

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

it can be used in another building which may be later constructed to take care of the congested condition of the two hospitals. The Arsenal cannot be made ready before fall, and during the meantime the advantages of Widows Island would be decidedly beneficial to the two hospitals, and it seems to me it would be a wise investment of the \$6000. It is a valuable property, worth from \$75,000 to \$100,000, and I hope the motion to indefinitely postpone will not prevail.

Mr. MORSE of Waldo: Mr. President, there are some matters connected with this property down there that I fear the senator from Cumberland does not fully understand, and I would like to talk the matter over with him; and in the meantime would move that the matter lie upon the table.

The motion prevailed.

On motion by Mr. Clark of Hancock, the report of the committee on judiciary, majority "ought not to pass," minority "ought to pass in new draft," on "Resolve proposing amendment to the constitution establishing the people's veto," was taken from the table. The same senator moved to substitute the minority report for the majority report.

Mr. CLARK of Hancock: Mr. President, this is the bill, which has been styled the Initiative and Referendum. It contains two sections which cover approximately about one sheet of the size I hold in my hand. In addition thereto there is some other printed matter, but that pertains only to how the constitution shall be changed.

As you all know, in the changing of the constitution it is necessary that some resolve shall be enacted in the mode of presenting it to the voters in the next election, in order that they may vote on it; because this resolve has not only to pass this Legislature, but has to be voted on by the people before the constitution can be amended.

And the last section beyond Section 17 provides a method of carrying that resolve into effect. So I say that Sections 16 and 17 of Senate document 244 is the Initiative and Referendum.

Now without reading it over in detail I will simply explain what it means. It means simply that the initiative is to initiative. Ten per cent. of the voters of the State of Maine which is approximately 10,000 voters petition this Legislature asking us to pass a law. We pass that

law as they ask it by a majority of this Legislature, as we would be bound to do. That law does not become a law until 90 days after the adjournment of this Legislature, and in the meantime if the people of this State care to vote on it it is submitted to them for their approval; and if they approve it by a majority of the voters of this State it then becomes a law. That is the Initiative; they initiate that law.

The Referendum is simply this. No act of the Legislature takes effect until 90 days after we adjourn this Legislature. In the meantime if there is a petition of ten per cent. of the people filed in the Secretary of State's office, asking that that law be referred to them, the secretary prepares the necessary blanks, and at the next election that law is referred to the people; and then if they vote that that law shall be a law, it becomes so by a majority vote.

That is the referendum, and that, gentlemen, is the whole of this bill—with one exception, which is that any Act of this Legislature passed by a two-thirds majority of both branches is not subject to the referendum, and can become a law without the people's approval.

Now in addition to that I shall propose an amendment to this law when the proper time comes, which was in the original draft. This bill went before the judiciary committee and was cut down, so to speak, and this law grew out of it, which is not the law presented by the petitioner. But in that law in cases of emergency appropriation we could pass a law by a majority vote of both branches, and provide what emergency matters were.

It strikes me as wise legislation that that provision should be enacted into this law, and the proposers of this bill are perfectly willing it should go in. I shall offer it at the proper time, and there is one change in the law, which is merely clerical, which I shall also suggest at the proper time.

Now, in the first place, it seems to me that this is a perfectly safe provision for us to pass here today, because we are not changing the constitution of our State, or changing any existing laws in one respect. We are simply passing an Act which will allow the people at the next election to pass upon this and say

whether they care for such a change or not.

We are not arbitrarily forcing that upon them in any shape or manner, but leaving it to them to say whether they want such a law or not; and I ask you, fellow senators, if that is not a perfectly fair proposition at the outset on this referendum,—leaving it to them to say whether they will adopt or reject it by a majority vote of the people of this State.

Now this is not new legislation in the United States. South Dakota has this law today, and one or two other Western States, and the commonwealth of Massachusetts is today considering a bill drawn upon the same lines. It is no innovation with us, because there has not been legislation for a great many years in Maine but what we are constantly passing bills with the referendum upon them.

For example, the bill abolishing the common council of the city of Portland, passed this Legislature with the referendum attached to it after a hot debate, in which my friend from Portland championed the cause of the people.

So, it seems to me, it is not an innovation in the Legislature of this State. The judiciary committee have this winter passed several Acts with the referendum attached to them, leaving it to a certain locality whether a certain Act shall become a law or not; so I say it is not an innovation with us here.

Why, when greater New York adopted its charter, it was done under the referendum from the Legislature, and it is a common thing for the legislatures of many of the states. It is a perfectly safe proposition to leave a matter of this kind for the people to vote on.

This law originally came from Switzerland, where they have conducted their government under it for a great many generations, and in that country it has never been taken advantage of except in a few cases. In South Dakota, where they have had the law for eight years, there have been only two cases where a matter has been referred to the people, and in some other states it has been only rarely called for. And if it becomes a law in this state I have faith that it will not be used except in extreme cases.

There has been and there is today strong influences in the hall of this Legislature working against this measure of

the people. In the first place, gentlemen, I will tell you who ask for this legislation. It is not a small handful of people; it is not asked as class legislation; it comes here on the petitions of the Federation of Labor for the entire State of Maine—upon the endorsement of the Civic League, and of the Grangers. There has been presented to this Legislature this term petitions with the names of 16,000 individuals of our State, asking that we pass this law that they may vote upon it.

I ask you if that is not a fair representation of the people of our State who ask for this law. The only people opposed to this legislation are the great corporations of this State, and I am surprised that after all the legislation that has been granted to them during this session of the Legislature—and I think quite a little has been granted to them—that they should come in here and oppose the common people in their endeavor to get equality with all men; and that is all they ask, the right of suffrage.

In the lobbies of this Legislature and in the hotels this has been styled every kind of legislation possible, although the same people have gone out of here with legislation that they never could have got if the referendum had been attached to it. I ask you, gentlemen, why they are opposed to it? Because they know that a hundred bills we have passed in this Legislature would never have stood the test had the bright light of day been turned upon them, and they had been compelled to be accountable to the people for such legislation.

I ask you, fellow senators, if you think the wild lands of this State would have been given away for a mess of pottage if you could have had the referendum to see what the prices of those lands should have been? I ask you if the great water rights of this State would have been under the control of the Legislature, and given away, if they could have been disposed of under the referendum? I ask you if the thousand and one bills, similar to the porcupine act, could have passed under a referendum. I ask you if many of the things we have voted for today—if we would not have been more careful if we thought the subject matter of them had got to go before the people? I do not wish to say that I impugn any

senator's motives in opposing legislation. What has been done in the hurly-burly of swift legislation this morning, when matters came in here without reference to a committee, and the President upon asking if any man in the Legislature knew about this or that found us sitting here as dumb as anybody could be—yet we voted away somebody's rights as likely as not. It is apathy on our part and not intentional wrong, that so many of these matters get through this legislature.

Now, as I say, it will make us more cautious, it will make us more careful in what we are doing in matters of this kind.

And again, it will strike the greatest blow to the lobby that has ever been struck; and while I do not intentionally mean them any harm, I say that legislation that goes through here without being lobby-ridden is safer than legislation that has passed three branches of this Legislature. And that is why we find certain people who say they are not appearing here as lobbyists, but they have employed a new term,—“I am appearing here as a citizen.” All the important lawyers have appeared here in this manner in their private, individual capacity—as citizens and not lobbyists,—a term which originated with the eminent Judge Foster of Portland; and it took so well the rest of the lobby adopted it.

Do you suppose the people's rights on the insurance matter would have been given away ten years ago by the Legislature of the State if that had to be referred to the people? Do you suppose they would have given away the dearest right we have in this grand old State, which is that of trial by jury? and even the members who gave it away knew not what they did, because they have told me so, several of them,—some of the brightest minds in this State, members of this Legislature, tell me they never knew that the thing passed. Do you suppose that right would have been given away if attached to it was the referendum?

In Massachusetts they are considering this very same act we have before us. Gov. Douglas, who was elected in a Republican state by a big Democratic majority in a year when a Republican had a right to be elected—in a year in which almost everything went Republican—Gov.

Douglas, who poses as the friend of the common people, was elected, and this is what he says to the people of Massachusetts on the referendum: “It is a common complaint that our legislatures are not always responsive to the people's will, and it would be quite within the principles of a Democratic government that by convenient means the will of the people be made effective when legislative measures prove unsatisfactory. Such measures have always been put to the test elsewhere with results uniformly good, and it is difficult to see what objection there can be to such granting of power over their legislation. As the members of the Legislature are representative of the people they should not object if their constituents be given the power to reverse or approve their acts. If the objection be made that the people cannot be trusted, such an objection is a denial of the success of popular government, as shown by the history of town meetings for more than two centuries.”

Now this is no innovation. This same principle has built up New England. This same principle has influenced 400 towns in the State of Maine today.

You, sirs, who do not live in the cities, but like myself live in a town where we have a municipal government and a board of selectmen, will admit the value of the New England town meeting. In the town of which I am a citizen we have that old town meeting, which meets and continues for four or five days sometimes, and we appropriate anywhere from \$150,000 to \$200,000 under this same government that I am advocating here.

Any ten people of the State of Maine can compel the selectmen to put an article in the warrant, asking for an appropriation or any other matter that they see fit, and the selectmen are obliged to do it. That is a much lower per cent. than this bill provides for, which is ten per cent. of all the voters; while the statute provides that ten voters can compel the insertion of an article in a warrant for anything they desire, and it is compulsory upon the selectmen to insert such an article.

There is your initiative, such as we have in this draft. When that matter comes up in a town meeting it is referred to the people by a popular vote, and there

is your referendum—and exactly as you have it in that bill.

I know that the people, whenever a constitutional amendment is proposed are slow to adopt it. I myself would not jump in haphazard to change our form of government if I did not deem it was wise. Our forefathers in framing that constitution undoubtedly had exceptional wisdom, and in the framing of that they drafted such a law as they thought would meet the exigencies of most any case; and foreseeing that as time went on, and as different conditions came up in the country it might be necessary to change or modify that form of government in our constitution, they provided what I shall read to you:—"All power is inherent in the people"—the genial senator from Knox is certainly familiar with that—"all free government is founded on their authority, and instituted for their benefit. They have, therefore, an inalienable and indefeasible right to institute government, and to alter, reform, or totally change the same when their safety and happiness require it."

So I say, in that one provision they foresaw that such changes as this might be necessary in the future, and provided for it.

Now we have made the most wonderful strides in most everything since that constitution went into effect. Why, the men who framed that constitution could not see the great developments that were coming for this generation; they could not see the wonderful developments of electricity, or the advancement to be made in every element of progress,—history, literature, science, art, materia medica—everything!—or the changes made in government in order to meet those requirements. They could not see the organization of million dollar corporations. They could not see that in every Legislature there was to be a lobby that was to control legislation in a great many cases; and for that reason they could not provide for the exigencies of the present time. These are new conditions which confront us, that it is necessary for us as a people, guarding and looking after the rights of our fellow citizens—it is absolutely necessary for us to meet these new conditions and theories.

Gentlemen, we have all of us read Lawson's "Frenzied Finance" and the

denunciations he has made of the different corporations, and we believe them. And I say to you if half of the accusations made in those articles are true, is it not necessary to have some form of government to check and throttle their various schemes?

Now it has been said to me by a great many people through this Legislature and in Augusta this winter,—“Who is asking for this Legislation?” I have told who it was. It is the common people of the State of Maine,—the people who, when election-day comes, we are all of us glad to see,—the people who hold the destiny of this State within the hollow of their hands, and the people we have got to recognize. When 16,000 people ask to have a matter submitted to them, to see whether they will pass it or not, and you subvert this Legislature and say them nay, we are disregarding the rights of the common people who sent us here; because in the State of Maine we have no aristocracy—we have the common people, and those are the ones we should legislate for, because the other class will care for themselves.

This, gentlemen, does not in any way provide that any provision of the constitution can be submitted to the people. It only provides that acts of the Legislature shall be submitted to the people, and therefore there is no danger of the resubmission of the liquor law to the people under this provision.

We have got to go a step farther with another provision for the resubmission of constitutional questions to them, so I say you are perfectly safe in adopting this matter.

Now it seems to me from what I have learned this winter in regard to these matters and petitions that we have arrived at the point in our history when it is necessary to stop and consider, and take soundings, or else we may fast drift upon the shoals that other great republics have drifted upon when they have not heeded the voice of the common people. We may drift where Russia is today in its disregard of the common people of that nation.

Do you not think it is safe, fellow senators to allow the people to say whether they shall have a law or not,—the common people who work, and who by the sweat of their brow get their own daily

bread; for I assure you that the humble day laborer who works with his hands has a soul within him, and is entitled to the same privileges as the great captains of industry, who have been the light and the wonder of the world.

On the other hand, there has been no occupation or mechanical labor so exacting that does not employ the exercise of appreciation, reflection, memory and judgment.

On motion by Mr. Heselton of Kennebec, the Senate here took a recess until 2 o'clock P. M.

Afternoon Session.

Wednesday, March 22, 1905.

On motion by Mr. Clark of Hancock, bill "An Act to authorize the town of Castine, county of Hancock, to construct for itself, persons and corporations a system of water works within said town," under suspension of the rules took its second reading, and was passed to be engrossed.

Mr. Allen of York moved to reconsider the vote to adhere to its action on the Monterey bill, so called. The motion was lost, seven senators voting in opposition to the motion and five in favor thereof.

The debate with reference to the Referendum was here resumed:

Mr. POTTER of Cumberland: Mr. President, I listened with a great deal of interest this morning to the indictment of the Legislature by the senator from Hancock, but I do not feel it necessary to attempt a reply to his entire argument, or to take much of the time of the Senate.

When the senator from Kennebec said yesterday that the negotiable instruments bill was the most important measure before the Legislature he forgot that this referendum scheme was coming up today. What he said about the importance of the negotiable instruments bill is true of this resolve. It is far and away the most important measure of the session. It proposes not only to amend the constitution of the State, but it proposes to do so in several very fundamental and important respects.

It proposes, in the first place, to give to the people an absolute veto on every act of the Legislature not passed by a two-thirds vote. It proposes, in the next place, to give to the people the right to initiate legislation, and to enact legislation independently of the Legislature, and in spite of the Legislature.

The senator from Knox proposed early yesterday to the negotiable instruments

in the session to abolish the office of liquor commissioner. The committee of which my friend from Kennebec is chairman, proposed to abolish the office of State printer. It is reserved to the Senator from Hancock in the last three or four days of the session to abolish the functions of the Legislature.

Now, the referendum as applied to special legislation we are familiar with, and we are in favor of it. For instance, my own town, the largest town in the State, thinks it wants to become one of the smallest cities of the State. A special act has been passed here giving Brunswick a city charter. It is to have an opportunity to say whether it wants it or not. That is all right. That application of the doctrine of the referendum is familiar to us, but apply it to general legislation is a different proposition, and for one I am opposed to it on general grounds.

I do not think it necessary, as the senator from Hancock thinks it necessary, to change our form of government, and go across the ocean to the republic of Switzerland to find a model, or even to go to the Democratic governor of Massachusetts. The present method of making the laws, which has been good enough for our fathers and forefathers for 125 years, is good enough for us. I believe in the principle and in the practice of representative government. I believe that a Legislature representing all parts of the State, and coming here to compare views, exchange information, give hearings, and for arguing the thing pro and con—assuming that the Legislature is only an average body of men—I say they are better qualified to make the laws of the State than the people are, separated and scattered in their homes.

Now, I say on general grounds, without taking the time of the Senate to develop that proposition any further, that I prefer the old to the present system. The burden is very strongly on those who would pass it; senators should be satisfied of the necessity of the change before voting for it.

So much for the general grounds of opposition to the doctrine of the referendum as applied to general legislation, but I have a special objection to this bill. It is the objection which the senator from Kennebec urged with great force

act, and I told the senator from Kennebec that in my judgment no man who had not sufficiently considered the negotiable instruments act ought to vote against it. What is true of that is true of this.

This is not a proposition to tinker the statutes. I have sometimes thought we have done more of that this winter than we ought to have done—at a session following a session revising the statutes! I have sometimes thought we ought to have left the body of the statute somewhat as it was two years ago.

This is a proposition to change the constitution of the State. It comes here reported from the committee by an adverse vote of that committee, and the proposition is made to substitute the minority report three days before the Legislature is to adjourn—on this bill which is before us, and which has been printed, and which we have had an opportunity to consider how long?—not over four days, including Sunday. That is the proposition which the senator from Hancock asks this body to adopt, a proposition to make a new constitution, or change the old one in fundamental respects.

The senator from Kennebec suggested yesterday that possibly I could not pass an examination on the contents of negotiable instruments. I am afraid that is so. I doubt if I could have stood a cross-examination on it; and I wonder how many members of the Senate are familiar with this proposition—sufficiently familiar with it to try to make it a law.

I notice this morning on my desk an anonymous circular asking the Senate some questions about this. I should not consider that an anonymous circular was worth answering if the senator from Hancock had not made it a part of his argument this morning, and as underlying this question. I propose to give my answer from my point of view, which may not be the point of view of any other senator here.

This is the question proposed this morning by the senator from Hancock,—Do you think it will be right to deny the people an opportunity to decide for themselves whether or not they shall have the referendum? The senator from Hancock says we are not making this a law; we are simply moving this thing along so that the people can vote on it.

Now, my answer is this, which, as I

say, may not be the point of view of any other senator here. The constitution, providing for its own amendment, says: "Whenever two-thirds of both Houses deem it necessary." The members of the Legislature are not merely to pass the proposition along because they think correctly or mistakenly that the people want to vote on it. We are here to express our own judgment. The process of constitutional amendment, Mr. President, should be slow. Between the constitution of this State and any change in it there ought to be the independent judgment of the Legislature and the independent judgment of the people. We are to decide whether in our judgment the constitution of the State should be changed. I refuse for one to vote for any amendment to the constitution because of any real or supposed popular demand that the amendment be submitted to the people. I deny the proposition that the people want this amendment. I deny the proposition of law that they are entitled to it if they do want it, unless the Legislature thinks so. As I have said, whether we go slowly or rapidly in tinkering the statutes we ought to go slowly in changing the fundamental law of the State.

If this referendum business is demanded it will come. The people are the source of power, and the people will change this constitution if they want it changed when they get ready to change it. It is better that the change in the constitution should come slowly than that there should be a mistake in it. It is better that we should exercise our own independent judgment than that we should merely pass the proposition along for popular approval or disapproval.

I would consider with great care the popular view if I knew what the popular view was. Having done that I would decide on my own judgment whether to submit the amendment to the people or not. That is the method provided for in the constitution itself, and there is the sound reason of public policy back of it; and when the Senate comes this afternoon to vote on this proposition I hope each senator will vote to express his real judgment upon it, and not in response to any popular demand which may or may not exist.

Just one thing further. Because this proposition is one to amend the consti-

tution of the State it requires a two-thirds vote. It cannot pass this Senate or the House without a two-thirds vote of each branch. I imagine, Mr. President, without knowing much about it that that rule may not apply to preliminary votes; that is, to pass it to be engrossed—that the majority may be sufficient for that; but when it comes to its final passage then the resolve requires a two-thirds vote.

Now I hope and believe that it will not be necessary to invoke that rule. I hope and believe that a majority of this body will turn this new-fangled notion—because it is a new-fangled notion in this part of the country—down until the necessity for it is further demonstrated.

Mr. HESELTON of Kennebec: Mr. President, I must have made a different kind of speech yesterday than I anticipated to have secured from my friend, the senator from Cumberland, so many remarks in connection with the bill that is presented here today.

He says, and I agree with him, that this measure is the most important measure that is before the Legislature at the present time. I do not know but it supersedes and exceeds the importance of the measure in regard to negotiable instruments, but the difference between these two measures is this: The other that was before the Legislature, and which the committee, of which the senator from Cumberland is one of the most distinguished members, reported unanimously in favor of yesterday—had no referendum attached to it. There was no opportunity for the people of this State to say whether that measure, which carried with it the overturning of all business relations of the State in respect to negotiable instruments, should be looked into by the people, and by them, after consideration, be accepted or rejected but its practical operation was by one fell swoop of this Legislature to wipe out existing conditions.

Now, this measure comes in a different guise, in a different form. It says this,—if we present it to the people, the people who have delegated to us the power to come here and make laws—that people will consider it, and if they wish adopt it or reject it.

I know of no better way to ascertain

the will of the people than to present the public measures that we pass here to them, and after due discussion and deliberation on the stump and in the newspapers of the State, ask them whether they want the measure or not. It seems to me that represents the true form of Democratic government.

Now, the senator from Cumberland says that the legislators coming here from all parts of the State are better qualified to legislate than the people scattered in various parts of the State. I think that that is an assumption of fact which is not borne out by the principles of our government.

We come here to represent the people of our sections of the State. I am here as one of the representatives of the county of Kennebec; I am not here to set up my wisdom above the wisdom of the people; I am here simply to reflect if I can the wishes of the people. If the laws that I pass, or assist in passing, are good laws I am willing for my constituents to say whether they think they are good laws or bad laws.

Now, that is all this referendum measure carries with it. Why, in 1879 we had an election which was called the campaign of education. It was about the financial question that was then involved. We went out to the people, and we talked to the people upon that subject. We did not think that they were so much inferior to us that they could not understand that subject, and that their judgment would not be the correct judgment.

Then, when the tariff question came up in our elections of a few years ago we went before the people again on the stump, and asked them to consider the complex question of the tariff law; and when they had considered it voted upon the question. We now believe that their judgment was the best that could have been rendered at that time, and it has since proved to be correct.

Then later when the question of a gold standard was raised we went before the people and talked to them about that, and we asked them to give their votes and sustain the gold standard. They did so, and it has proven a successful measure in this country. And do we now want to say that our constituents were wise only in one way in selecting us to come here and make laws for them af-

ter submitting such important questions to them in the past and approving of their wisdom expressed by their votes on these subjects? It seems to me that is an absurd proposition. They want us to here enact measures because they have confidence in us, and should we not have the same confidence in them, to say if these measures are wise support them, if unwise reject them by turning them back to them and letting them consider them and vote upon them.

As the senator from Hancock said this morning, measures are coming in here every day of this Legislature about which none of us know anything; they are creeping in here, and measures are being enacted that none of us will recognize when we read the volume that reports the laws of 1906 and I say it is wise to have an opportunity for the people as well as for ourselves to look over such work, and if that work shows wisdom on our part let them approve of it; if it is unwise let them do what they should to condemn it.

Now, as the senator from Cumberland says, this is a measure that reaches out to all the enactments of the Legislature. If the senator from Hancock passes his amendment to this measure it does not reach out to all Legislature enactments; it reaches out to all measures except those of appropriations and emergency. Is not that right, Mr. Senator?

Mr. CLARK: It is true.

Mr. HESELTON: Then all the other measures should go before the people and be considered by them. Why, gentlemen, as a matter of fact, Legislatures in the past have done what?—they have surrendered franchises to individuals and corporation franchises to corporations. In my own city I can speak from personal experience; we surrendered to a few men the privilege of taking over a franchise which in the end when we reclaimed that property took more than \$200,000 out of our community and that too when the franchise of the property did not represent one dollar of invested capital for the original incorporators. Now if the people had had an opportunity to consider that franchise act when it had been passed here, inadvertently, without due consideration, what do you think?—would not they have protected themselves?

The senator from Cumberland is about to take part in a measure similar to that, and he cannot save the citizens of his community from paying an exorbitant price for what:—for the franchise that was surrendered a few people—the right to deliver water to the citizens of Brunswick, and the citizens of Brunswick will pay that price for a franchise that never cost the promoters a cent, but which belonged to the people; the illustration might be carried on ad infinitum.

We have a few more franchises left in this State which will be sought for by individuals, and if we have this referendum measure the question of the surrender of those franchises could go before the people and be considered and be decided by them who are the parties most interested.

Why, I say this is one of the best measures, if not the most important measure that has been presented to the Legislature, because it gives the people a chance to return in a certain way to the old open town meeting; and the town meeting of New England, and the little red schoolhouse of New England, are the two factors that have made New England what it is.

I had no desire to speak upon this question. It seemed to me it would address itself to the judgment of the senators here without discussion; and I only offer these few points in the full belief that this is the best measure that has been presented here this session. I have simply one more suggestion and then I am done.

How will the senator from Cumberland ascertain the will of the people if 16,000 petitioners does not demonstrate to him that there is a desire for this measure? How will he ascertain the people's wishes if he stifles it here this proposed amendment? How will he find out what the people want? How will he represent the good people of Cumberland county, if he does not give them a chance to express themselves at the ballot box upon this measure? If he can answer me I would like to have him do so. If we can submit to the people, with confidence in their judgment, such complex questions as those of finance and tariff; can we doubt their ability to comprehend and decide aright this question? This is the only question really involved today, whether

we are willing the people should decide whether they will receive the acts of the Legislature or not. If after discussion and reflection a majority of our voters say they do wish for the right I believe we take no chances in giving to them that privilege.

Mr. STAPLES of Knox: Mr. President. I agree with the senator from Cumberland, with the senator from Hancock, and also with the senator from Kennebec, that this is one of the most important measures that has been before this Legislature. And I could not help thinking of the words which express my feelings at this time,—the words of John Adams, "Sink or swim, live or die, survive or perish, I give my heart and my hand to this measure!" That was for the Declaration of Independence, and in those same burning words I may state I am for the referendum, because it represents the voice of the people of this country.

I cannot but heed the views of 16,000 petitioners as they come up here from the different walks of life. They are not alone of the Federation of Labor or the Civic League, but of the sterling element of the State of Maine, which demands at our hands simply the right to vote upon all public measures that interest them and interest us.

The same spirit should be kept alive that gave us the victory at Yorktown and at Bunker Hill. It is the spirit which imbues the common people that makes this government so great and glorious. That same spirit animating the history of the late rebellion gave us the victory and placed our flag high upon the ramparts. It was that spirit which we inherited from our forefathers, that has been handed down through the generations, which gave us what the people said we should have—liberty in this land of ours. And it will be a sorry day for us when we stifle that patriotism which took hold of this people way back in '76, and which was again so beautified and glorified in the days of '61.

Let us keep alive that glad spirit of the people, because it was their blood which has given us this grand liberty, and made it possible for us to be here in a free country like this today.

I cannot but believe that the 16,000 people from the different sections of the State should be heeded. They are asking

cannot gainsay that the corporations of this country have taken control of it, and that the common citizen is beginning to feel that he has no rights which the corporation is bound to respect.

Give them the right to pass upon all great measures, and you will pass the responsibility upon the common man to make good his citizenship, and it will make him feel that he is a true American.

I am in favor of the referendum because it gives to the people the right to step on the great corporations. Therefore give them the right; put the responsibility upon them, and I tell you we shall never regret it. We can trust the common people in this matter. If we have the referendum we shall have it in 400 towns in the State of Maine. We always have had it in most matters, and it is the best element in the American form of government today. Without the people's voice to settle these matters I tell you we would soon drift into anarchy.

On this the people must be heard. Sixteen thousand petitioners have come here asking us to give them the referendum. We can trust them to vote upon it on all measures, wisely, and they will feel a responsibility they do not feel at the present time.

There is something more to it. The Legislature will be more careful what bills they pass when they know the people have a right to vote upon that legislation.

And it will do another thing, which is a most pernicious thing, and which has surrounded this Legislature and every other for the last fifteen years—it will do away with the lobby that comes here and undertakes to control the legislation of the State. They will have to go home and stay there, because legislators will be careful what kind of votes they cast, because they know that then it will be referred to the people.

Let us refer it to the people; that is all we ask for in this case! 16,000 people have come here voluntarily asking as American citizens that they shall have the right to pass upon the legislation we have in this State; and I hope, Mr. President, that the voice of the people will be heard, and if we accomplish that we shall have done our duty to them.

Mr. ALLEN of York: Mr. President, I did not think of saying a word on this subject matter until late, but I want to say at the outset that if there has been one bill that has been before the Legislature which I have studied more than another it is this Senate document 24.

I have studied it carefully with a view of thinking out in my mind the effect if this bill was passed and finally became a law. When I began to inquire as to the source of the bill, as to whether any great number of people from my section of the State were desirous of legislation in this direction, I failed to find any demand from my section.

Now, if the gentlemen who have preceded me in favor of the minority report make special reference to the claim of 16,000 in favor of this bill by petitions, I would say that I think something like 60,000 were in evidence favoring the resubmission bill, which is a constitutional amendment; and yet this Legislature and the previous Legislature declined to grant resubmission, because there was no demand for it. This Legislature and previous Legislatures have always granted the passage of bills when the public have demanded it, and the referendum will probably be no exception. In the bill before us, because it is a change of fundamental law I do not think there is any popular demand for it at this time; and that is my position in opposing the bill.

Mr. HESELTON: I would like to ask the Senator from York if he meant what he said, that there were 60,000 men who asked for the resubmission of the prohibitory law?

Mr. ALLEN: I think I am right.

Mr. HESELTON: I think the Senator refers to an argument made in the House that 60,000 democrats had voted on one side of the question.

Mr. STAPLES or Knox: I wish there were 60,000, but I guess there were not quite that.

Mr. MILLS of Hancock: Mr. President and Senators, I am fully aware that a very able discussion has already been made, and I am just as well aware that I cannot from my knowledge add anything more to what has been said in the line of legal arguments or logical debate; but the fact that only 16,000 people have asked for this referendum is somewhat of a misrepresentation.

Sixteen thousand have signed the petitions, asking for this resolve to go through this Legislature. Those petitions represent 25,000 members of the Civic League of this State, and the character and quality of the men who make up the Civic League is not open to question; and I am sure the members of this Senate will attribute enough to the judgment and discretion of those men to know what they are asking for. 25,000 Grangers are represented on these petitions. To be sure not all that number have signed the papers, but the number of endorsements coming from the different Granges represent fully 25,000 members of that noble organization. Or rather,—50,000 Grangers is the correct number, and 25,000 members of the Federation of Labor; making in all 100,000 men—100,000 people who favor and have petitioned for this resolve to go through this Legislature.

There is just one point more that I want to bring to your attention. It has been set out here that it is late in the session; that we have only had four days to consider this proposition.

Why, it appears to me, fellow Senators, that it has been under consideration ever since this Legislature convened here. It seems to me it has been a question which has been agitated more strenuously than any other matter.

Furthermore a principle is involved in this question, and when any question comes up in which a principle is involved it does not require very much consideration on my part to decide which way my vote shall go, provided the principle is as clean-cut and well-defined as it is here. The principle is whether or not we shall take one step more in the line of democratic form of government.

In the past every war which we have fought, every drop of blood which has been shed, and every act which we have done as a Government, has simply taken us one step nearer to the consummation of the perfect democracy, and this is right in line with our best history; this is right in line with all the important action we have taken in the past as a nation;—and it seems to me, Mr. President, that the measure ought to pass this Senate at this time, and I trust it will prevail.

The question being put, the Yeas and

Nays were called for and ordered, and the vote being had on the motion to substitute the minority report for the majority report, resulted as follows: Those voting Yea were Messrs. Bailey, Brown, Clark, Curtis, Heselton, Mills, Morse, Owen, Philoan, Staples, Sturgis, Tartre (12). Those voting Nay were Messrs. Allen, Ayer, Bartlett, Furbish, Irving, Knowlton, Plummer, Potter, Shackford, Simpson, Stetson (11). The following pair was announced—Pike with Gardner.

So the motion prevailed, and the minority report was substituted for the majority. The bill then took its first reading, and on motion by Mr. Clark of Hancock, took its second reading under suspension of the rules, and was passed to be engrossed.

Mr. Fierce for the committee on legal affairs, on bill "An Act to abolish the office of public printer," reported that the special committee on State printing, having reported fully upon the subject matter of the above entitled act, no action is necessary by this committee. Report accepted.

The joint standing committee on legal affairs submitted its final report, which was accepted.

The President appointed on the part of the Senate as conferees on the resolve relating to the Insane hospital—Messrs. Morse, Pike and Brown.

On motion by Mr. Heselton of Kennebec, House document 521, being bill to abolish the common council of Augusta, was taken from the table; and on further motion by the same senator House amendment A was adopted in concurrence. On his further motion the rules were suspended, and the bill took its second reading and was passed to be engrossed.

On motion by Mr. Sturgis of Cumberland, House document 418, "Resolve to amend Chapter 194 of the Resolves of 1893, relating to industrial exhibits," was taken from the table. Mr. Morse of Waldo, moved suspension of the rules, and that the Resolve take its second reading at the present time.

Mr. STAPLES of Knox: Mr. President, My experience with appropriations for industrial matters has been such that I feel not in favor of making an appropriation for any industrial matter. Two years ago when we made an appropriation of \$40,000 for the St. Louis Exposition, what did it amount to? We appropriate a great deal of money here, and it seems to me a waste of money to appropriate on this matter \$1500, and I hope the matter will be indefinitely postponed.

Mr. MORSE of Waldo: Mr. President and Gentlemen of the Senate, I suppose it is very plain to the members of this Senate why the Senator from Knox should oppose a measure of this kind. Some of these appropria-

tions amounting to hundreds of thousands of dollars he does not object to, but if an appropriation carries \$200 he sees it with magnified vision. The facts are simply these: This resolve is to increase the stipend of the Maine State Agricultural Society, one of the grandest industrial institutions in the State of Maine, and perhaps one of the oldest. There is no citizen of Maine that does not take some pride in the Maine State Fair. We have received an annual stipend in years past of \$1000. The Maine State Fair is from \$2200 to \$3000 in debt. As you will remember the Central Maine Fair was down here and they have taken \$4000 to Waterville, and I am in favor of it. It is money to be taken out of the treasury of the State of Maine, and to be paid back to the farming industries of the whole State. It is to foster and encourage those industries that this money is appropriated. This matter has for one reason and another, on personal grounds, been hung up in the House. One gentleman thought the trustees were getting too much pay. Another man had some personal interest, and he said he had a chance to knife it, and he wasn't going to let that chance go by. So that both this resolve and the Central Maine Fair resolve were delayed, but have moved along almost unanimously in the House, and come through without a scratch, and they stand today as originally proposed. I suggest that we have fooled with these matters enough. This is a matter that appeals directly to you, and it appeals to every farming industry in the State of Maine; and shall we bicker over this matter in the last days of the session. I do not think we should. Mr. President, I hope the Senator will withdraw his pretensions.

Mr. STAPLES: No.

Mr. MORSE: We will see.

Mr. STAPLES: Mr. President, I am not visionary as to these appropriations. The people are not visionary, either. I deny that this \$1500 is going to benefit the agricultural interests of this State. I insist that it will help the officers of that association who are taking it out of the people without any just return. I have not opposed mat-