illegal by his letter which I have read to you this morning. I think any lawyer or any layman would not let such a bill with so broad consideration as this bill to go through. I don't think any man on his own money would take and do such a job as that. I am surprised with the legal profession who are involved in this matter, that they would let any such bill go through. Section 2 of this bill reads as follows: "All notes, bonds and mayor's warrants of the city of Portland outstanding, and including March 1, 1909, are hereby declared valid and legal, and said city may from time to time fund and refund any part or all thereof." They never come here, and in that statement of facts how many bonds are there, and how many mayor's warrants are there, and how many notes does the city of Portland owe?

I have the bill which is before the House, and the bill is what we are discussing and not what is in the pocket of some one. If you have any amendments to put on to this bill, why don't you tack them onto it and not hand them around from one to another to look at. It looks to me, gentlemen, as though this is a late time to bring mayor's warrants and notes and bonds to be made a part of this bill, and you are trying to reject another amendment to let the citizens of Portland vote upon this matter. It looks to me as though it is a poor time to do such business as that. Now, Section 1 of this bill reads as follows: "The city of Portland shall have power to purchase, take, or otherwise acquire and hold such real and personal property, in addition to that now held, as its city council may find necessary for municipal purposes, and from time to time to borrow money for said purposes, and to issue its bonds and notes therefor, and to fund and refund any part or all thereof."

The city of Portland today is practically, with these notes and mayor's warrants, up to its 5 per cent. debt limit. But we said that we were \$150,000 under it and the scheme is to take that \$150,000 and put another \$50,000 from this year's appropriation, and run this thing through and to come to the next Legislature and ask what

they have done and what they are going to do, to legalize these mayor's warrants and mayor's notes, and then have the building which will cost about \$2,000,000 without regard to the wishes of the citizens of Portland. Now, I ask in all fair-mindedness that you put some restrictions upon this matter so that the people of Portland shall vote upon it. But, no, the gentlemen who are my colleagues say that the people of Portland do not know what they are voting on. I say, gentlemen, let those poor people of Portland, of whom we have a good many, over 50,000 who pay their taxes—I say, let them have a chance. They are the people who have to earn their money by the sweat of their brow, the money that comes in to pay those taxes. It is not the rich men who have to pay that tax; it is the poor man who pays the rent and pays his board, and that is where it comes from. In all fair-mindedness I think this bill should not have a passage unless the amendment is upon it.

Mr. REDLON of Portland: Mr. Speaker, there seems to be two questions before the House, and apparently they have got badly mixed. After the smoke of yesterday's battle has passed away it is barely possible that we may look at the two sections of this bill, or the Marshall bill in itself, without perhaps bringing anything else into the consideration of it.

I might first speak upon the City hall affair, because that has been dragged in to a certain extent. Fifteen months ago the city of Portland was deprived of its beautiful building by fire, and since that time the city government has been located in different parts of the city of Portland, making it extremely hard for a person whose business is with the city officials to get near them. The mayor's office is in one building, the city clerk's is in another building as far away as from here to the hotel. That is the situation of affairs there, and it has been so for some 15 months. There was a town meeting held and the gentleman from Portland, Mr. Rounds, has stated it correctly. But in the meantime there was a special election held and three questions were voted upon at that time. One was: "Shall the City hall be built

upon the old lot?" the second was: "Shall the Curtis lot be purchased to enable the City hall to be built there?" and the third question was: "Shall an auditorium be included in the City hall?" That was voted upon at a special election and it passed the city of Portland, if I am correct, by a vote of about five to one in favor of it. In the meantime the city government saw the necessity of having a new City hall and having the plans made, and a commission was appointed who selected as their architects a firm in the city of New York, whose business is perhaps as large as any firm of architects in this country, and who were the designers of the new public library in the city of New York, the two buildings which are used by the representatives and senators as an office in the city of Washington, and whom everybody who hears their names recognize as authority upon the question of architecture.

The city council, as every one who has visited Portland 15 months ago could see, occupied rooms in a very beautiful building at the head of one of our business streets. This was our City hall, a building of which we were all proud, and some of us think a better building could not be designed; but it unfortunately was burned, and when the design submitted by these architects was presented to the city of Portland, naturally in a city of 60,000 people, it was impossible for any one to design a plan that would meet with the entire approval of all those people. But after talking the thing over pro and con it was decided to adopt the plans of this firm. This was adopted by the city council unanimously, and the commission therefore was set to work. In the meantime, as tending to show the feeling of the public towards these plans, an incident occurred and in January of the present year the mayor of the city of Portland was elected by one of the largest majorities we have had in the city of Portland for some time, showing to my mind that the people of Portland had confidence in him and relied on him to protect any matter as regards the construction of the new City hall.

The question of Mr. Marshall's bill

is an entirely different subject a matter which perhaps I cannot explain as well as some of these lawyers, but as I understand it I wish to explain it to the House. The debt limit of the city of Portland is regulated by law. The law provides that the city of Portland shall not have real or personal estate over the amount of \$200,000, in addition to what had previously, but it is practically held there at that figure of \$200,000. As a matter of fact I think that before the city hall was burned the city of Portland was in possession of real and personal estate to the value of over \$2,000,000, but in order to float your bonds the bond houses are very careful in regard to what they take, and this limitation of \$200,000 in the city of Portland has done away with, and I have understood that if this bill of Mr. Marshall's should not pass it would cost the city of Portland somewhere in the neighborhood of \$10,000 additional interest each year, the difference between what they could get if this obstruction was removed and what they will have to pay if this law is kept on.

There is no need of any amendment to the question of the city hall because that matter, as I think all the members of the Portland delegation will agree has been settled. The other bill of Mr. Marshall's is passed in the interest of the city of Portland having money enough to build its school houses, finishing the school houses now under construction and building other buildings which it is necessary for the municipality to have. And in this connection I wish to read a copy of a letter which was sent to the city treasurer by Ropes, Gray and Gorham of Boston, who are lawyers for the leading houses that buy bonds. The letter is as follows:

"Aug. 29, 1907.

"David Birnie, Esq.,
"City Treasurer,
"Portland, Maine.

"Dear Sir:

"I have today sent the City Trust Company an opinion in regard the \$985,000 bond issue, and enclose a copy herewith for your files.

"We have been somewhat in doubt

as to your right to renew the whole of the loan, without realizing on the stock which you hold as collateral for the railroad's promise, and applying the proceeds to the loan; but have finally decided that, as a temporary measure—evidenced by the fact that your loan is for only two years—it is certainly justifiable. Quite possibly we should decide the same way upon a longer loan, but, in view of the fact that the question is at least doubtful, we suggest that before making any attempt to renew the loan, or any part of it, at the end of two years, you get a special act of the Legislature authorizing whatever you propose to do.

"I return all the papers which you have sent me.

"Yours very truly,

"(Signed) R. W. BOYDEN,

"OF ROPES, GRAY & GORHAM
"Of Boston."

So I say in the opinion of some of the leading officials of the city of Portland this bill of Mr. Marshall's is deemed necessary I wish there was something else that I could say to convince the members of this House that we think this bill should be passed. It is certainly for the best interests of Portland, and I think I have voiced the sentiment of every member of the Portland delegation with the exception of my colleague, Mr. Rounds, that we are in favor of this measure and we hope that it will go through as it is now.

Mr. COOLIDGE of Lisbon: Mr. Speaker, I would like to know if there is any objection to the referendum, if there is any good objection. I don't want to vote against the interest of Portland. If Mr. Marshall can state the objection to the referendum I, for one, would be glad to hear it.

Mr. MARSHALL: Mr. Speaker, in answer to the gentleman from Lisbon I will say as briefly as possible that among the objections are these: The referendum will defer the issuing of any bonds until it is settled. It will mean a loss of interest where we are now paying 5 per cent. on the mayor's warrants—we can bond for about 3.75, and it will above all other things to my mind defer the building of the city hall for another year. It may and

very likely will defer the construction of a police station, and we are now practically out of doors in this respect, having to go away down on Commercial street into temporary quarters; and it will interfere with many other of the financial problems of the city. It seems to me that the credit of the city should not be put upon the referendum. We don't know when we will get to it, and it means delay, and certainly if we cannot begin on the construction of our city hall this year it means another whole year's delay. I beg the House to consider our needs and act accordingly.

Mr. KAVANOUGH of Portland: Mr. Speaker and gentleman of the House, I would like to correct one impression that seems to be quite general, and that is this: It has been talked more or less this morning that the cost of a new City hall in Portland was to be about \$2,000,000. Now, I don't believe that my friend, Mr. Rounds, has any idea why this statement should possibly be correct. The specifications which have thus far been furnished call for an expenditure of less than \$1,000,000, or, to be exact, I believe about \$990,000. Now, I wish to say to the House just one word in regard to this amendment. I realize that we have occupied a good deal of valuable time this morning, but it seems necessary that one word should be said in regard to this amendment which is one of the cleverest instruments which has been drawn and presented to this House without any doubt at this session, and which has practically tied the hands and feet of the city of Portland to such an extent that it is utterly impossible for the city of Portland to build a fire station which is absolutely necessary. They couldn't even build a school house which is under process of construction. It would even tie up a large job on the street work and they could not go out and borrow money in anticipation of taxes.

Now, gentlemen, it seems to me that this matter could not have been thoroughly understood yesterday when the vote was taken. This is purely a local matter and eight members of the nine composing the Portland delegation have declared themselves very much in favor of it. All that we ask is for a square

deal. We ask that you give this matter your careful consideration, and I have no doubt that if you should do that you will use us in the manner in which you think you should.

Mr. TRUE of Portland: Mr. Speaker, and gentlemen of the House, I don't think there is a member of the Portland delegation that would object to referring this matter to the people and I think they would heartily support the action of the majority of the delegation. I know at this time—and I have always had a great deal of respect for my colleague, Mr. Rounds, and his zeal in looking after the interest of the city of Portland; but I do think that the deferring of this referendum to so late a day is going to work a great injury to the city of Portland. I don't see how we can begin to issue bonds to begin the construction of our city hall, until at least three or four months at the least calculation. By that time we certainly would not have it covered in before winter. This is a matter that has been discussed very thoroughly by the previous members of the Portland delegation, and I do not wish to inflict any further upon the time of the members of this House. I sincerely hope with all respect to my friend, Mr. Rounds, that the House will support the majority of the Portland delegation.

Mr. ROBBINS of Fort Kent: Mr. Speaker, before voting on this matter I would like a little light on the subject. As I understand it, the act if approved cannot take effect before July 1. It seems to me if this is left to a referendum and a vote of the city of Portland they have plenty of time to take a vote upon it before that act can take effect anyway, July 1st. I cannot see any reason why this amendment should not be adopted.

Mr. BIGELOW of Portland: Mr. Speaker, like the other gentleman from Portland I wish to apologize for taking up the valuable time of the House for the consideration of this matter, but in answer to the question of the gentleman from Fort Kent relative to referring this matter to the people before July 3rd, I wish to say that to call a special election of the city of Portland is a very expensive proposition. It in-

volves a large expense and I am sure the Legislature does not wish to make our burdens any heavier than they are now. The Marshall bill, so called, really has nothing whatever to do with the City hall proposition. The people have passed upon that, and if they are not satisfied with it now they still have the opportunity of preventing the erection of City hall if they so desire. The Marshall bill merely corrects an act of the Legislature passed in 1875 which prevented the city of Portland from acquiring any more than \$200,000 worth of property. The act has been violated many times. The city has issued bonds regardless of that act until last summer, when it was suddenly discovered by some of the bond attorneys in Boston that this act existed, whereupon they refused to advise their clients to accept any more of the city's bonds; and the result is that the city finds itself in a position where with many bills to pay for schoolhouses and for other buildings which have been constructed, it cannot issue bonds and obtain good rates of interest for the payment of those debts. Today the city of Portland is, and has been for some time on account of that act, paying 5 per cent. upon money it could readily obtain at 3 1-2 per cent.

The City hall proposition is before the people of Portland today. If they want to prevent the erection of a City building they can do so. We have the city council, for all it may appear here, I think the people of Portland are fully capable of handling this matter themselves. But this is an act which the Legislature passed in 1875, and the purpose of this bill is merely to correct that mistake which was made at that time and the City hall proposition has nothing whatever to do with it.

Mr. ROUNDS: Mr. Speaker: I would like to correct some few statements which have been made here by my colleagues. The gentleman from Portland, Mr. Redlon, says that \$10,000 will be saved each year. I claim, gentlemen, that with the city building where it should be, on the location of the old city building and built on the same lots, not only \$10,000 a year but \$70,000 a year could be saved. The gentleman is very anxious to save the city of Portland \$10,000 a year, but he wants

to throw away \$70,000 a year. That is not very consistent, I think.

He also speaks about the mayor who was honored by one of the largest majorities ever known in Portland. I spoke in a number of places in support of the mayor and did all I could, and worked as hard for his election as ever I did for any man's election, and went as far as anybody did to get the votes to the polls. I was opposed to the building of the city hall. The Democracy did not want the city election at that time. They put up a man that the laboring men to a man were against all over the city, and they wanted him so that in a year from now they would fall into just such pitfalls as they have fallen into at the present time, and then in two years from now in this House of Representatives would be seven Democrats where there are seven Republicans today. That is what they wanted, and that is the reason for the large majority of which the gentleman has spoken. It was to let him fall into these pitfalls, and then bring him out so that a year from now you would have a Democratic city government. That was why that large majority was piled up. I think that answers that question.

Now, in regard to the Ropes, Gray and Gorham bill, I will say that the committee on judiciary had the bill before them, or the legal affairs, one or the other, and they voted "ought not to pass." That committee of lawyers found something in that bill and they voted unanimously that that bill ought not to pass. But it is brought up here this morning.

Mr. MARSHALL: What bill was that?

Mr. ROUNDS: The Ropes, Gray and Gorham bill. I am speaking. They say that we have to go to Commercial street for a police station. The police station, gentlemen, is the same today as it was when I came to Portland, only there have been a few changes, and I came there in 1868; and it is the same today as it was then, only the roof got burned off of it, and they want to go down on Commercial street so as to tear down the walls. Now,

that is what we asked in the town meeting, not to tear them all down, but they have gone on and torn them all down; and even on the second story where it didn't burn the hair off of a fur coat, and they have torn the walls down where it didn't even scorch the pictures, but the walls had to come down to find the box underneath that held the treasures in that corner-stone.

In regard to the architects, they had to go to New York to find architects to design that noble building, that tobacco warehouse of Virginia or that factory of New England with a dome on it. These men came down to Portland and to the State of Maine and they say, we will give you 20 days to figure on that building and no more, and then the bids shall be opened.

Now, gentlemen, did you ever see such a contract. Not only that, but it says further what was never in any other State of Maine contract, that the contractor shall furnish the structural design. They shall furnish the plans and submit them to the architect, and not the architect submit them to the contractor, and they are trying to rush that through in 20 days. I am willing to accept any amendment to get this matter before the people, but let the people of the city of Portland vote upon it. Let them vote whether they want it or not. As I said before, I was in hopes that this matter would lay on the table for a day or so that we could fix it up, so that any debt that the city of Portland owed legally or illegally, that we could pay it.

The gentleman from Portland (Mr. Redlon) has said that \$990,000 was the price named in the contract on the plans that have been offered. That only takes the four walls and the cupola. We have not got the finish. If it takes \$990,000 to put the walls up and the cupola on those walls, the outside finish, what will it cost to put the inside finish in place and put in the book-cases and all these furnishings that they have asked for. In the county court house I understand that one little extra consists of an item of \$50,000—very small when you say it quick, but, gentlemen, if it costs \$50,000 to put the bookcases in our county building, what

will it take to get them into all the offices of the city of Portland. I do hope that this will be referred to the people.

Mr. DAVIES of Yarmouth: Mr. Speaker: There was once a rather unsophisticated old lady who went to one of these places where marvelous things were exhibited on the outside, but which were not to be seen on the inside, and in the show she saw a man who was reading, or pretended to read, a newspaper through a two-inch plank. Oh, Lor', she said to her husband, "this is no place for me with these thin clothes on." (Laughter).

Now, it may appeal to somebody in the House that a matter that concerns the city of Portland alone might not be a proper and fitting matter for me to discuss; but I sincerely hope the House will bear with me for just one moment while I express to you the opinion of a person who lives outside the city of Portland but is obliged to go there from day to day to attend to his business. We think a great deal of Mr. Leighton, the mayor, in Yarmouth. If ever our town gets to be as large and as influential as the city of Portland, we are going to invite him out there to be mayor or first selectmen, and he can have his choice, that is, providing the majority of the electors of the town will permit to speak for them, which perhaps is a question of some doubt. We also like Mr. Rounds out there. We think he is a man of very good intentions; we think he is a very successful watch dog of the treasury for the city of Portland. We think he has done a great deal of good in the line of philanthropy and along a great many other lines, but it seems to me it may be good policy at least for the members of this House to consider for just a moment how far apart these warring factions seem to be in the matter of building of this city hall. Now, I have sort of gathered the impression from what Mr. Rounds has said, and perhaps there was no occasion for it, that he was opposed to the plans which have been submitted and accepted by the committee and which were chosen by the municipal officers to be the plans for the city building. Am I

right in that, Mr. Rounds? Are you opposed to the present plans that have been submitted?

Mr. ROUNDS: Mr. Speaker, I most certainly am opposed to a plan where they will spend the amount of money that is going to be expended there.

Mr. DAVIES: How much does the appropriation now call for?

Mr. ROUNDS: By this order here in this bill it calls for quite a big amount. I don't know where it will land.

Mr. DAVIES: Don't you think you can trust the inhabitants of the city through the mayor and municipal officers to be prudent and frugal in the expenditure of money?

Mr. ROUNDS: Does the gentleman wish me to answer him?

Mr. DAVIES: Yes.

The SPEAKER: The gentleman from Portland and others in their anxiety must observe the proprieties, and address the Chair and address communications and questions through the Chair.

Mr. DAVIES: I trust the Chair will excuse me.

The SPEAKER: The gentleman from Portland, Mr. Rounds, may answer the question if he pleases, or if he chooses.

Mr. DAVIES: Will the reporter please read the question.

(The question was read by the reporter.)

Mr. ROUNDS: I most certainly could if they had a chance to vote upon that direct issue, but they haven't had it yet.

Mr. DAVIES: It is not a question of voting, Mr. Speaker, as I understand the proposition, but be that as it may, perhaps I am inspired somewhat by a selfish motive. We need a city building in Portland which will save us a good deal of time and expense, and I feel that the matter of time is of the essence of this matter. It is a question of time. The members of this House know me well enough to know that I believe in the referendum. I believe there has been no legislation enacted in this State for the last two years that is so important and is so full of life and of the heart's blood of every one, whether Democrat or Republican, as the initiative and referendum. But

there is another question to be considered here and that is this: The largest city in this State is without a City building, and it has been suggested by some of the members of the Portland delegation that it will require at least one year from the present time before the construction of that building can be begun. That is the proposition. This matter has been all talked over in Portland; it has been talked over in the various political platforms and in other places, a commission has been chosen and it has passed the city council and the plans have been approved. Now, the question is as to whether it would be good policy—whether it would be the part of wisdom and of right to defer this matter until such time as the citizens of Portland might have an opportunity to stamp their approval upon the proposition when already the matter has been discussed and re-discussed, commented upon and re-commented upon. A board has been chosen by the municipal officers who are elected by the people and who are the direct representatives of the people. It has been said that certain plans submitted by certain architects were proper and would answer all purposes and be cheap. As I understand the proposition, the matter of bonds did not impress me particularly. While it was gone into at some length by the various gentlemen who had spoken on the question it did not seem to me that it made any difference if the city of Portland has incurred certain obligations and certain loans of indebtedness, whether by notes or bonds or any other kind of indebtedness, isn't it up to the city of Portland to pay them? And is there any objection to the Legislature of Maine giving the city of Portland the authority to pay its just debts? I don't know of any reason why that question should go under the call of the referendum. But my point, if you will permit me to make it a question of reiterated remark, is the question of time. The City hall has been burned. The city of Portland needs one, and needs one badly. They hold their sessions of the municipal court in the basement of the building which was burned. The offices are scattered all over the city, hither and yon, here

and there for the purpose of accommodating the various departments which belonged to the city. Now, is it not time to do something, and should not this Legislature stamp its approval upon the measure, or does the Legislature feel that anything that would be done should be done for the purpose of expediting the matter, and I shall be perfectly satisfied with the judgment of this House.

Mr. Kavanaugh called for the previous question.

The motion was agreed to.

Mr. Rounds moved that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The question is, shall the main question be put now.

The motion was agreed to.

The SPEAKER: The previous question is ordered. The gentleman from Portland, Mr. Rounds, demands the yeas and nays.

The call for the yeas and nays was lost.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Burleigh, to reconsider the vote by which House Amendment A was adopted.

Mr. Rounds called for a division.

A division was had and 73 voting in the affirmative and 39 in the negative, the motion to reconsider was carried.

Mr. MARSHALL: Mr. Speaker, I now move that the House reject House Amendment A offered by the gentleman from Portland, Mr. Rounds.

Mr. DAVIES: Mr. Speaker, may I inquire the present status of the bill.

The SPEAKER: The status of the question is this: The gentleman from Portland, Mr. Rounds, offered House Amendment A. The vote by which it was adopted yesterday is reconsidered. The question now recurs upon the adoption of this amendment.

Mr. ROUNDS: Mr. Speaker, I move that the amendment lie on the table for printing.

Mr. MARSHALL: I hope the House will not further delay on this matter. It is getting late in the session, and if we are going to have this bill let us have it

now or let us not have it at all. The amendment I think is thoroughly understood.

The SPEAKER: The question is upon the motion of the gentleman from Portland, Mr. Rounds, that the amendment be laid upon the table and that the same be printed.

The motion was lost.

The SPEAKER: The question now recurs upon the adoption of the amendment.

The amendment was rejected.

Mr. ROUNDS: Mr. Speaker, I move that the bill now lie upon the table. I want to state here my position in this matter. I have been threatened a good deal. I was threatened in my seat yesterday in this House, and I have been threatened all around. Now, I want to lay that on the table until I can see whether some people want to carry out those threats or not and I move that the bill be laid upon the table pending its third reading.

The motion was lost.

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

Passed To Be Enacted.

An Act to amend Section 56 of Chapter 15 of the Revised Statutes, relating to the conveyance of pupils in secondary schools.

An Act to amend Section 42 of Chapter 15 of the Revised Statutes, as amended by Chapter 101 of the Public Laws of 1907, relating to payment of superintendent of towns comprising school unions.

An Act to abolish Rines Hill grade crossing in Augusta.

An Act to authorize the city of Portland to provide for the appointment of a deputy and district chief of its fire department.

An Act to incorporate the Penobscot Bay Water Company.

An Act relating to the Shawmut Manufacturing Company.

An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs.

An Act to regulate the hunting of deer in the towns of Camden, Rockport and Hepe, in Knox county, and in the towns of Lincolnville and Searsmont, in Waldo county.

An Act to amend the charter of the trustees of Machiasport bridge.

An Act to amend the charter of the Peaks Island Water and Light Company.

An Act to amend Section 32 of Chapter 8 of the Revised Statutes, as amended by Chapter 156 of the Public Laws of 1907, relating to excise tax on palace or other cars for which extra compensation is charged for riding therein.

Finally Passed.

Resolve authorizing the land agent to make a deed for the purpose of curing defects in the title to Dog Fish Island in the Penobscot bay.

Resolve in favor of a monument for the late Commodore Samuel Tucker at Bremen, Maine.

Resolve in favor of road from town of Brownville to Katahdin Iron Works.

Resolve in favor of the town of Dover.

Resolve for the publication of the railroad map of Maine.

Resolve in favor of the town of Dexter.

Orders of the Day.

On motion of Mr. Montgomery of Camden the rules were suspended and he introduced out of order An Act to enable the town of Camden to sell and convey its interest in school buildings no longer used for school purposes, and on further motion by the same gentleman the rules were suspended, the bill received its three several readings and was passed to be engrossed without reference to a committee.

On motion of Mr. Bigelow of Portland a recess was taken until 2 o'clock in the afternoon.

Afternoon Session.

Unfinished business: Resolve in favor of Herbert L. Kimball. (Passed to be engrossed on motion of Mr. Hersey of Houlton.)

On motion of Mr. Wing of Auburn, the rules were suspended to take from the table bill, An Act authorizing the State land agent to sell certain lots in the towns of St. Agatha and Madawaska in Aroostook county.

On motion of Mr. Wing the vote was reconsidered whereby the House indefinitely postponed the resolve, Senate Amendment A was adopted in concurrence and the resolve was then

passed to be engrossed as amended in concurrence.

On motion of Mr. Sleeper of South Berwick, the rules were suspended to take from the table resolve in favor of the town of South Berwick.

On motion of Mr. Sleeper the vote was reconsidered whereby the resolve was passed to be engrossed.

Mr. Sleeper offered House Amendment A, to strike out the words "nine hundred and fifty-nine dollars and nine cents" in the first and second lines, and inserting the words "six hundred and fifty-one dollars and seventy-one cents."

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

On motion of Mr. True of Fortland, the rules were suspended and he presented the following order:

Ordered, That the committee on ways and means be instructed to ascertain and report to the House the rate necessary for the assessment of the State tax for the years 1909 and 1910.

The order received a passage.

Special assignment: Majority and minority reports of the committee on towns to which was referred bill, An Act to divide the town of York and establish the town of Yorktown, the majority reporting "ought not to pass," the minority reporting "ought to pass."

Mr. Chase of York moved that the House non-concur with the Senate in adopting the minority report.

Mr. MARSHALL of Portland: Mr. Speaker, just a word, I hope the House will concur with the Senate in the adoption of the minority report, and that the motion of the gentleman from York will not prevail. I know the local conditions there and I thoroughly and honestly believe that the welfare of both communities and the welfare of the county of York will be promoted by the division as the Senate has determined.

Mr. CHASE of York: Mr. Speaker, this matter was referred to the committee on towns and after a long, patient and exhaustive hearing the committee voted seven to one in favor of

the report "ought not to pass." One member of the committee, Senator Theriault, reserved the right to put in a minority report. It was laid by for several days and finally he put in as a minority report an entirely new bill covering different territory and on lines which the town of York knew nothing about. The hearing before the committee was entirely on the original draft. No intimation was made to the committee or to any person representing the town of York that there was to be a new draft, none has ever been considered by the committee, and the first intimation we had of it, the first intimation I myself had of it, was when the report was made to the Senate, so that this matter comes now before the House in this condition. They ask for a division of the town of York and they ask for a division on the simple statement of the senator from Aroostook, Mr. Theriault—not only against the report of the committee so far as it might have a tendency to bear on the original bill, but in face of the fact that the people of the town don't know one single thing about it. We are asked to divide one of the largest towns in this State, a town of 2800 inhabitants and with the valuation of almost three-quarters of a million. In the Senate I heard one of the arguments in favor of this bill and it was stated there that owing to disputes among the people and the fact that the summer people could not have what they wanted they were leaving the town, business was at a standstill and property was depreciating. I don't know how much influence that statement had on the Senate in taking this vote; I don't know as I care; but for the information of the House I want to read the State assessment, the valuation and the report of the State assessors since the Board of Assessors was established, in order to show the House wherein this town is decreasing in valuation.

In 1880 the valuation was \$716,798; in 1890 it was \$1,228,716. The first report of the State assessors was made in 1892. The valuation then was \$1,419,735; in 1894 it was \$1,622,000; in 1896 it was \$1,648,000; in 1898 it was \$1,728,000; in 1900 it was \$1,815,000; in

1902 it was \$2,101,000; in 1904 it was \$2,723,000; in 1906 it was \$2,497,000; in 1908, the valuation on which the tax will be assessed for this year and next, it was \$2,745,400. And I believe I am safe in saying, and I say it in the presence of the chairman of the York County commissioners, that at the next valuation it will rise \$3,000,000. I say this to counteract any statement which may have been made by anybody to the effect that the town is decreasing in valuation. It has been a very rapid growth in valuation, so much so that a gentleman in the State assessors' office remarked that it was a remarkable growth.

That is the condition as it is now. They ask to divide the town. They ask the House to vote to accept the statement of Senator Theriault against a majority of that committee. Somebody was kind enough this morning to lay a map on the desks, and if you will draw a line from the end of the blue line on the left of the map straight across to the letter "S" in the word "Wells," you will get the exact original line that was proposed in the original draft. The majority of the committee reported according to this blue line. That blue line runs along in what is known as the Portland road, so it leaves the residents of the town north of that line in this condition. A man living there goes out across his lawn, steps on the sidewalk and he is in another town, and when he left his door he was in the town of York.

Now, a word in relation to the way they deal with things in the town of York. The town of York as it is now, is provided with high schools and grammar schools, primary schools, town hall, poor farm, and in dividing it that to take away the high school, both grammar schools, a large part of the primary school, the town hall, the poor farm with its large and fine steam heated plant, the old jail museum, all the records of the town of York, the whole hydrant system consisting of about 75 hydrants, every United States postoffice, eight of the ten churches, two-thirds of the population and nearly two-thirds of the valuation. They take 35 miles of road and leave 105 miles in the old town of York. This original draft of the bill

was put in here on the strength of petitions signed by 57 people, some taxpayers and some not. The remonstrants consist of 382 property tax payers in the town of York. This is the condition in which they leave the town.

Now, I will say a word in relation to the subject of dispute between the different parts of the town. I was born in the town of York and have lived there a large part of the time, and these disputes that they tell about are something that I never heard of myself. Last year this section asked for a sewer. What did the town do? They voted \$5000 for a sewer. There was no question about it, no dispute about it and nobody objected. We have had other appropriations made, two of \$82,000 or \$83,000 in the last two years. The majority of these remonstrants, a large majority are citizens who live within this last arranged district, the one reported in the new draft—a majority, I say, of the 382 live in that section. They don't want this thing. The people are almost up in arms about it. I ought to know something about that town. I cannot imagine why the gentleman from Portland (Mr. Marshall) should be so persistent in looking out for York when he lives in Portland. I don't know—yes, I do know who is pushing him. That makes no difference. I am the sole representative of the town of York in this Legislature. I receive my directions from people in all part of the town. I don't represent any faction at all. Two of the selectmen live in this lower section. The chairman of the board of county commissioners lives in what was called at the hearing before the committee "below the dead line," but unfortunately in the last arrangement his house is on the other side of the line. The line runs on the north side of that road, and he lives on the north side of the road. Now, I am not going to take up the time of the House. I simply make this explanation of the matter. The town of York is an old town, a large town, only five or six years ago it celebrated its 250th anniversary, and nine-tenths of the people of the town and nine-tenths of the voters of the town, and representing I think so far as the citizens are concerned nine-tenths of the property, are absolutely and ut-

terly opposed to this whole thing.

The question being on the motion to non-concur with the Senate in accepting the minority report—

Mr. Chase of York called for the yeas and nays.

The motion was agreed to.

The SPEAKER: Those in favor of non-concurring with the Senate in accepting the minority report when their names are called will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Eliot, Bemis, Bigney, Bogue, Bragdon, Chase of York, Cook, Doble, Donnell, Dorr, Dunn, Farnham, Ferguson, Harrington, Hines, Libby, Merrill of Durham, Orff, Pattangall, Patten, Pike, Pinkham, Pressley, Putnam, Robbins, Ross, Sawyer, Sleeper, Snow of Brunswick, Spear of Warren, Stover, Thurlough, Varney, Weld—35.

NAY:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bigelow, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Burse of Pittsfield, Busseil, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Colby, Cole, Conners, Coolidge, Cousins, Davies, Day, Drake, Dufour, Duncan, Edwards, Emery, Frost, Gilbert, Grant, Hall, Hannaford, Hanson, Harriman, Harris, Havey, Hersey, Higgins, Hill, Holt, Hussey, Jones, Jordan, Joy, Kavanaugh, Kelley, Lambert, Lane, Lombard, Lord, Ludgate, Mace, Marshall, McLain, Mercier, Merrifield, Merrill of Bluehill, Miller, Millett, Montgomery, Morse, Moulton, Nelson, Patterson, Paul, Pelletier, Perry, Peters, Redlon, Richardson, Sanborn, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Spear of South Portland, Stackpole, Stanley, Strickland, Thompson, Tibbetts, Trafton, Trickey, Trimble, True, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—93.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Bourassa, Clark, Couture, Cummings, Fortier, Hamlin, Harmon, Hodgkins of Damariscotta, Hodgkins of Temple, Hyde, Moore, Nickerson, Packard, Porter, Quinn, Rounds, Smith of Biddeford, Stetson, White of Wayne—22.

So the motion to non-concur with the Senate in the acceptance of the minority report was lost.

On motion of Mr. Smith of Berwick the House concurred with the Senate in accepting the minority report.

Mr. Smith moved that the rules be suspended and that the bill take its several readings at the present time and pass to be engrossed.

The bill then received its first and second readings.

On motion of Mr. Smith of Berwick, Senate Amendment A was adopted in concurrence.

Mr. Chase of York offered House Amendment A by adding the following: "Provided, however, that this act shall not take effect until it has been first accepted by a majority of the legal voters of said town of York at a town meeting of said town legally warned and holden for that purpose at the Town house in said town, and provided further that when one such meeting has been held and such vote taken and acceptance of said act refused no other vote shall be taken for that purpose until the next annual town meeting of said town, and if said act be not then accepted by a majority of the voters present at said last mentioned meeting then this act shall be void."

Mr. MARSHALL of Portland: Mr. Speaker, I had supposed that the division of the towns was for the purpose of allowing a certain portion thereof around the seashore to go ahead and prosper and develop itself along its own lines. Now it seems that that act, according to the amendment, shall not take effect unless all the inhabitants of all the town—that is, two-thirds of the inhabitants of all the town, who now lie outside of the division as made by the House, shall vote to do it. Now do you suppose that two-thirds of those outside are going to concur in that proposition? It seems to me that this defeats the whole proposition. The new town as I understand it contains one-third of the inhabitants. The old town would still contain about two-thirds of the inhabitants, and it seems to me that the new town now should be allowed to paddle its own canoe.

Mr. CHASE of York: Mr. Speaker. I call the attention of this House to the fact that one of the witnesses, Mr. Edward S. Marshall, the man who has put up this whole job, the father of the gentleman from Portland, admitted before the committee in my hearing and in the hearing of the whole committee that a majority of the voters in the whole town were in this lower part which they want to set off. Now if the gentleman from Portland (Mr. Mar-

shall) can tell me, or dares to pretend, that those voters cannot do as they want to do under that provision, under that amendment, I would like for him to explain the reason why. I would call the attention of the House to the fact that time and again this winter during the session we have voted to give to people the right to decide for themselves what they want. We did so in the case of the county of York in the little matter of the removal of the county seat; we have done it in other cases. It was only a few days ago that a similar vote was taken in relation to the city of Portland. Now, I would like to know in all fairness, in the name of decency, what those people of York have done that this thing should be placed upon them, and why a majority of the voters should not have the privilege of deciding whether their town shall be torn in pieces or not. I want to know if there is one single particle of fairness or honor or decency among the men in this House.

MR. MARSHALL: Mr. Speaker, just a word in answer and explanation. As I understand it when the matter came before the committee there was then a line which was different from the present division. I do not know what may have been said at that hearing as I was not there, but I do know that the present line makes a radical difference in the number of population in the several towns. That is the only explanation I care to make at the present time.

MR. CHASE of York: Mr. Speaker, I would call attention to the fact that nearly all of the residents in that section, or in the old section, are in disposition. They cut off a little up here where there are no residents. It makes a little difference in the number but a very little, and it was the testimony of every witness that came before the committee that a majority of the voters were in that lower part which they wished to set off; and I again call attention to the fact that the House is considering the adoption of a bill which no committee has passed upon and which was drawn up by the gentleman from Portland.

MR. MARSHALL: Mr. Speaker, I never saw the bill until it was printed.

MR. CHASE of York: Very well, it don't make any difference any way. (Laughter.) It was drawn up and signed by the senator from Aroostook county, 400 or 500 miles away from the town of York, and he comes into the Legislature and determines that one of the largest towns in the State shall be destroyed and broken up without any hearing, practically, because this has not been before the committee at all. Now my amendment is a perfectly reasonable one and I submit it to the fairness of the members of this House; and upon its adoption I call for the yeas and nays.

The motion was agreed to.

THE SPEAKER: The question is on the adoption of House Amendment A. As many as are in favor of adopting the amendment will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Elliot, Bemis, Bigney, Bogue, Bragdon, Burse of Pittsfield, Buswell, Charles, Chase of York, Clark, Colby, Cook, Day, Doble, Donnell, Dorr, Dunn, Farnham, Ferguson, Frost, Gilbert, Harrington, Hines, Hodgkins of Damariscotta, Jones, Libby, Lord, Mace, McLain, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Orff, Pattangall, Patten, Pelletier, Pike, Pinkham, Pressley, Putnam, Robbins, Ross, Sanborn, Sawyer, Sleeper, Snow of Brunswick, Spear of Warren, Stackpole, Stover, Thompson, Thurlough, Tibbetts, Varney, Weld—56.

NAY:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bigelow, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Bussell, Campbell of Cherryfield, Campbell of Kingman, Chase of Sebec, Cole, Connors, Coolidge, Cousins, Davies, Drake, Dufour, Duncan, Edwards, Emery, Grant, Hall, Hannaford, Hanson, Harriman, Harris, Hovey, Hersey, Higgins, Hill, Holt, Hussey, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Lombard, Ludgate, Marshall, Mercier, Merrifield, Millett, Morse, Moulton, Nelson, Patterson, Paul, Perry, Peters, Redton, Richardson, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Spear of South Portland, Stanley, Stetson, Strickland, Trafton, Trickey, Trimble, True, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—75.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Bourassa, Couture, Cummings, Fortier, Hamlin, Harmon, Hodgkins of Temple, Hyde, Moore, Nickerson, Packard, Porter, Quinn, Rounds, Smith of Biddeford, White of Wayne—19.

So the motion was lost.

Mr. Allen of Jonesboro: Mr. Speaker, there is one thing that I am very sure of, and that is that the members of this Legislature desire nothing on a question of this character so much as to do the thing which is right. I think on a question of this character which is not divided on party lines that the motive which is actuating every individual voter is to do that which is right and just. There is placed within our hands by the voters whom we represent a power which is great and a responsibility which is correspondingly great, and the shouldering of so great a power and so great a responsibility should cause each member to hesitate somewhat in the passing of a law which has or may have consequences that are decidedly far-reaching. Now it seems to me that this matter upon which we are talking and which is to be decided by our votes is a matter that may lead us to hesitate before we take a final stand. I want you to consider for just a moment what has already been brought to your attention, the fact that this proposed amendment in the form of a new draft is something which has not been before the committee. The members of the committee have had no hearing upon it. The people of the town of York have had no opportunity to express themselves on this matter; and it strikes me that from a feeling of right, from a sense of justice in the matter, that those people are not having just treatment in not having had an opportunity to come here and tell the committee what their desire is in this matter, and I think the sense of right on the part of the members of this Legislature will frown upon that sort of thing. Those people have a right to be heard, they have a right to be consulted; and in regard to this smaller section whose rights we are supposed to vote for when we vote to make a separation of this town, I am assured by my seat-mate that a majority of the people in that section do not want the town divided. Now I think even in case my seat-mate is wrong that this matter can afford to wait for a couple of years. No serious panic will take place in the town of York if we let them talk it over and think it over and report at a sub-

sequent session of the Legislature upon this matter that must be conceded of considerable importance to the people down there. I do not want to vote upon something that may cause hardship and be an injustice to the people concerned; I want to know a little more about the matter. Mr. Speaker, I move that this subject be referred to the next Legislature, and I move that when the vote is taken on the question it be taken by the yeas and nays. (Applause.)

Mr. SMITH of Berwick: Mr. Speaker, I had supposed that this matter would be a York county matter and that Washington county and Aroostook county would let it alone. The proponents of this bill come before this House in good faith. It has been threshed out, pro and con, in committee, in the lobby, in the House; we have had it under consideration now for an hour and a half. The people down there think it is of considerable importance that this matter should be settled; but, gentlemen, it can never be settled until it is settled right. Is it reasonable to suppose that the House which assembles here two years from now will be in any better position to settle the matter and settle it right than the present House? We have heard this matter talked from the time we came here and before that time. I think there is no question in the mind of any one, or in the mind of the gentleman from Jonesboro, but what every member of this House knows exactly what he is voting for; they know the conditions as well as they can know them. I have the honor to come from York county. I know something of the conditions surrounding the town of York. I know something of the conditions surrounding the proposed town of Gorges. I think that every gentleman in this House knows something concerning the town of York and can never be in any better position to know about it than they are today. It is a well known fact, to attorneys at any rate, that the matter of towns is entirely in the hands of the Legislature. They are created by the Legislature, they can be wiped out by the Legislature, they can be re-created; they are the children of the Legislature. If the Legislature

sees fit to cut off a piece from one of them they can do it; and this Legislature is as competent and as careful as any Legislature that can be elected by the people of this sovereign State, and it is casting a reflection on the honorable gentlemen of this House to ask them to shirk their responsibility and to put this over onto some other Legislature. What are we here for if it is not to settle the matters which come before us? This matter of referring, referring to the next Legislature—it seems to me that we would be endeavoring to shirk our responsibility. The matters are before us. Let us settle them, and, gentlemen, when we have settled them here they will be settled right. This House is not going to do a wrongful act knowingly. There is sufficient intelligence in this House to settle a question and settle it right; and I think the motion to refer this matter to the next Legislature should be rejected by the House.

Mr. ALLEN of Jonesboro: Mr. Speaker, I want to call attention to the fact that if the other counties would keep their hands off this question Washington and Aroostook would also be glad to follow suit. I think that the question raised by the last speaker, that the members of this House know what they are voting for, may be agreed to in one part and we may differ from it in another. We certainly know that we may be voting to divide a certain town, and I agree with all that the gentleman has said in regard to the power that we have as a Legislature; we can vote a town into existence or we can destroy that town. But the gentleman has not satisfied me as to whether we have a right, without considering the opinions and wishes of the people in that town, to perform an act so radical as that. We have no moral right to do it and all the plausible arguments that may be presented by the gentleman to the contrary notwithstanding. We have no moral right to do this thing; it is wrong.

Let me say another thing, and that is, notwithstanding the assertion to the contrary we do not know what we are voting for in this respect. We do not know what those people want down there in that town. Have you heard from them, have they said to you what they want? Is there any great injus-

tice to be done in this matter if you wait a couple of years? Are there any vital interests that are to be sacrificed? It seems to me that the very haste in this matter argues against it. There is no danger for a right cause in a little delay. The right will prevail eventually. It is only those who are in the wrong who need to hurry a thing through without looking into it carefully and testing it in its merits; and I hope that this matter will not be decided today. There will be no harm in putting it off; and I ask, Mr. Speaker, that the members waive this matter before they decide so important a question.

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

The motion was agreed to.

The SPEAKER: All those in favor of referring this bill to the next Legislature, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Eliot, Bemis, Bigney, Bogue, Bourassa, Bragdon, Buswell, Chase of York, Clark, Cook, Day, Doble, Donnell, Dorr, Dunn, Farnham, Ferguson, Fortier, Frost, Gilbert, Harrington, Hines, Hodgkins of Damariscotta, Jones, Libby, Mace, McLain, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Orff, Pattangall, Patten, Pelletier, Pike, Pinkham, Pressley, Putnam, Quinn, Robbins, Ross, Rounds, Sanborn, Sawyer, Silsby, Sleeper, Snow of Brunswick, Spear of South Portland, Spear of Warren, Stackpole, Stetson, Stover, Thompson, Thurlough, Tibbetts, Varney, Weld—59.

NAYS:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bigelow, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Burse of Pittsfield, Bussell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Colby, Cole, Connors, Coolidge, Cousins, Davies, Drake, Dufour, Duncan, Edwards, Emery, Grant, Hall, Hannaford, Hanson, Harriman, Harris, Havey, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jordan, Joy, Kavanaugh, Kelley, Lambert, Lane, Lombard, Lord, Ludgate, Marshall, Mercier, Merrifield, Millett, Morse, Moulton, Nelson, Patterson, Paul, Perry, Peters, Redlon, Richardson, Smith of Andover, Smith of Berwick, Snow of Scarboro, Stanley, Strickland, Trafton, Trickey, Trimble, True, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—77.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Couture, Cummings, Hamlin, Harmon, Hyde, Moore, Nicker-

son, Packard, Porter, Smith of Biddeford, White of Wayne—14.

So the motion was lost.

Mr. Chase of York, offered House Amendment "B," by adding the following: "Provided, however, that this act shall not take effect until it has been first accepted by a majority of the legal voters residing within the limits of the said proposed town of Gorges at a meeting of said voters legally warned and holden for that purpose at the town house in the town of York; and further provided that when one such meeting has been held and such vote taken and acceptance of said act refused a second vote shall be taken for that purpose at a meeting legally warned and holden not less than six months nor more than one year after said first meeting. If said act be not accepted at said second vote then this act shall be void. And provided further that said meeting or meetings shall be called and presided over by the selectmen of York."

Mr. CHASE of York: Mr. Speaker, when the vote is taken I move that it be taken by the yeas and nays. (Laughter).

The motion was agreed to.

Mr. MARSHALL of Portland: I move that the amendment lie upon the table.

Mr. DAVIES of Yarmouth: I should like to inquire of the gentleman from York if the entire purport of the amendment now pending is that the inhabitants, the legal voters in this new town be allowed the privilege of accepting or rejecting this matter of division—the entire purport of the amendment.

Mr. CHASE of York: That is just exactly the purpose.

Mr. DAVIES: And nothing more than that?

Mr. CHASE of York: And nothing more than that. There is not one line or one word that has any other purpose whatever. (Applause).

Mr. MARSHALL: Mr. Speaker, we have been accused of trying to rush this thing through. Now, it seems to me that it might be well to have this amendment lie upon the table. I certainly for one will take it up at the earliest opportunity. I simply want

that those interested may have an opportunity to look it over, that is all. There may be some legal, technical questions in it which do not occur to the gentleman from York or to myself.

Mr. CHASE of York: Mr. Speaker, I know the influences that are at work behind the gentleman from Portland (Mr. Marshall) and I ask this one little thing in this matter, and that is that we take this vote today. There is no earthly reason why this delay should be made now.

Mr. DAVIES: Mr. Speaker, I should like to inquire of the gentleman from York (Mr. Chase) if you are perfectly sure that the legal phase of the amendment is all right, that is, if a part of the town could vote on a matter of this kind. I ask if you have made any inquiry as to what the legal effect would be of calling only a part of the legal voters in a town together for the purpose of voting upon a specific question.

Mr. CHASE of York: Mr. Speaker, my first proposition was, the first amendment that I made which has been voted down here was, to give all the people—

Mr. DAVIES: I do not refer to your first proposition. I refer to this amendment now pending, House Amendment "B."

Mr. CHASE of York: Mr. Speaker: House Amendment "B" applies purely and simply to the legal residents within this proposed town of Gorges.

Mr. DAVIES: I understand that that is the case. My question is this, whether you have any legal right to summon the inhabitants of a part of the town to meet in town meeting for the purpose of deciding a certain question.

Mr. CHASE of York: I think we have. I offer this amendment for the purpose of giving the people in this proposed part of the town a chance to vote whether they want to be a separate town or not. I don't know how the vote can be submitted to them in any other way.

Mr. MARSHALL: Mr. Speaker: I don't object to the amendment only I want a chance to look it over and

see what the legal effect of it is. That is why I moved that the matter lie upon the table.

Mr. MONTGOMERY of Camden: Mr. Speaker: I would ask the gentleman from Portland (Mr. Marshall) if he has any question but what this Legislature can authorize any portion of the State to call a legal town meeting for such purposes.

Mr. MARSHALL: No, I have not. I don't know whether it is best that the selectmen who are so particularly hostile to this division should be the presiding officers over the meeting. I would rather see some impartial man, whether a resident of the town or not. That is one of the things that occurs to me.

Mr. BEYER of Portland: Mr. Speaker: I would like to ask if any lawyer in the House can explain how a meeting of half a town could be legally called. The amendment has the words "legally called" in it. I suppose there is a method of legally calling a town meeting, but whether that method would debar your calling half the town together and so render the original bill nugatory is a serious question. I think that should be considered.

Mr. CHASE of York: Mr. Speaker: I have in mind the case of the Kittery Water District in which the selectmen called a meeting for the purpose of accepting the charter of the Kittery Water District. It is an identical case to this. It has been through the courts too. I had it in mind when I drew this amendment. Nobody found any fault with that. The selectmen of the town called a meeting of the people in that district, they have issued the bonds to the extent of \$200,000 and the bonds have been sold and the matter has all been determined and looked over and declared to be legal and right. Now, if it is legal and right in Kittery why isn't it legal and right in the town of York?

Mr. PETERS of Ellsworth: Mr. Speaker: I rise to a point of order.

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

Mr. PETERS: My point is that debate is not in order.

The SPEAKER: The gentleman's

point of order is well taken. Discussion has proceeded by unanimous consent since the gentleman from Portland (Mr. Marshall) made the motion to lay the amendment on the table.

The question being, shall the amendment lay on the table?

The motion was lost.

The question being on the adoption of the amendment—

Mr. WING of Auburn: Mr. Speaker—
Mr. CHASE of York: Mr. Speaker: I rise to a point of order.

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

Mr. CHASE of York: I do not think that in the present condition of the matter that debate is in order.

The SPEAKER: The pending question is the adoption of House Amendment "B," which is debatable.

Mr. WING of Auburn: Mr. Speaker, as I understand the amendment the meeting has to be called according to the statute calling town meetings. The gentleman has cited the case of the Kittery Water District. If you will take your laws of 1907 and turn to page 746 you will notice that the town meeting in the town of Kittery was called in accordance with the law of municipal elections, and it strikes me that to avoid further legal difficulty with this question an amendment should be made in some form along the line indicated in the Kittery Water District case; and I hope that the gentleman from York will allow such an amendment to be made.

Mr. PATTANGALL of Waterville: Mr. Speaker, I arise for the purpose of moving the previous question. In my opinion the amendment offered by the gentleman from York is so harmless and so eminently fair that even the lobby ought not to be consulted in regard to it.

The motion was agreed to.

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

The motion was agreed to.

The question being on the adoption of House Amendment "B"—

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

YEA:—Additon, Allen of Jonesboro, Bartlett of Eliot, Beals, Bemis, Bigelow, Bigney, Bisbee, Bogue, Bourassa, Bragdon, Burse of Pittsfield, Bussell Buswell, Charles, Chase of York, Clark, Colby, Conners, Cook, Coolidge, Davies, Day, Doble, Donnell, Dorr, Duncan, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Gilbert, Grant, Harriman, Harrington, Havey, Higgins, Hill, Hines, Hodgkins of Damariscotta, Hodgkins of Temple, Holt, Jordan, Kelley, Lambert, Libby, Lombard, Lord, Ludgate, Mace, McLain, Mercier, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Morse, Moulton, Orf, Pattangall, Patten, Patterson, Pelletier, Peters, Pike, Pirkham, Pressley, Putnam, Quinn, Richardson, Robbins, Ross, Rounds, Sanborn, Sawyer, Silsby, Sleeper, Smith of Andover, Snow of Brunswick, Snow of Scarborough, Spear of Warren, Stackpole, Stetson, Stover, Strickland, Thompson, Thurlough, Tibbetts, Trafton, Trickey, Varney, Weld, White of Columbia, Whitney, Wing of Auburn, Wing of Kingfield—99.

NAY:—Andrews, Bartlett of Stoneham, Beyer, Blanchard, Bowley, Bradford, Burleigh, Campbell of Cherryfield, Campbell of Kingman, Chase of Sebec, Cole, Cousins, Drake, Dufour, Emery, Hanson, Harris, Hersey, Joy, Kavanough, Lane, Marshall, Millett, Nelson, Paul, Perry, Redlon, Smith of Berwick, Spear of South Portland, Stanley, Trimble, True, Whitehouse—33.

ABSENT:—Allen of Richmond, Bearce of Eddington, Blake, Couture, Cummings, Hall, Hamlin, Hannaford, Harmon, Hussey, Hyde, Jones, Moore, Nickerson, Packard, Porter, Smith of Biddeford, White of Wayne—18.

So the amendment was adopted. (Applause).

The bill was then assigned for tomorrow morning for its third reading.

Special assignment: An Act to increase the salary of the warden of the Maine State prison. (Assigned for Tuesday of next week on motion of Mr. Davies of Yarmouth.)

On motion of Mr. Weld of Old Town the House voted to take a recess of 20 minutes.

After Recess.

On motion of Mr. Burleigh of Augusta the rules were suspended to take from the table An Act to amend Section 2 of Chapter 22 of the Revised Statutes relating to jail sentences for maintaining a liquor nuisance.

On motion of Mr. Burleigh the vote was reconsidered whereby the bill was passed to be engrossed, and on further motion by the same gentleman the further consideration of the bill was postponed until tomorrow.

On motion of Mr. Sleeper of South Berwick the rules were suspended to take from the table An Act in amendment of Section 1 of Chapter 136 of the Revised Statutes relating to sentence in criminal cases, and on further motion by Mr. Sleeper the bill was assigned for consideration tomorrow.

On motion of Mr. Moulton of Cumberland the bill, An Act to restore Portland bridge, was taken from the table.

Mr. Moulton moved that the bill be indefinitely postponed.

Mr. Spear of South Portland moved that further consideration of the bill be postponed to Friday next.

Mr. MOULTON: Mr. Speaker, it seems to me that this matter in regard to Portland bridge might just as well be settled here as at any other time. I have consulted the representatives from the county of Cumberland and with the exception of two they are in favor of postponing this bill indefinitely; and in my opinion it should be postponed for the very reason that the city of Portland is asking the county of Cumberland to help build their bridge, and still on the other hand the county of Cumberland at the present time has about all upon her shoulders that she can stand under as well as the city of Portland. This bridge has been remodeled or repairs have been made on it within the last year amounting to about \$3000 and the county commissioners tell me that this bridge will be suitable and safe absolutely for the next four or six years and it seem to me that it would be very foolish under the circumstances to undertake to rebuild this bridge at the present time, considering the conditions of both the county and the city of Portland. I therefore move to indefinitely postpone this bill and the amendment.

Mr. SPEAR of South Portland: Mr. Speaker, I made my motion in the interests of bringing a proposition before the entire delegation of Cumberland county which I hope will meet with their approval; otherwise I will not make any motion on Friday which does not have their sanction.

The question being on the motion to postpone further consideration of the bill to next Friday—

A division was had and 52 voted in the affirmative and none in the negative.

So the motion prevailed.

Special assignment: Majority and minority reports of the committee on legal affairs, to which was referred An Act in relation to exception and appeal in criminal cases, the majority reporting "ought to pass," the minority reporting "ought not to pass."

Mr. COOLIDGE of Lisbon: Mr. Speaker, I move that the report of the minority be substituted for the report of the majority. Two years ago a matter like this was before the judiciary committee and was rejected. The only object of this bill can be to give one more way in which criminal procedure can be made more uncertain and to create greater delay. The courts today are criticised because we do not have cases tried more quickly and decisions arrived at at an earlier date. In some states where there is a similar law to this which is proposed, where a man convicted by a jury can take the matter up because it is against evidence, it has been criticised because of delay to the administration of justice and because every man who is convicted by a jury will try to postpone the inevitable; if he is rich he will postpone it because he can employ lawyers, if he is poor he will try to get the county to pay for his printing bills. Now we all know that before any man can be convicted by a jury there must be in the minds of that jury a certainty beyond a reasonable doubt that the man has committed a crime and is responsible for it. We know also that if any man is convicted and the evidence is in his favor in any degree he can take it at the present time to the Governor and Council and have a hearing. For that reason it seems to me that this proposed bill is entirely unnecessary.

The last part of the bill says, "and no sentence shall be imposed until final judgment." It is now the practice in this State in criminal matters, when a man has been tried and found guilty by a jury, that the judge who heard the case is the one who imposed sentence. We all know that the judge who hears the case, sees the witnesses,

hears what they have to say, notes the probability of whether they are telling the truth or not, and these judges are experienced in these matters after years of practice and they can tell very well the weight which is to be attached to the evidence which any witness gives. He hears also the prisoner, if he offers himself as a witness, and he can also judge of his credibility. It seems to me that the judge who tries that case is the only man who should impose sentence. Again, the time may go by for several months or possibly a year, and a new judge may be appointed and may be the one to hear it who knows nothing about it whatever except so far as he may have read the evidence. Even if the same judge should be there to impose sentence, months have gone by, other cases have occupied his mind, and the fact, the appearance of the witnesses, their words and the way they testified has passed in part from his memory. I do not believe that justice can be as well done between the State and the respondent as it can be if the practice now in vogue should be continued. For this reason I think the bill is wrong. I have heard but one reason given why sentence should be deferred and that is: that a man's character is smirched by a judgment of guilty. If he is guilty it does not hurt him; if he is not guilty it hurts him no more than the judgment of the jury. I have no doubt that there might possibly once in a great while be a case which would call for the clemency of the Governor, but I do not believe there are many lawyers in the House today who have seen cases where injustice has been done when a man appealed on the ground that the evidence was against him.

Mr. SMITH of Berwick: Mr. Speaker, this bill does not provide that in all cases an appeal may be taken and the evidence reviewed; it simply provides that in cases of felony a motion may be made. That has reference to crimes of a serious nature, an offense which is liable to subject one to a State prison penalty. Now under our present law a five dollar horse trade or a ten cent dog case may be taken to the supreme court and the evidence reviewed. If in the

opinion of the supreme court the evidence is not sufficient to warrant the judgment of the jury it is set aside and sent back for a new trial. If it is a case of damages and a large verdict is recovered and it is taken to the supreme court they have the right to order a remittitur. But if a man has been pronounced guilty by a jury of a felony today—or arson or manslaughter or any of the offenses above the grade of a misdemeanor—he has no right to have that evidence reviewed. Is it right? Is it the square deal that the poor devil who gets arrested for an offense is entitled to? I say not. I had my attention called to one case—it was brought before the committee on legal affairs—a man was arrested for arson. There was a disagreement of the jury. Before the time came around for the next term of court it was made so manifest that the man was innocent that the prosecuting attorney dismissed the indictment. Now had the jury agreed, under the present law as it is now, that man would have had to go to jail with no right of appeal. The right of appeal should be one of the freest rights which respondents have. Talk about encumbering the records of the supreme court. What are they there for if not to decide these questions, the questions which affect a man's life and liberty? They can pass on a \$5 civil case but they cannot pass on the evidence which convicts a man of a crime. Is it fair? Under the proposed law he is allowed to file a motion and have the evidence reviewed. The gentleman from Lisbon says if he is unjustly convicted he has his appeal to the Governor. It costs money to hire an attorney and make an appeal to the Governor and Council. With reference to the matter of imposing sentence, that is another matter which appeals to the sense of justice which is in every man. "No sentence shall be imposed until final judgment." Is it right that a sentence of imprisonment should be recorded against a man until final judgment? Is it right that such a sentence should be upon the records of the court when the supreme court has said that the evidence is not sufficient to warrant conviction? I have every reason to believe that every member of the supreme court as now constituted, or as it may be hereafter constituted, will

take the pains to make himself sufficiently acquainted with the facts so that he can make the punishment fit the crime when the matter finally comes before him. The purport of this bill is in the right direction of fair play toward the respondent. A respondent in a criminal cause is presumed to be innocent until he has been found guilty by a court of competent and final jurisdiction. What is our court of final jurisdiction here in this State? It is our supreme court sitting in banc. Now why should a person not have the right, when his liberty is at stake, to go before the supreme court the same as when his pocketbook is in danger? For these reasons I would oppose the motion to substitute the minority for the majority report.

Mr. MARSHALL of Portland: Mr. Speaker, in regard to the second paragraph of the proposed bill it reads: "No sentence shall be imposed until final judgment." That is, if a man is found guilty he then may enter an appeal and that stays sentence until his appeal has been determined by the law court. That means in many cases that a man who has been found guilty would not come back for final sentence for perhaps a year or more. In the meantime the judge who saw the man and heard the testimony, who can best judge as to his guilt in respect to the amount of sentence which should be imposed, may have gone off the bench or be in some other part of the State. The county attorney who prosecuted him, who knows better than any other person perhaps how much punishment should be inflicted, may have gone out of office. A new judge and a new county attorney may be in office when the man comes back for sentence, his appeal having been dismissed. It seems to me that this is not good legislation. It seems to me that the judge who saw the man and who heard him testify should impose sentence, that the county attorney who prosecuted him should have a hand in the matter. Let him take his sentence and then let him take his appeal in the regular course. He has been denied no material right then. If his appeal is sustained he gets a new trial; if his appeal is denied then he receives his sentence which the court has imposed. It seems to me that is just and fair to the government, in conso-

nance with the present administration of justice, and I do not believe in overturning that method. For these reasons I hope the minority report will prevail. I understand that at the last session of the Legislature a similar bill was before this House; I think it was before the judiciary committee and that they reported "ought not to pass."

Mr. PATTANGALL of Waterville: Mr. Speaker: I suppose there may be members of this House who are not aware of the fact that under our system of jurisprudence, while a civil case may go to the law court on motion, a case involving 20 years imprisonment is decided finally, so far as the facts are concerned by a jury. Now, it may be true that very often the jury get those cases wrong, but we have to legislate for the hundredth case. I rather agree with the gentleman from Portland (Mr. Marshall) on the latter part of the bill relating to the time of sentence being pronounced, that it would be better if it were left with the judge who heard the original case and sentenced the prisoner. From what little experience I have had I don't think an appeal to the Governor and Council for a pardon is quite adequate in a case where a man defends one charged with crime where the weight of evidence is such that the law court might grant a new trial. Under our present law we go to a single judge on motion for a new trial. The judge who heard the case sometimes gets a little prejudiced in the case; and I sincerely hope that the majority report of the committee will be accepted, and then if necessary the amendment suggested by the gentleman from Portland (Mr. Marshall) could also be accepted so that the bill would be simply one that allowed a right for the defence to go to the law court on motion on a charge involving a matter of a felony.

The question being on the motion of Mr. Coolidge of Lisbon to substitute the report of the minority for that of the majority.

The motion was lost.

On motion of Mr. Smith of Berwick, the report of the majority was accepted in concurrence.

The bill then received its two readings and was assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the next item for consideration today, report of the committee on taxation reporting "ought not to pass" on bill, An Act to create a municipal fund and to provide for its distribution.

Mr. PATTANGALL of Waterville: Mr. Speaker: It has been the purpose of some of us who were interested in this bill, as well as the following one, to bring them from the table together, and it had been suggested by the gentleman from Bremen (Mr. McLain) that he had an amendment to offer to House Document No. 675. I would make this suggestion for the consideration of the House, that the report of the committee which the Speaker just read be tabled for the purpose of taking from the table House Document No. 675, that the amendment of the gentleman from Bremen may then be offered and that the whole matter, the hour being so late, then be tabled for consideration at the next session of the House.

Mr. BIGELOW of Portland: Mr. Speaker: I raise the question of parliamentary inquiry. I am interested in the bill which is before the House. I do not like to lose the right of way on it by having it put on the table. If an agreement can be reached by which these various matters can be considered together and any measure still retain the right of way, it would be satisfactory to me.

The SPEAKER: The Chair understands the gentleman from Waterville to move that this bill, House Document No. 751, go over on the calendar as unfinished business, with the understanding that House Document No. 675 should be taken from the table and an amendment offered by the gentleman from Bremen, and that both matters should go over as unfinished business for tomorrow and that thereupon with that arrangement, thereupon the gentleman from Waterville would make the motion to adjourn.

Mr. PATTANGALL: Yes.

Mr. BIGELOW: Mr. Speaker: The bill going over as unfinished business,

which bill will have the right of way on the calendar?

The SPEAKER: The Chair is of the opinion that the report of the committee on taxation reporting "ought not to pass" on bill, An Act to create a municipal fund and provide for its distribution, would be the first upon the calendar tomorrow as unfinished business.

Mr. PATTANGALL: Mr. Speaker, I move that the report of the committee on taxation now under consideration go over as unfinished business for tomorrow.

The motion was agreed to.

On motion of Mr. Pattangall of Waterville, House Document No. 675 was taken from the table.

Mr. McLain of Bremen then offered the following amendment to House Document No. 675, and moved its adoption:

"Amend Section 1 by striking out in the first line the words "one and one-half mills" and inserting in lieu thereof the words "one-half mill;" amend Section 3 by striking out in the first line the words "one-third of," and by striking out all of said section after the word "year" in the sixth line; amend Section 6 by striking out in the first line the words "one and one-half mill" and inserting in lieu thereof the words "one-half mill;" and by striking out in the seventh line the words "one and one-half mills" and inserting in lieu thereof the words "one-half mill;" amend Section 7 by adding thereto the words "and Chapter 111 of the Public Laws of 1907."

The SPEAKER: Pending action upon this amendment, the gentleman from Waterville moves that further consideration of the bill go over as unfinished business to tomorrow.

The motion was agreed to.

On motion of Mr. Wing of Auburn, bill, An Act to amend Section 78 of Chapter 9 of the Revised Statutes in relation to appeals from county commissioners, received its third reading and was passed to be engrossed.

On motion of Mr. Bowley of Swan's Island, the rules were suspended and that gentleman introduced out of order, bill, An Act for the propagation of shell fish on the coast of Maine.

Mr. Bowley further moved that the rules be suspended and the bill received its three several readings at the present time without reference to a committee.

On motion of Mr. Wing of Kingfield, the bill was laid on the table until tomorrow.

On motion of Mr. Grant of Freeport, report and accompanying bill, An Act to regulate fishing in Royal river and its tributaries in Cumberland county was taken from the table; also bill, An Act to prohibit fishing in the west branch of Royal river in the towns of Gray and New Gloucester in the county of Cumberland.

On further motion by Mr. Grant the report of the committee was accepted, and the bills tabled for printing under the joint rules.

On motion of Mr. Pattangall of Waterville,

Adjourned.