

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

Mr. Bigney from the committee on interior waters reported same on resolve in favor of an appropriation for a break-water in Moosehead lake.

Mr. Bartlett from same committee reported same on resolve in favor of navigation on Sebec lake.

Mr. Mercier from same committee reported same on bill, An Act to amend the charter of the Dead River Log Driving Co.

Mr. Colby from same committee reported same on resolve in new draft, Resolve in aid of navigation on Moosehead lake.

Mr. Mercier from same committee reported same on bill in new draft, An Act authorizing and empowering the Hollingsworth & Whitney Co. to erect and maintain piers and booms in the Kennebec river.

Mr. Beals from the committee on claims reported same on resolve in favor of the town of Paris.

Mr. Beals from same committee reported same on resolve in new draft, Resolve in favor of the town of Lisbon.

Mr. Beals from same committee reported same on resolve in favor of the town of Leeds.

Mr. Kelley from the committee on shore fisheries reported same on bill in new draft, An Act to authorize the construction of a wharf in tide waters of the St. Croix river, in the town of Robbinston.

Mr. Lambert from the committee on Indian affairs reported same on resolve in new draft, Resolve in favor of Charles Mitchell, representative of the Penobscot tribe of Indians.

Mr. Grant from same committee reported same on resolve of Joseph A. Mitchell, representative of the Passamaquoddy tribe of Indians.

Mr. Grant from the committee on mercantile affairs and insurance reported same on bill in new draft, An Act relative to the use of the cinemetograph.

Mr. Additon from the committee on taxation reported same on bill, An Act relating to the taxation of railroads.

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

Passed To Be Engrossed.

An Act regulating the duties of the commissioner of agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation. (Tabled pending its passage to be engrossed on motion of Mr. Marshall of Portland).

Resolve to amend Chapter 32 of the Resolves of 1905, relating to dairying interests of the State of Maine.

Resolve in favor of Mrs. Rebecca W. Carroll, widow—formerly widow of Enoch Lurvey, Jr., 1st sergeant, Co. H, 4th Regiment of Infantry, Maine Volunteers, with subsequent service in the U. S. navy, who was lost at sea Dec. 24, 1867.

An Act to establish a uniform poll tax.

An Act to amend Sections 27 and 28 of Chapter 9 of the Revised Statutes relating to taxation.

An Act to extend the charter of the Mattagamgon Manufacturing Co.

An Act to amend the charter of the Maine & New Brunswick Power Co., Ltd.

Resolve in favor of the St. Marie's General hospital.

Passed to Be Enacted.

An Act to extend the charter of the Washburn Electric Co.

An Act to extend the charter of the Central Aroostook Electric Co.

An Act to extend the charter of the Northern Aroostook Electric Co.

An Act to amend Section 46 of Chapter 106 of the Revised Statutes relating to the appointment of surveyors in real actions.

Finally Passed.

Resolve in favor of Bridgewater Classical academy.

Resolve in favor of L. M. Staples, chairman of the committee on Home for Feeble Minded.

Orders of the Day.

Election of State Officers by People.

Special assignment: Majority and minority reports of the committee on judiciary, the majority reporting "ought not to pass" and the minority reporting "ought to pass" on a resolve proposing an amendment to the Constitution for the election of a secretary of State, State treasurer and attorney

general by the qualified electors of the State.

Mr. DAVIES of Yarmouth: Mr. Speaker, I feel that the men who are elected to the offices of secretary of State, State treasurer and attorney general should be responsible to no one but the people themselves; therefore I move that the minority report be substituted for that of the majority.

Mr. HERSEY of Houlton; Mr. Speaker, This is a very important measure, a Resolve to change the organic law of the State, to amend the Constitution under which we have lived and prospered for eighty years. This matter does not come here in the usual way that a proposed constitutional amendment should come, through some party platform, through some effort of the people themselves to amend the Constitution, it does not come here by the people making a demand for it by some political party placing it in their platform and making it an issue in the campaign, by electing to this Legislature representatives in favor of that constitutional amendment. It comes here in the form of a resolve from the last Legislature which resolve was referred to this Legislature. It came to this Legislature before the judiciary committee, a public hearing was advertised and a time and place was appointed for a hearing before the committee at which time and place not a petition was presented in favor of it, not a single letter, not a single person in all this State appeared in behalf of that resolve before the committee; and the gentleman himself from Yarmouth, who is a member of that committee, did not give to the committee any of the wisdom he may possess why this resolve should have a passage, on the contrary every Republican upon that committee with the exception of the gentleman from Yarmouth was opposed to that resolve for the reason that that resolve is not a Republican measure. For eighty years we have elected our officers in this way, the Republican party has stood for that method and the people of Maine have stood for it. At times it has been a Democratic issue in this State. At times the Democratic party have placed in their platform this issue. Not exactly this

issue, for they had placed alongside of the election of secretary of State, treasurer of State and attorney general the election of United States Senators by a vote of the people. But this resolve only calls for these three officers, and it says, if it means anything, that this Legislature has sufficient ability and common sense that it can be trusted to elect United States Senators but it cannot be trusted to elect a secretary of State, a treasurer and an attorney general; and when the gentleman from Yarmouth proposed to the committee that he file a minority report I did not at that time look upon it as a very serious matter, thinking that he would not do it alone and adopt thereby an old dead Democratic issue and try to make a live issue of it in this Legislature. But the gentleman from Camden, who would not stand alone I do not believe in this matter, signed a minority report with him and comes in here with Republican help, so to speak, and says that this resolve should go through this Legislature.

Well, gentlemen, I think if the people themselves wanted this, they would have had something to say about it, there would have been some petitions in here and the secret would not have been entrusted to the gentleman from Yarmouth. I do not blame at all the gentleman from Camden. It would have been more in proper grace perhaps had the gentleman from Camden presented this matter; but he can sit back all right and enjoy it and have the gentleman from Yarmouth present a Democratic measure here in this House. The gentleman from Yarmouth somehow cannot trust the Legislature with the matter even if the people do trust them. He presented here a few mornings ago an anti-lobby bill. Of course it cannot become a law that will affect this Legislature. Somehow we have got to get along without any protection during this Legislature. It will only affect some future Legislature if it should become a law. But of course the gentleman from Yarmouth feels all right. He is protected. He is at the present time under the fatherly kind protecting care of the gentleman from Cam-

den and the angelic guidance of the gentleman from Waterville; but the rest of us must get along the best way we can. (Laughter).

Now I say when a measure like this comes up in the Legislature, a measure advocated by a Republican and a Democrat, a measure that is Democratic, that has always been Democratic and I believe always will be Democratic, I do not believe that any Republican in this Legislature, outside of the gentleman from Yarmouth, has any question about his duty in the matter, and that is to stand by the Republican policies and the Republican measures that have made the State of Maine what it is, the brightest jewel in the diadem of this Republic. I believe that every Republican feels at this time as I do—except the gentleman from Yarmouth—that this motion to substitute this minority report, this Democratic measure, should not prevail.

Mr. DAVIES of Yarmouth: Mr. Speaker, I object very seriously to the gentleman from Houlton speaking for the Republican Party. He has not been in it long enough to know what the principles of the Republican Party are. (Applause). I can remember the time when he was prancing around Aroostook county tearing his hair and contorting his visage and telling everybody that the only salvation for the State of Maine was in the Prohibition Party. (Laughter and applause), that the Republicans were a rum party, and that the Democrats were a rum party also. Now I ask you in a spirit of fairness if we are going to take our political standards from that man? Wouldn't you prefer to have your ideas, those of you who are going to have them suggested to you, from some one who had been in the Republican party a longer time? But the conversion of the gentleman to the principles of the Republican party was as sudden as the conversion of Paul of Tarsus on his way to Damascus. He saw the light all of a sudden, and what brought about that sudden change was the forecast on the part of some of the good people of the town of Houlton as to who

might go to the Legislature. (Laughter and applause). Is that a sufficient reason for the change? And he believes that the proof of the pudding of his conversion is in chewing the string. (Laughter).

Now, then, I challenge any man on the floor of this House, after the session is closed I will challenge any man in the sound of my voice, to name a single Republican State in this Union where those three officers are not elected by the people, with one exception. Do you call it Republican doctrine? Do you call it Democratic doctrine? Do you call it Prohibition doctrine? I know of but one state in the Union where these three officers are elected by the Legislature and that is the poor boss-ridden state of Delaware and no other. Afraid to trust the people? There is no call for an election! What do you think of the initiative and referendum that has been written into our Constitution if it is not a call from the people? Tell me of a single man who dared to stand up in either branch of this Legislature and oppose the initiative and referendum. No call for it from the people? I challenge any man to tell us why the Republican majority in this State has gone from 28,000 to 7000 when we had as honorable and as high-principled a man as the Hon. Bert M. Fernald as our candidate for Governor. Tell me why Judge Taft can get a majority of 38,000 votes in the State of Maine and the candidate for Governor can get but 7000. There is a call for it if a man only listens for it, but it makes a great difference from what point he inclines his ear. If he listens in Houlton in all probability he won't hear it, if he is prejudiced against it, but if he gets up on the mountain top where he can see all the electors of this State I think that he will see and hear the call of the people of this State to come into their own. I believe that he will hear in regard to such people as the State treasurer who gets the money which he dispenses from the people themselves, or in regard to the attorney general who the distinguished gentleman from Houlton said when he

nominated him in this hall to be the representative of all the people of this State and that every one of us could go to him for an opinion and for advice—I believe that he will hear that there is a call from the people to elect that man. Every one here knows what the influences are when the representatives begin to gather in this hall. Every man here knows that it is not entirely fair to the people themselves to have officers who hold such high positions elected where there are influences that are not divorced entirely from the matter. Mr. Speaker, I say that it is entirely contrary to the spirit at least of Democratic government to have officers who are entirely responsible to the people themselves elected by the Legislature.

This resolve was presented to the last House by a distinguished Republican from Skowhegan, Judge Danforth. I regret exceedingly that any one should suffer his zeal to lead him into an attack on the motives of any member of the House. If we differ with others in regard to business affairs or our political views we can believe that they love truth as passionately and as fully as we do; and in our highest moments I believe that it is unpardonable to impute to an opponent unworthy motives, disloyalty to a common cause, craftiness and cunning and chicanery. A man who has that narrow kind of a mind needs to have broken in upon it a little of the light of human brotherhood. (Applause).

Mr. MONTGOMERY of Camden: Mr. Speaker and Gentlemen of the House: This is too important a measure to consider as related to party usage or party policy. As a member of the minority party it appeals to that party as a principle, a principle that they learned by studying the history of our party when its wisdom was the guide in the organization of this State and in the forming of its civilization and in the upbuilding of its great industries; and I as a member of that party this morning stand here to maintain those principles. It was the Democratic party, Democratic leaders, that formed this State, and they

formed it wisely and well. They gave to us a Constitution that has become the study and the admiration of all countries. No Constitution for a State has been formed since the writing of this Constitution of ours that this has not been an example for them to follow in the formation of their governments. It is the most lucid, it is the most easily understood and appeals the most strongly to Democratic and Republican government of any Constitution among the Constitutions of this country, and that was done by Democrats. For almost 40 years Democrats administered the government of this State and every town and county in it increased in wealth and in population. We had not to look back over this county or that county, into this town or that town, to see what had been the results, but they were constantly before us as a growing and prosperous State; and that Democratic party studied the weal of the people, They have sprung immediately from the people, not surrounded by great corporate institutions but surrounded by individuals, and they have studied it and when it came to the great questions they settled them and settled them rightly.

We are told and have been told that the Democratic party are the rummies of the State; but, my friends, we know that it was the old Democratic General James Appleton that first advocated prohibition in this State in 1837 under this Constitution, and in 1845 the Democratic party put upon the records of this State the first prohibitory law, and as you study it it reads like a sensible document, and in 1857 they added to it and made it a sensible law for all the people. Those Democratic leaders followed the principle of this resolution, they studied the people. In their Constitution they had provided that the Governor shall nominate and with the advice and consent of the Council appoint all judicial officers, but in studying it they found that it was better that many of those officers should be elected by the people. They had learned in the 34 years of government that the people were to be trusted and better trusted than

Governors or Councils or even Legislatures, and in the year 1855 they amended the Constitution so that the people might elect judges of probate, judges of municipal courts, sheriffs and so forth; but they left it then I have no doubt as an experiment in 1855 that the attorney general and the land agent should be chosen by the Legislature. I say in looking it over and studying the wants of the people and how to govern them they had come to that conclusion and they proposed that amendment and made that amendment to the Constitution. Now after all these years we find that there is a desire, there must have been a desire, there must have been a desire even in the Republican party that this resolve should have a passage, and it came here from the last Legislature and it came from a man who is respected by all and a Republican, to elect these State officers by the people. It is the history of our party, my Democratic friends, that I appeal to in asking that this resolution have a passage. But further than this I ask it on another ground. On the fifth of this month in this hall when the resolution against rebating or any special privileges to corporations was before us—a Democratic principle to the very core as we all know—we were invited by the gentleman from Yarmouth to go into the Republican party and to assist and be one among them for that day at any rate. And, gentlemen, we went, all of us, not a laggard among us, we attended that reception by our Republican friends, enjoyed it to the full and placed upon record one of the severest rebukes that a party ever received and helped them to do it—joined with them; and when we came away from that reception we bore with us, my Democratic friends, the great leader of their party here, the gentleman from Yarmouth. We took him with us, and today we are proud to allow him to lead with us in this movement to bring to the people the right to elect the State officers. We have done well, and I have no doubt that our influence today will extend far enough to cover a sufficient number of Republicans to enable us to carry this beneficent resolve that

so appeals to all the people. (Applause.)

Mr. HERSEY: Mr. Speaker, I would not say another word were it not for some things dropped by the gentleman from Yarmouth. He has not perhaps been so parliamentary as the gentleman from Camden, although setting aside the unparliamentary language of the gentleman from Yarmouth you would not see a great deal of difference between the Democratic speech and the Republican speech upon this measure. I do not find fault with a man who leaves one political party for another if he does it fair and square, does it in a public way, does it so that his constituents know where he is, so that the people of the whole State know where to find him and can put their finger upon him, so they know his position and where he stands. When I belonged to the Prohibition party in the State of Maine I voted a square ballot. I fought the Republican party and the Democratic party at that time because I believed that both favored the saloon, and they did; but when the Republican party of Maine took an honest stand for the enforcement of the Maine law I came into the Republican party, because every principle of Republicanism was my principle, and when they took my principle on the enforcement of the law I stood with them, and stand with them today. When the Republican party ceases to represent my principles I will find some party that will, and I will find it openly and I will find it squarely. I will not be elected to the Legislature on a Republican platform and stand with Democrats on Democratic measures when I get to the Legislature. When the Republican lamb lies down with the Democratic lion, the lamb comes up missing every time (applause); and so when the gentleman from Yarmouth is seeking here this morning for Democratic cheers, that is all right, when he stands with the gentleman from Camden in glorification of the old Democratic doctrine, that is all right; but I do object that he should take the occasion of being sent here as a Republican to this Legislature and then come in with a minority report for a Democratic measure

and stand with Democrats against what I claim to be a Republican doctrine.

My friend from Yarmouth says that this Resolve was presented in the last Legislature by a gentleman from Skowhegan and he says he was a good Republican. I think he is, but he was not a good enough Republican to come into this Legislature and go before the committee on judiciary and advocate that measure. I don't know why he presented it. A great many measures are presented by members who do not believe in them; when it comes to a fight they are not there; and the gentleman from Skowhegan at that time did not favor us with his presence before the committee nor send a substitute nor see that anything was done with his measure. He seemed content that it should die its natural death. And I say these things to put myself right, that while I am in the Legislature I mean to stand for the Republican principles and policies, the Republican platform and measures for which I have been elected here. When I cannot do that, if I want to go to the Democrats there will be plenty of public notice of it, and I won't get in there in such a way as the gentleman from Yarmouth is seeking friendship and place. (Applause.)

Mr. MOORE of Saco: Mr. Speaker, just a word. It seems to us who have been here before fitting that new and strange doctrines should emanate from Houlton, when I see Houlton here under a new and strange leadership with curious devices upon its banner. The gentleman from Houlton says that the proper way to propose a constitutional amendment is by a declaration of some political party. I say to you, gentlemen on the Republican side of this House, that I as a Democrat would much rather stand for a measure proposed by that honest, rugged Republican from Skowhegan, Judge Danforth, than any plank prepared in the Bangor House on the eve of a Republican convention. (Applause.) Judge Danforth in the sanctum of his home in Skowhegan is better fitted to prepare for us a constitutional amendment than any committee on resolutions that can be chosen over night at the Ban-

gor House, and you all know it. (Applause.)

The gentleman from Houlton says that this is a Democratic measure. It is true it is a Democratic measure. It is also a Republican measure. It is a measure adopted in every State in the Union except this and Delaware. It is time that Maine should take a step in advance. At least let her stand up to her motto of *Dirigo*, let her lead Delaware anyway. On a measure of this kind she has been behind long enough. (Applause.) The committee has divided eight to two. Let them divide. Eight Republicans cannot swing the rest of this House when they are wrong. The gentleman from Yarmouth has had the courage to unite with the gentleman from Camden in signing the minority report which represents the best interests and the best judgment of both parties. Treat it not as a party proposition. Let us not go through two or three campaigns misunderstanding each other because of the planks of some platforms for this measure or that measure. Let us send this to the people as it is now. Shall the attorney general, secretary of State and the State treasurer be elected by popular ballot? Send it to them without mixing up the issue with any party declarations or anything else. I know they want it, you know they want it, the committee on judiciary, eight of them, know they want it and they don't want them to have it. That is why they have so reported. Let us, you and I, stand by the people. (Applause.)

Mr. DAVIES: Mr. Speaker, I am not unmindful of the rule of this House which provides that no gentleman shall be heard but twice, and I know that there is an unwritten rule that the second time a member of the House speaks he shall not speak or occupy the time of the House to any great length. But I desire to tell you all that I came here in no way under control. My constituents had sufficient confidence in me so that it was not necessary to issue me any instructions at the caucus and it was not necessary to hold any mass meeting after the election for the purpose of instructing me as to what I should do.

I am a Republican, I believe in the principles of the Republican party. I am a Republican because the party was organized for a great purpose. I am a Republican because every measure of importance which has been passed in the National House of Representatives for the entire period of the party's existence has been brought forward and passed by the Republican party. I am a Republican because the Republican party has made this great nation what it is. Those are some of the reasons why I am a Republican; and if I am confident in my own mind that any measure that may be advocated here by a Democrat is strictly in accordance with my sense of duty and in accordance with the principles of my party I give you my assurance that that measure shall not be lacking in my support.

I feel that the attorney general should be responsible directly to the people themselves. I feel that the attorney general should feel that whatever he does shall be under the direct scrutiny of the people themselves and in no way responsible to the Legislature. I feel that the State treasurer who gets the money with which he pays the bills from the people themselves, that he also should be responsible to the people themselves. In the matter of this minority report we are not embarking on an unknown sea. We are merely following a course that all Republican States in this Union have followed before us except ourselves; and I doubt very much whether great commonwealths like the State of New York, like the State of Pennsylvania, like the State of Illinois, like the State of Indiana, like the State of Colorado, like the State of California—I question very seriously whether the electors of those states will find it at all necessary to communicate with the distinguished gentleman from Houlton and inquire as to what his ideas might be on a matter of this importance. (Applause).

Mr. PATTANGALL of Waterville: Mr. Speaker, I hope the House will pardon me for saying just a word at this late hour. I had not intended to take any part in this discussion but

it seems to me that before we vote it would be well enough for the House to bring its mind back to what the real issue before us is. I do not understand that we are going to take a vote and may vote on the question of whether the gentleman from Houlton is a more regular member of the Republican party than the gentleman from Yarmouth. (Laughter and applause). That is a matter which may perhaps be settled in party councils which some of us have no right to attend and which some of us are perfectly willing not to attend. I rather deplore the habit which certain of my Republican friends seem to have gotten into of holding their caucuses here in the House of Representatives, remembering the words of Solomon to the effect that for all things there is a time and for all things there is a season. It seems to me that it would be well for some of us to defer making our stump speeches until the next campaign and save our time in this hall for actual legislation. It does not interest me when a measure comes up here—and I am as much a partisan as any man in the hall I think—that fellows like myself and the gentleman from Houlton had changed their party affiliations a few years ago. (Laughter and applause). It does not matter to me when a measure comes up here on which I am going to vote whether it was proposed by a Democrat or by a Republican. I had the idea when I came here, I still retain the idea—I propose during this session at any rate to retain it—that we were here to legislate for the good of the people of Maine as we saw it. If I had supposed that we were here for any other purpose I should not have cared to come. If I had supposed that every measure which a Democrat introduced or approved of was going to be voted down because a Democrat introduced it I should lose my respect for the Republican members of this House; I should have little regard for their intelligence or patriotism if I thought they took that view of legislation. If, on the other hand, I should vote for any measure brought in here simply because some Democrat suggested it I should

resign my position as a representative from the city of Waterville because I might not always be able to do so properly and fulfill my duties towards my constituents.

Now I undertake to say that it is absurd nonsense for anybody to attempt to inject any party politics into this question. You are familiar with your party platform. You Republicans may recall yours. We recall ours I assure you; and in neither of the party platforms was there a single word applicable to the resolve now before you, not a word. The Democratic party platform did not advocate it, the Republican platform did not advocate it; and I can think of no more childish argument to use against that measure than to undertake to label it with a party name. It may be Democratic doctrine or have more of a Democratic tendency than a Republican tendency; but, as the gentleman from Yarmouth stated, State after State strong in their Republicanism have approved this method of choosing the State officers. Now in fairness to yourselves it seems to me in considering this question you should consider it squarely on its merits and on its merits alone, disabusing your minds of the petty and childish idea that on everything which comes up here you must perforce play politics, and play to the galleries, play to your constituents, get something in the newspapers about how you love your party and all that sort of rot which hasn't got any more place in a Legislature than the Lord's Prayer would have in a poker game. (Laughter.)

We come down here to a plain practical issue, whether as business men we think it would be better for the State of Maine to elect three of its officials by the people or elect them by the Legislature, and on that point I want to submit just one word, and that is this. I believe that the Legislature can as wisely select State officials as a State convention can nominate them, but the work of your legislative caucus is done in the night and is over and nobody can call you to a reckoning if you do ill. The work of your State convention must go to the people of the whole State; and I say that if

you are selecting a candidate for attorney general, secretary of State or State treasurer whose name was to go upon your official ballot and whose strength or weakness might add to or detract from the chances of your candidate for Governor being elected, you would select him with more care than when you can sit down in a caucus of one night and select your three or four State officers. Further than that, any of us who have ever attended legislative caucuses of their party know that where we have four or five candidates for a State office to select, the friends of one play to the friends of the other, and you get a combination through the caucus which it would be impossible to get through a convention, in view of the fact that the people must ratify the acts of the convention. For myself, if I had been drawing the resolve proposed here I would have left off for the time being the secretary of State and the State treasurer because I do not deem them so important as the other position. But I believe regardless of party—and I cannot for the life of me see how anybody can find any party question in the matter, I believe regardless of party it would be a wise thing and a splendid thing for the people of the State of Maine in their party conventions assembled to nominate and at the polls to elect the attorney general. I know of no position in Maine needing a more responsible man than that of attorney general. There are abuses after abuses existing in this State which a courageous attorney general backed by the votes of a majority of the people of Maine could do away with. More reforms could be accomplished by an attorney general willing to accomplish them and feeling safe in the popular backing he would have than can be accomplished by all the laws we will pass here this winter. You need your strongest and best man there. You arranged in the Legislature two years ago to elect your State auditor by the people; and I say to you that if that arrangement had not been made some of the men who are leaders in the dominant party here would have so arranged it that the man who has made so splendid a record in the office

of State auditor would have gone out of office at the end of his first short term. No party would have dared to refuse him a renomination in convention; a legislative caucus would have turned him down. It is better, I submit, for your party and for our party, that when we meet in convention we should say to the people whom we want for attorney general and let them know who he is going to be, let them vote upon it. The change can at best do no harm; it cannot come about unless the people desire it for it must be submitted to them for a vote. It seems to me it might lead in the State to the bringing about of some necessary reforms and changes. However, that may be, we might differ on that point, but one thing we can agree on I believe, and that is that when we vote we will vote on this question on its merits and not be prejudiced by any sort of an appeal that might better have been made in a backwoods hall to a country jury, that this ought not to be voted on its merits but should be voted down because some Democrat approved of it. (Applause.)

Mr. BIGELOW of Portland: Mr. Speaker and Gentlemen of the House: When I came to Augusta at the opening of the session with the fame of the Democratic leader ringing in my ears I little thought that I should ever stand on the floor of this House and agree with him on any proposition, but there must be something magnetic or hypnotic in the influence which he has over men, or perhaps it is due to the location of my seat in this section of the House. At any rate I simply rise to say this, that any matter which comes up in this House for consideration which has not been discussed in the campaign which preceded the last election and for which any man desires to secure my approval and my vote, I do not wish him to crack the party whip over my back unless I authorize him to do so, for my part, in a Republican caucus. I propose to vote on this resolve, as the gentleman from Waterville has said, upon its merits, because as we all know it goes to the people to be settled. It is a fair proposition. I need not claim that it is a Republican measure or a Democratic

measure. It is a pure and simple business proposition. I shall vote upon it with that understanding, and I desire to have the people know, when my vote is recorded, that that is my reason for doing so. (Applause.)

Mr. DAVIES: Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER: In order that the House may understand the question the Chair will direct the clerk to read the reports.

The clerk read the report as follows:

The committee on judiciary to which was referred a resolve proposing an amendment to the Constitution for the election of secretary of State, treasurer and attorney general by the qualified electors of the State, have had the same under consideration and ask leave to report that the same ought not to pass. (Signed) Hastings, Looney, Baxter, Peters, Hersey, Andrews, Burleigh and Wing for the majority.

The committee on judiciary to which was referred a resolve proposing an amendment to the Constitution for the election of secretary of State, treasurer and attorney general by the qualified electors of the State, have had the same under consideration and ask leave to report that the same ought to pass. (Signed) Davies and Montgomery for the minority.

The SPEAKER: The question is on the motion to substitute the minority report for the report of the majority. Upon that question the yeas and nays have been ordered. As many as are in favor of substituting the minority report for the majority report, when their names are called will answer yes; as many as are opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Jonesboro, Allen of Richmond, Beals, Bearce of Edgington, Bemis, Bigelow, Bigney, Blake, Bogue, Bourassa, Bowley, Burse of Pittsfield, Bussell, Buswell, Campbell of Kingman, Chase of Sebec, Chase of York, Colby, Cole, Cook, Coolidge, Couture, Cummings, Davies, Day, Doble, Donnell, Drake, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Gilbert, Hamlin, Harmon, Harriman, Harrington, Harris, Havey, Higgins, Hines, Hodgkins of Damarisotta, Kavanough, Kelley, Lambert, Libby, Mace, McLain, Mercier, Merrifield,

Merrill of Bluehill, Merrill of Durham, Miller, Millett, Montgomery, Moore, Morse, Moulton, Nelson, Nickerson, Orff, Packard, Pattangall, Patten, Patterson, Pelletier, Pike, Pinkham, Porter, Pressley, Quinn, Redlon, Richardson, Robbins, Ross, Sanborn, Sawyer, Silsby, Sleeper, Smith of Biddeford, Snow of Brunswick, Snow of Scarboro, Spear of Warren, Stetson, Stover, Strickland, Thompson, Thurlough, Tibbetts, Weld, Whitehouse—94.

NAY:—Andrews, Bartlett of Elliot, Bartlett of Stoneham, Bradford, Burleigh, Campbell of Cherryfield, Clark, Cousins, Dorr, Dufour, Emery, Grant, Hall, Hannaford, Hanson, Hersey, Hodgkins of Temple, Hussey, Jordan, Joy, Lane, Lombard, Lord, Ludgate, Marshall, Peters, Rounds, Smith of Berwick, Spear of South Portland, Stackpole, Stanley, Trafton, Trimble, True, Varney, Wing of Auburn, Wing of Kingfield—37.

ABSENT:—Beyer, Bisbee, Blanchard, Bragdon, Charles, Connors, Duncan, Hill, Holt, Hydo, Jones, Paul, Perry, Putnam, Smith of Andover, Trickey, White of Columbia, White of Wayne, Whitney—19.

So the motion to substitute the minority report for the majority report prevailed. (Applause.)

The minority report was then accepted.

The **SPEAKER:** Under the joint rules this Resolve will lie on the table for printing.

The following were received by unanimous consent:

By Mr. Smith of Berwick: Petition of Roy S. Martin and seven others, residents and taxpayers of Wells, praying for the enactment of Senate Bill No. 13, granting the people of York county the right to vote on the location of its shire town; of William H. Eaton and 63 others for same; of George S. Hatch and 30 others for same; of Moses S. Hurd and 22 others for same; of Wilbur E. Hosey and 14 others for same. (Referred to the York county delegation.)

By Mr. Ferguson of Shapleigh: Remonstrance of J. Fred Goodwin and 34 others of Shapleigh against removal of the county seat from Alfred; of J. E. Coffin and 23 others against same; of Charles W. Coffin and 38 others of Shapleigh against same. (Referred to the York county delegation.)

By Mr. Smith of Biddeford: Petition of L. Hall and 48 others of Biddeford in favor of Senate Bill No. 13, granting to the people of York county the right to vote upon the location of its shire town. (Referred to the York county delegation.)

On motion of Mr. Cousins of Standish. Ordered, That 200 copies of An Act to amend Sections 3, 4, 5, 7, 11, 112 and 13 of Chapter 15 of the Public Laws of 1907 relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases be printed for distribution purposes.

On motion of Mr. Wing of Kingfield House Doc. No. 114, An Act to authorize the Franklin Power Company to transmit, well and distribute electricity in the towns of Farmington and New Vineyard, and on further motion by Mr. Wing it was referred to the committee on judiciary.

On motion of Mr. Chase of Sebec, House Doc. No. 116, An Act to provide for the removal of foreign paupers, was taken from the table, and on further motion by Mr. Chase it was referred to the committee on legal affairs.

On motion of Mr. Rounds of Portland, the vote was reconsidered whereby the foregoing bill was referred to the committee on legal affairs, and on further motion by Mr. Rounds it was tabled pending reference to the committee and especially assigned for Tuesday of next week.

On motion of Mr. Burse of Pittsfield the rules were suspended and he introduced bill, An Act to authorize the Sebasticook Power Company to issue additional bonds. (Referred to the committee on the judiciary.)

On motion of Mr. Bussell of Gardiner House Doc. 110, An Act for the preservation, perpetuation and increase of the forests of the State of Maine, was taken from the table, and on further motion by Mr. Bussell it was referred to the joint committees on taxation and forest preservation and water supply.

On motion of Mr. Rounds of Portland House Doc. 111, An Act to transfer the duties prescribed by Chapter 28 of the Revised Statutes relating to protection of life in buildings used for public purposes from the Board of fire engineers of the city of Portland to the building inspector of said city, was taken from the table, and on further motion by Mr. Rounds it was referred to the Portland delegation.

On motion of Mr. Hersey of Houlton, Adjourned until Monday afternoon, February 15, at 4.30 o'clock.