

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

"Amend Section 1 by striking out after the word 'upon' in the sixth line the word 'the,' and insert in place thereof the word 'any,' and after the word 'owned' in the same line the words 'by it,' and inserting after the word 'acquired' in the same line the words 'by it.' Also further amend said section by striking out after the word 'property' in the seventh line the words 'situated on Said Penobscot river as aforesaid,' and inserting in the place thereof the words 'under the provisions of Chapter 94 of the Revised Statutes of Maine.'"

The motion prevailed, and the amendment was adopted.

On further motion by the same senator the bill took its several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Potter of Cumberland, the Senate adjourned to meet on Wednesday, March 15, 1905, at 10 o'clock in the forenoon.

HOUSE.

Tuesday, March 14, 1905.

Prayer by Rev. Mr. Kearney of Augusta.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I rise to a question of privilege, and it is a question of privilege not of any member, but a question of privilege of the House, and I wish to offer this resolution and to state why it should be adopted. The resolution is as follows:

Resolved, That Senate document No. 146 entitled "An Act in relation to the taxation of mortgages upon real estate," contravenes Section nine of article four of the constitution of Maine and is an infringement of the privileges of this House, and that the same be respectfully returned to the Senate informing that body that the same cannot be considered by this House, with a message communicating this resolution.

There is upon the table an Act introduced into the Senate reported to and acted upon by the Senate which, as the resolution states, is an Act in relation to the taxation of mortgages upon real estate. There is a provision of the constitution of the State of Maine contained in Section nine of article four of the constitution which reads as follows: "All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases." In the constitution of the United States is precisely the same provision, almost in the same language. It is Section seven of article one, and reads as follows: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

I don't know, Mr. Speaker, that we have any precedents in the proceedings of the Legislature here; but under the same provision of the constitution of the United States there are not wanting precedents in the Congress of the United States from the earliest time until now. In the first place, the resolution which I now offer is privileged under that clause of the constitution notwithstanding it may be contended that this bill does not raise revenue but

that it rather decreases revenue because it is a bill providing that certain property which the law provides shall be taxed for the purpose of raising revenue shall not be taxed; but that question has been frequently and consistently settled both by the House of Representatives and the Senate in Congress. This clause of the constitution according to the uniform construction given by those august bodies is that any bill which has to do with levying, imposing or reducing a tax, or which has to do in any way with a revenue law which fixes the raising of revenue, in whatever respect it may change it, is within that provision of the constitution and is equally privileged with a bill that imposes new taxes.

Now it may be suggested that this bill is not in relation to the revenues of the State; but the revenues raised by this Legislature are the revenues for conducting the governments of the whole State. This bill directly affects the taxes which are to come to the State, the property on which a tax shall be levied to meet the expenditures of the State itself. In other words, it is the foundation of the State tax. It is a part of the revenue of the State. Now, in 1835 when, if I recollect correctly, no less a person than James G. Blaine was Speaker of the House of Representatives in Congress this very question as to whether a bill that affected the revenue laws and was not distinctly one that increased the revenues was within this provision of the constitution, or was covered by the expression "a bill raising revenue;" and that Speaker ruled as follows as appears on page 948 of the Congressional Record for the second session of the 48th Congress: "The Chair thinks wherever it is asserted on the floor of the House that the rights or privileges of the House have been invaded or violated by any other body or by any individual, a question of privilege is presented at least to the extent that the Chair is obliged to submit it to the House for its decision. Of course the Chair itself will decide all questions of order arising during legislative proceedings of the House, but when the allegation is made that the rights of privileges of the House collectively have been invaded it is a question which

does not come within the province of the Chair to decide. The House is the custodian and guardian of its own rights and privileges as a body, and must always possess the power and have the opportunity to determine what those rights and privileges are or whether or not they have been improperly interfered with."

Thinking that this bill was an invasion of the privileges of the House under this clause of the constitution, I sought to find out how it could be reached; and according to the ruling of the distinguished Speaker from whom I have read, I find that the proceeding in the National House of Congress is to reach it by a resolution such as has been here presented. It is a question for the House to decide whether its privileges have been interfered with. During the second session of the 55th Congress another eminent son of the State of Maine was Speaker of the National House of Representatives, Thomas B. Reed. The question came up and was discussed as to whether any bill affecting the revenues, affecting the raising of revenue, was a bill within this clause of the constitution of the United States, and necessarily whether it would be a bill within the same clause of the constitution of the State of Maine. That proposition was discussed pro and con by the Honorable Nelson Dingley, the leader on the floor of the House, and by Mr. Bailey of Texas, the leader of the minority; and Mr. Bailey admitted before they had concluded that a bill lowering the revenue was just as much within the constitution as a bill raising the revenue—a bill taking off tax was as much within as a bill putting on tax; and Mr. Dingley during that discussion called the attention of the House to a ruling by Mr. Carlisle when Speaker, and he said: "I ask the attention of the gentleman from Texas to the fact that Mr. Carlisle expressed an opinion that the administrative customs bill which did not apply to the question of taxation, but only as to the methods of collecting revenue was a privileged bill under that section of the constitution." And after the discussion of it Mr. T. B. Reed, Speaker of the House, said that

the Chair was ready to rule as to whether it was a privileged bill under that expression "of raising revenue;" and he ruled as follows: "The gentleman from Texas (Mr. Bailey) has really stated the identical point involved here and that is as to the words 'raising revenue' for the support of the government. The gentleman admits that if the bill were a bill for the raising of revenue that he would regard the question of order as decided. The Chair thinks that the interpretation always given with reference to the pending point is such as to make it quite the equivalent to a bill affecting revenue as suggested by the gentleman from Texas, and that the mere language used, 'of raising revenue' instead of 'affecting revenue' can have no material application to the question of order."

I think, may it please the members of this House, that I need not go farther to cite other precedents. There is the declaration of Thomas B. Reed than whom there is no greater authority on questions of that kind, and he was in that case sustained by the House adopting the resolution proposed; and the construction put by him, by the House and as well by the Senate of the United States upon that clause of the constitution from first to last is that it means any bill affecting the raising of revenue whether it increases or decreases or simply has to do with the way in which they shall be collected.

We need not even go back that far. Only on the 16th of February of the present year this same question arose in the national House of Representatives. The Senate undertook in the case about which I am speaking to add by amendment to the agricultural bill a provision which had the effect of providing that the clause of the Dingley tariff bill which enabled a manufacturer to draw back 99 per cent of the duties that had been paid when he imported raw material and manufactured it and then exported the manufactured product, was a bill under this clause of the constitution. That I may be exactly understood, I will say that

there is a duty of 25 cents a bushel on wheat, for instance, imported into the United States. If that is imported from Conada the party importing has to pay a duty of 25 cents per bushel, but if he manufactures the wheat into flour and then exports the flour he can receive back from the United States a rebate of 99 per cent. of the duty which he has paid. Now, the repealing of that proposition, so far as it related to wheat, is not a thing that increased or decreased the revenue so far as the duties were concerned. The duty was paid. It was simply a question whether they should have it back cut of the United States treasury. It was a question of the administration of the revenue laws of the United States. A resolution was introduced there, and this resolution which I have introduced is substantially a copy of that resolution; and the question was discussed by the National House pro and con on the precedents as to whether that was a bill raising revenue, and the first authority which was cited went back to the time of Thaddeus Stevens who introduced a resolution of which this one introduced here is also substantially a copy, and that resolution was in regard to the bill to regulate and provide for enrolling and calling out the National forces, which bill has been returned from the Senate with amendments, one providing for five per cent. duty on all income to meet cost paying counties to enforce the draught. And in relation to that Mr. Stevens said, "It is so clearly a violation of the privilege of that House that I think it ought not for a moment to be acquiesced in." And in that case without further debate the House agreed to the resolution and the same day a message from the Senate announced that the Senate on reconsideration had again passed the bill with all amendments previously concurred in, except the amendment rejected by the House of Representatives. And that is precisely what would happen in the National House of Representatives if a bill such as we have here was originated in the Senate and sent to them, or the same was sent to the House by way of amendment to any other bill which had

been sent to the Senate.

This construction of the constitution has also been repeatedly acquiesced in and sustained by the Senate of the United States. Now, Mr. Speaker, this is a question of whether we shall pay any attention to the constitution of this State, whether this House shall be a fifth wheel to a coach, or whether it shall insist upon its privileges under the constitution. It is outside and apart from the question of whether any bill passed in contravention of the constitution of Maine would amount to anything; and I submit that this provision of the constitution even on that point, if it means anything it means that revenue bills cannot be properly passed into law and become valid unless they are passed in accordance with the constitution. But the question we are considering is above and beyond that; it is whether this House shall insist upon its rights under the constitution, or whether it shall allow the constitution to be trampled upon and be paid no respect to whatever. There is no question of what would occur in relation to a bill in the National House because if the precedents are examined, and I have taken occasion to examine some of them,—and I would say that any gentleman can find them for himself if he will look at the Constitution Manual and Digest of Congress of any session he will find precedents referred to; if he will look at the compilation of Mr. Hinds of the precedents of Congress he will find them; if he will look in the Congressional Record for February 16th, 1905, he will find many of them,—and in the National House of Representatives such a bill as this coming from the Senate would receive short shift and would be sent back to that body informing them that they had infringed upon the dignity and rights of the House of Representatives. In fact, the Senate does not undertake to pass a reciprocity treaty which affects the matter of the collection of revenues between this country and others until it is made conditional upon the action of the House of Representatives in itself originating and passing a bill which shall regulate the tariff in accordance

with the treaty. I think I can say nothing better as to what this House should do under these circumstances—and we lose too much sight of the constitution of the State of Maine in the laws we pass here,—I say I can do nothing better in calling your attention to what this House should do under these circumstances in insisting upon its privileges and its rights which have been clearly infringed under the constitution of the State, than to quote the concluding clause of the speech of Payne in Congress on February 16th on the matter to which I have already called your attention; and he says: “Now, Mr. Speaker, I might cite other precedents.” (And those were precedents to show that a bill affecting the revenue came within this provision of the constitution.) “They are numerous, and they are all to the same effect. Our predecessors have held inviolate the right of the House of Representatives to originate revenue bills. It is guaranteed to us by the constitution. It is higher than any question that can arise in regard to tariff or to tariff change. It is higher than a question of duty on wheat or duty on any other of the four thousand articles that are covered by a revenue measure. It is the sacred right left us by the framers of the constitution as representing the people, as coming from the body of the people, and as being nearer the people than any other body, to originate these bills, and none of them can be originated and none should be originated and none will be originated in the other body if the House of Representatives stand by their right and by their privileges as guaranteed by the constitution of the United States.”

I need only to change that to apply to the constitution of the State of Maine. And what did the House of Representatives in Congress do with that? It made no difference whether a member of the House was for the measure or against it, for the discussion will show that members of the House said they were for the measure and they voted against the way in which the measure was presented. But the House of Representatives voted on that proposition and the vote was 263

supporting the resolution to five opposed.

Now, Gentlemen of this House, this is not only a question of whether we shall pass the laws in accordance with the constitution of the State of Maine, it is a question of whether we will preserve and insist upon the privileges of this House as guaranteed under that constitution,—whether we are going to allow laws to be passed and to be sent to us for us to vote either up or down, I don't know how it may be, irrespective of our rights under the constitution of this State to originate bills of this kind. I submit that the House should not for a moment, it makes no difference how they may be inclined in relation to this bill, entertain a proposition which so unanimously and so consistently and persistently is turned down by the national House of Representatives whenever the question is raised and whenever it appears.

Mr. Speaker, I move the adoption of the resolution.

Mr. REED of Portland: Mr. Speaker, I appreciate the instruction given us by the gentleman from Rockland in regard to parliamentary law and practice. Personally I am ready to admit that I am not familiar with all the rulings of the House of Representatives since the time of Thaddeus Stevens. Other members of the House may be entirely familiar with all those rulings; I am not. I do not believe, though, in spite of all that has been said by the gentleman from Rockland, that this bill as introduced is different from any other that is passed by the House and Senate. It is within the exception of the constitution pertaining to revenue measures. The friends of this bill, however, are desirous of having this matter considered on its merits and we claim that we have an undoubted right at this time to have this matter held up until we can meet fairly this point that has been sprung upon us by the gentleman from Rockland. Perhaps the gentleman may be right and perhaps the bill should have originated in this House; but at most it can amount to nothing but a matter of delay; for if you find him to be right we shall immediately, as soon as we can under the rules of the House, re-introduce exact-

ly the same subject matter here. This matter must be considered on its merits and the friends of this measure would like to have the opportunity to examine for themselves the rulings referred to and not take them from the report of the gentleman from Rockland. I move accordingly that this matter lie on the table.

Mr. LITTLEFIELD: Mr. Speaker, as I understand the question this is a privileged matter and a matter that has a right to be considered. I am not discussing parliamentary usage, I am not and have not discussed the rules of the House here. I have simply discussed what the eminent gentlemen who composed the Congress of the United States have held was an infringement of like provisions in the United States constitution, and I have not asked the House to take my word for what the ruling is, I have read from the Congressional Record the statements of the eminent gentlemen who have sustained that proposition; and I therefore think, Mr. Speaker, that on the question of privilege the motion to lay on the table is not in order. In the event that the Speaker holds that such a motion is in order, I hope that it will not be carried, but that the House will vote on this proposition at the present time, for if the gentleman from Portland is correct and they propose to introduce the same bill in the regular and proper way the quicker he has an opportunity to introduce it the better it will be for him.

Mr. REED: It seems to me that if this question is debatable at all, which I seriously doubt, it would be only fair that both sides should have fair notice and an opportunity to look up the facts. We have had no time to look up the precedents. Some opportunity to do so, it seems to me, should be given. We only ask what is fair in the matter.

The SPEAKER: Does the gentleman from Rockland desire a ruling from the Chair?

Mr. LITTLEFIELD: I should prefer it.

The SPEAKER: The Chair would rule that the motion of the gentleman from Portland is in order, that if the House desires to lay this matter on the table for further information it is

within the province of the House. The question is on the motion that this bill and the resolution lie on the table until tomorrow morning.

The motion was agreed to.

Papers from the Senate disposed of in concurrence.

An Act to prohibit ice fishing in Brewer pond, sometimes called Hynes pond, in the towns of Orrington and Bucksport, Penobscot county, came from the Senate amended by Senate amendment A.

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

An Act to authorize the Farmington Village Corporation to take water for municipal and domestic purposes, came from the Senate amended by Senate amendment A.

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

On motion of Mr. Oakes of Auburn, the rules were suspended and that gentleman introduced bill, An Act to provide for the employment of male prisoners upon public ways or in preparing material for the construction and repair thereof, and on further motion by Mr. Oakes it was referred to the committee on legal affairs.

On motion of Mr. Newcomb of Eastport, the rules were suspended and that gentleman introduced bill, An Act to make valid the municipal election of the city of Eastport in Washington county, and on further motion by Mr. Newcomb the bill was tabled for printing pending its reference to a committee.

Reports of Committees.

Mr. Hastings from the committee on claims, on resolve in favor of towns for reimbursement for money spent on State roads in the year 1903 under the provisions of chapter 23 of the Revised Statutes, reported that the same be referred to the committee on appropriations and financial affairs.

Mr. Byron from the Franklin County Delegation, on petition reported bill,

An act providing for a bounty on bears in Franklin county, and that it ought to pass.

Mr. Staples from the committee on library, reported ought to pass on resolve in favor of the documentary history of Maine.

The reports were accepted and the bills and resolve ordered printed under the joint rule.

Messrs. Leighton and O'Brien, a minority of the committee on temperance, reported ought to pass on bill, An act to amend sections 36, 37 and 40 of chapter 29 of the Revised Statutes, relating to the manufacture and sale of intoxicating liquors.

Messrs. Pike, Mills, Brown, Downes, Sanborn, Hutchins, Howes and Irving, a majority of same committee, reported ought not to pass on same.

Mr. STEVENS of Portland: Mr. Speaker, I move to substitute the minority report for the majority. I want to call attention to one fact, and that is as our Revised Statutes stand today Section 36 reads, "Whoever manufactures for sale any intoxicating liquor except cider." We admit under our statute today that cider is intoxicating, and under our prohibition statute we allow cider to be manufactured while admitting that it is an intoxicating liquor, and the statute provides that whoever sells any intoxicating liquor manufactured by him in this State except cider shall be imprisoned two months and fined one thousand dollars.

Now, that is the condition today. I propose by this bill to put the manufacturer of cider upon an equal basis with any other intoxicating liquor. I think there is a section somewhere which provides that beer may be handled where it does not contain more than three per cent of alcohol. Now why should one class of men be allowed to handle and sell an intoxicating liquor that contains, according to Professor Robinson, our State assayer, from four to seven and even eight per cent of alcohol? Many of you gentlemen doubtless have travelled through the country as I have and have noticed the evil effects of the sale of old hard cider. I presume many of you who have traveled through the

State have seen many of the farmers who, while they claim to be temperance men yet had several barrels of cider in their cellar; and they are ready to sell it in any quantity they can and they are not punished for doing so although there is a provision I think that they can sell only in five gallon packages. That is about what an ordinary man wants because with that he can get up a good honest drunk that will last him for several days. And I believe, gentlemen, that on the part of the boys and the young men through our country towns, the taste of liquor has been acquired more from the use of hard cider than their fathers, innocently perhaps, have allowed them to use than from any other cause.

Now, as I said, we have our statute that whoever manufactures for sale any intoxicating liquor except cider shall be punished. We admit that cider is intoxicating and yet we allow it to be manufactured. Under this bill we do not of course propose to stop the manufacture of cider because there is a legitimate use for it for making vinegar, but we propose by this bill to regulate to a certain extent the sale of cider and make it different from the way in which it is now conducted; and I move the substitution of the minority report for the majority, and ask for the yeas and nays upon the question.

Mr. O'BRIEN of Lewiston: Mr. Speaker, as a member of the temperance committee I signed the report in favor of the cider bill. Today our statute admits that cider is an intoxicating liquor, and still at the same time it allows the sale of it, all of which I believe to be a beautiful example of consistency. Now, if the people who are in power in this state today and whom we have heard arguing against resubmission and asking for and lobbying in favor of the Sturgis bill, are sincere in the position which they have taken, then I say that in accordance with the arguments which they have advanced, it is now up to this House, if it wishes to be consistent in the action which it has taken already upon all questions relative to intoxicating liquors—I say it is the duty of this House to

sustain the minority report and place cider in the category where it belongs and prohibit the sale of it. At the hearing before the temperance committee there appeared the Rev. C. S. Cummings who until last January was the temperance sheriff of Androscoggin county, and I asked him what according to his judgment, based on his observation as sheriff in that county, his opinion was as to the effect of over-indulgence in cider as compared with the effect of over-indulgence in whiskey or beer, and his reply was that the effect was much worse in the case of cider than in either of the other two.

There is another question which should be considered in this connection, if you people who have voted against resubmission and those who were afraid to meet the people on that question, if those of you who now favor the Sturgis bill, if the Sturgis bill will accomplish if it is passed all that you claim for it, then I say you must not leave a loophole for any particular class of drinkers nor any loophole for any particular class of sellers. We know that it is an easy matter to secure a conviction in the case of selling person. The person who is running a saloon gets a United States license, and the fact of his having that license is prima facie evidence that he is engaged in selling liquor, and on that fact alone you can have him indicted and punished. In the case of cider, on the other hand, under our statute a certain amount is allowed to be sold. You go to Lewiston or any of the cities in the State and go into the fish markets and you will find a cider barrel or two in a rear corner, and you will find those persons selling not only by the glass, but also by the quart and pint. You have your officer search that fish market, or search any little shop in which cider is sold in that manner, you capture your man, but can you convict him? No, for the simple reason that all he needs to do is, when he is upon the stand, to make the statement that he sold it for cooking purposes, and he is released.

Now, as I say, if you are consistent and sincerely desire to enforce the prohibitory law, if you wish to shut

off from a man the God-given right that he has to eat and drink what he wants, you will be consistent in this and you will support the report of the minority, and in favor of its substitution for that of the majority, and thereby placing cider in the category where it belongs and placing the man who gets drunk upon cider in the same class with the man who gets drunk upon something else.

Mr. HOWES of Palmyra: Mr. Speaker, I wish to say that the committee on temperance looked this matter over quite carefully. We thought the measure was somewhat insincere. Reference has been made to the testimony of ex-Sheriff Cummings. As one member of that committee I would say that Mr. Cummings' testimony did not have the desired weight with the committee. All I have to say is that the committee have passed judgment on that bill in sincerity and honesty and eight of those members, I believe, have reported against the bill, and I ask the House to sustain the majority report of that committee.

Mr. STEVENS: Mr. Speaker, I resent the insinuation that this bill did not come from a sincere motive. I resent it here on this floor. I originated the bill myself, and I originated it with the utmost sincerity, and I resent the imputation that has been made.

The question being shall the yeas and nays be ordered,

The motion was agreed to.

The SPEAKER: The question now is on the motion to substitute the minority for the majority report, the minority report being that the bill ought to pass, that is, to prohibit the sale of cider, the majority report being that it ought not to pass. Those who favor the minority report, that is, to prohibit the sale of cider, will vote yes when their names are called; those opposed will vote no. The Clerk will call the roll.

YEA:—Allan, Barrows, Baxter, Belleau, Berry, Blanchard, Bradford of Livermore, Briggs, Cole, Cushman, Davis of Guilford, Dennison, Fawsette, Foss, Fulton, Garcelon, Giddings, Hagerthy of Ellsworth, Hagerthy of Sedgwick, Hale, Hall, Higgins, Hodgkins, Hussey, Johnson of Calais, Johnson of Waterville, Jones, Jordan of Cape Elizabeth, Josselyn, Kimball,

Kinsman of Cornville, Knapp, Lanigan, Leighton, Longfellow, Merrill of Dixfield, Merrill of Skowhegan, Miller, Milliken, Morey, Morrison, Morton, Mullen, Nash of Damariscotta, Nash of Kennebunk, Newbegin, Norcross, O'Brien, Page of Appleton, Pendleton, Percy, Philbrook, Poor, Powers, Reed, Russell, Sargent of Brewer, Sawyer of Smithfield, Scribner of Springfield, Seavey, Sewall, Shaw, Smith of Madison, Sparrow, Staples, Stearns, Stevens, Swain, Sweet, Talpey, Terreault, Tracy, Treworgy, Trickey, Tupper, Tor-Tracy, Treworgy, Trickey, Tupper, Turner, Merrill, Vittum, Walker, Washburn, Webb, Webster, White, Whitmore, Wilder, Witherspoon, Witt—87.

NAY—Baldwin, Bliss, Bradford, of Friendship, Byron, Cobb, Davis of Benton, Downs, Dudley, Grant, Hastings, Hathaway, Howes, Ingersoll, Irving, Johnson of Hallowell, Jordan of Yarmouth, Laliberte, Littlefield, Lougee, Martin, Oakes of Auburn, Oakes of Milford, Purinton—23.

AESSENT—Abbott, Albert, Bean, Bunker, Burkett, Buzzell, Clark, Copp, Cousins, Garnett, Goodwin, Gray, Hanson, Hill, Holmes, Hutchins, Jilson, Kinsman of Augusta, Leonard, Libbey, Marshall, Newcomb, Page of Hampden, Peacock, Perry, Prince, Putnam, Sanborn, Sargent of Castine, Sawyer of Milbridge, Scribner of Charleston, Shevenell, Smart, Smith of Saco, Thomas, Thompson of Orono, Thompson of Roque Bluffs, Thurlough, Usher, Weatherbee—40.

So the motion prevailed, and the bill was then tabled for printing under the joint rule.

Messrs. Pike, Brown, Mills, Hutchins, Downes, Leighton, Howes, Sanborn and Irving, a majority of the committee on temperance reported ought not to pass on bill, An act to permit registered apothecaries to sell alcoholic liquors for medicinal and mechanical purposes only.

Mr. O'Brien, a minority of the same committee, reported same in a new draft and that it ought to pass.

On motion of Mr. O'Brien of Lewiston, the two reports were tabled and assigned for Friday of this week for consideration.

Messrs. Pike, Brown, Mills, Leighton, Hutchins, Downes and O'Brien, a majority of the committee on temperance, reported ought not to pass on bill, An act to provide for the proper labelling of proprietary medicines containing alcohol and narcotic drugs.

Messrs. Sanborn, Howes and Irving, a minority of same committee, reported ought to pass on same.

On motion of Mr. Milliken of Island

Falls, pending the acceptance of either report the reports and the bill in new draft were tabled for printing and assigned for Thursday of this week.

Passed to be Engrossed.

An Act authorizing cities and towns to raise money for the extermination of insect pests.

An Act to amend Section 3 of Chapter 92 of the Revised Statutes relating to mortgages on real estate.

An Act to authorize the town of Cornish to remove the bodies of deceased persons.

An Act to repeal acts incorporating Skowhegan Village Corporation.

An Act to apportion the expenses of bridges between towns.

An Act to extend the charter of the Maine and New Hampshire Railroad.

An Act concerning Merrill Memorial Library, a free public library in the town of Yarmouth.

An Act to incorporate the Union Cemetery Improvement Co.

An Act to enable Edwin W. Doyle to maintain the upper dam on Flander's stream in town of Sullivan, Hancock county.

An Act to amend the Revised Statutes, Chapter 125, Section 53, relating to cruelty to animals.

An Act to amend Section 70, Chapter 51, Revised Statutes, relating to ringing of bells and sounding of whistles on steam railroads.

An Act authorizing the Ashland Co. to erect dams and make improvements on the tributaries of the Upper Aroostook river.

An Act to amend Section 73, Chapter 10, of the Revised Statutes in relation to the collection of taxes.

(Tabled pending third reading on motion of Mr. Jordan of Cape Elizabeth.)

An Act to incorporate the State Loan Co.

An Act to amend Section four of Chapter 128 of the Revised Statutes relating to injury to property used for public water supplies.

An Act to amend the charter of the Auburn and Turner Railroad Co.

An Act to restore the jurisdiction of trial justices in the town of Fayette, in the county of Kennebec.

An Act to incorporate the Van Buren Water District.

An Act to change the title of the Wilton Electric Light and Power Co.

An Act to incorporate the Bangor Water District.

An Act to prevent the fraudulent issue and use of transfer tickets upon public conveyances.

An Act to provide for certain expenses of law terms of the supreme judicial court.

An Act authorizing the payment of an annuity by the city of Portland to Lizzie A. Johnson.

An Act to establish the Lubec and Machias Railway Co.

An Act to provide blanks, books and stationery for the municipal court in Newport.

An Act to amend the charter of the Northeast Harbor Water Company.

An Act to extend the charter of the Meduxnekeag Light and Power Company.

An Act to amend Section 1 of Chapter 129 of the Revised Statutes relative to corrupting water used for domestic and other purposes.

An Act to authorize the Fort Halifax Power Company to furnish electricity for power purposes.

An Act to amend Chapter 485 of the Private and Special Laws of 1901, establishing a municipal court in the town of Skowhegan.

An Act to amend Section 7, Chapter 128, of the Revised Statutes, relating to malicious mischief.

An Act to amend Section 1 of Chapter 166 of the Private and Special Laws of 1887, entitled "An Act creating the Fort Fairfield Village Corporation."

An Act to authorize Wadsworth and Woodman to take water from Lake Maranocook.

An Act to incorporate the Buxton and Hollis Power Company.

An Act to amend Section 16 of Chapter 23 of the Private and Special Laws of 1899, entitled "An Act to establish a municipal court in the town of Newport."

An Act to amend the charter of the Augusta Water District.

An Act to create a bridge commission to investigate the bridges connecting the State of Maine with the state of New Hampshire.

An Act to provide for the appointment of a commissioner of highways and economy in municipal expenditures.

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

An Act to amend Section 26 of Chapter 135 of the Revised Statutes relating to sentences.

An Act to amend Section 4 of Chapter 135 of the Private and Special Laws of 1901, entitled "An Act to incorporate the York Beach Village Corporation."

An Act to amend Section 10 of Chapter 6 and Section 12 of Chapter 6 of the Revised Statutes relating to the regulation and conduct of elections.

An Act to amend Chapter 126 of the Revised Statutes relating to gambling.

An Act to incorporate the Dexter Trust Company.

An Act to amend the charter of the Wilton Water Company.

An Act to amend Chapter 153 of the Private and Special Laws of 1879 in regard to building dams and embankments on Swift river in the town of Byron.

An Act to incorporate the Kittery Village Corporation. (Tabled pending passage to be engrossed on motion of Mr. Staples of Eliot.)

An Act in relation to insane persons in the State prison and in the county jails, and additional to Chapter 138 of the Revised Statutes.

An Act to amend Section 24, Chapter 48, Revised Statutes, relating to real estate investments of savings banks.

An Act to prohibit throwing sawdust, shavings, waste or refuse into Heath brook or its tributaries in the town of Acton, York county.

An Act to prevent the throwing of sawdust and other mill waste in Little Madawaska river and its tributaries in Aroostook county. (Tabled pending passage to be engrossed on motion of Mr. Holmes of Caribou.)

An Act to extend the close time of deer on Swan's Island, Hancock county.

An Act to amend an act entitled "An Act in relation to political caucuses in the city of Bangor."

An Act to amend Chapter 259 of the Private and Special Laws of 1903 relating to the protection of deer on the island of Mt. Desert.

An Act to amend Chapter 116, Section 11, of the Revised Statutes, relating to compensation of members of the government.

Mr. Sewall of Bath, offered an amendment to this bill by inserting the word "each" in the seventh line of the first section after the word "shall."

The amendment was adopted, and on motion of Mr. Littlefield of Rockland, the bill was tabled pending its passage to be engrossed.

An Act regulating the taking of clams in the town of North Haven.

An Act additional to Chapter 13 of the Revised Statutes, relating to the Penobscot tribe of Indians.

Mr. Oakes of Milford, offered an amendment by striking out in the fourth line of section four the word "who," and insert in place thereof the words "said agent."

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

An Act to repeal Chapter 623 of the Private and Special Laws of 1893 and Chapter 142 of the Private and Special Laws of 1895, amendatory of said Chapter 623, authorizing the town of Athens in the county of Somerset, to expend a portion of its school money in Somerset Academy.

An Act to regulate fishing in Sokomik lake, so called, in the town of Lomerick, also its tributaries, and in Long and West ponds in Parsonsfield, in the county of York.

An Act to amend Section 30 of Chapter 51 of the Revised Statutes, relating to railroad branch tracks.

An Act to amend Section 3 of Chapter 20 of the Revised Statutes, relating to burying grounds.

An Act authorizing the town treasurer of Kittery to expend money left for private lots in cemeteries not incorporated.

An Act to incorporate the Peaks Island Railroad Company.

An Act to amend Chapter 184 of the Private and Special Laws of 1895, entitled "An Act to incorporate the Castine Water Company."

An Act to regulate the use of the roads of the town of Castine.

An Act to prohibit fishing in Break-

neck brook and its tributaries, situated partly in the towns of Sebago and Baldwin, county of Cumberland.

An Act to amend Sections 100, 101 and 102 of Chapter 23 of the Revised Statutes, relating to State roads.

An Act to incorporate the Milbridge and Cherryfield Street Railway.

An Act to incorporate the Hampden Water Company.

An Act to provide for the better collection of collateral inheritance taxes. (Tabled pending third reading on motion of Mr. Powers of Houlton.)

An Act for the better protection of children.

An Act to amend Paragraph 7 of Section 4 of Chapter 49 of the Revised Statutes of Maine.

An Act in relation to sentences in a municipal or police court or by a trial justice.

An Act to prohibit the throwing of sawdust, shavings, waste or refuse into Little Ossipee river, within the limits of the towns of Shapleigh, Newfield, Waterboro, Limerick and Limington, in York county.

An Act to enlarge the jurisdiction of the municipal court of Dexter. (Tabled pending third reading on motion of Mr. Merrill of Skowhegan.)

An Act to incorporate the Monterey Association.

Resolve in favor of the town of Trescott.

Resolve in favor of I. S. Cote.

Resolve in favor of the city of Lewiston. (Tabled pending third reading on motion of Mr. Powers of Houlton.)

Mr. Hastings of Bethel, submitted statement of facts to accompany the resolve, and on his motion it was tabled for printing.

Resolve in favor of the city of Rockland.

Mr. Hastings of Bethel, offered statement of facts to accompany this resolve, and on his motion the same was tabled for printing.

Resolve in favor of the town of New Gloucester.

Resolve in favor of State Normal schools.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of the State School for Boys.

Resolve in favor of the town of Maria-ville.

Bill, To provide for appointment of receivers of corporations.

Bill, In relation to taxation of mortgages on real estate.

Bill, To authorize Sanford Light and Power Company to increase its capital stock.

Mr. Higgins of Limerick, offered an amendment by striking out Section three of the bill, and inserting in lieu thereof the following: "Section 3. The Sanford Light and Power Company is hereby authorized to sell or otherwise dispose of and convey its stock and bonds, power plant, pole lines, property and assets, rights and privileges and franchises, or any part thereof, to the Atlantic Shore Line Railway. Section 4. This Act shall take effect when approved."

The amendment was adopted, the bill was read a third time and was passed to be engrossed as amended.

Bill, To extend charter of Union River Water Storage Co.

Bill, To permit Bar Harbor and Union River Power Co. to increase its issue of bonds.

Bill, To extend charter of Fish River Improvement Co.

Bill, To extend the corporate powers of the Sebasticook Manufacturing and Power Co.

Bill, To incorporate the Matagamgon Towboat Co.

Bill, To incorporate Alfred Light and Power Co.

Bill, For the encouragement, development and conservation of the shellfish industry.

Bill, To provide notice to beneficiaries under wills.

Bill, Relating to a winter speedway on the Kennebec river at Hallowell.

Bill, To authorize Justin M. Leavitt to extend a wharf into the tide waters of Cape Porpoise harbor in Kennebunkport.

Bill, To extend the charter of the Camden and Liberty Railway.

Bill, To confirm the charter and enlarge the powers of the Old York Historical and Improvement Society.

Bill, To extend the powers of Eastern Timber Co.

Mr. Higgins of Limerick, offered an amendment by striking out Section six and substituting the following: "Section 6. The Eastern Timber Co. is hereby authorized and empowered to sell, assign, convey and transfer to the Publishers Paper Co., a corporation existing under the laws of Maine, all or any part of its rights, property and franchises, including all or any part of the rights and powers granted by this Act, and said Publishers Paper Co. is hereby authorized and empowered to take, purchase or otherwise acquire all or any part of said rights, properties and franchises. Section 7. This Act shall take effect when approved."

The amendment was adopted, the bill was read a third time and was passed to be engrossed as amended.

Bill, To amend and extend the charter of the Wingerport, Frankfort and Prospect Electric Railway.

Bill, To incorporate the Saco River Electric Power Co. (Tabled pending third reading on motion of Mr. Higgins of Limerick.)

Bill, Relating to the consolidation of certain railroad corporations.

Resolve, Authorizing Land Agent to release State's interest in Half Way island.

Passed to be Enacted.

An act to fix the salary of the Governor.

An act to incorporate the Foreside Water Co.

An act relating to plumbers and plumbing.

An act to regulate the sale and analysis of food.

An act to legalize and make valid the acts of Phillips Village Corporation.

An act to extend the charter of the Patten Telegraph and Telephone Co.

An act to extend and amend the charter of the Waterville and Winslow Bridge Co.

An act to extend the charter of the Bluehill Water Co.

An act to regulate fishing in the south branches of the Sandy river, Franklin county.

An act for the protection of fish in the tributaries of upper Kezar pond, Oxford county.

An act to extend the powers of the trustees of Bangor Theological Seminary.

An act to amend section 101 of chapter 4 of the Revised Statutes relating to harbors.

An act to extend the charter of the Buckfield Water Power and Electric Light Company.

An act to amend section 12 of chapter 140 of the Revised Statutes relating to corner's inquests.

An act to amend the charter of the Augusta Trust Co.

An act to prohibit the taking of oysters from Dyer's and Sheepscot rivers in the county of Lincoln.

An act granting permission to John L. Gosw to construct and maintain a bridge across Moose Island bar in the town of Stonington.

An act prohibiting the use of titles ordinarily applied to banks and trust companies by other than duly authorized banking corporations. (Tabled on motion of Mr. Stevens of Portland.)

An act authorizing the Governor and council to execute a contract for water for the State Capitol.

An act to amend section 16 of chapter 24 of the Revised Statutes relating to the law of the road. (Tabled on motion of Mr. Hastings of Bethel.)

An act to extend the charter of the Houlton and Woodstock Electric Railroad Co.

An act to amend section 23 of chapter 83 of the Revised Statutes relating to orders for service.

An act to amend section 1 of chapter 59 of the Revised Statutes by providing for the incorporation of yacht clubs.

An act to regulate fishing in Mattawamkeag lake.

An act to amend section 10 of chapter 52 of the Revised Statutes relating to the management and operation of steam railroads.

An act relating to fishing in Lufkin pond, Franklin county.

An act to incorporate the Saint Francis Telephone Co.

An act to authorize the maintenance of piers and booms in Baskahegan stream at Danforth.

An act to incorporate the Van Buren Light and Power Co.

An act to incorporate the Harmony and Wellington Telephone Co.

An act to regulate the purchase of milk or cream by creameries.

An act against the wilful destruction of fish in the bays, harbors or rivers of this State.

An act to amend section 53 of chapter 41 of the Revised Statutes relating to a bounty on seals.

An act to regulate fishing in Chepenticook lake, sometimes called Spednic lake, in the county of Washington.

An act to extend the charter of the Hancock County Railroad Co.

An act to extend the charter of the Bluehill Trust and Banking Co.

An act to extend the charter of the Houlton and Danforth Electric Railroad.

An act to authorize the inhabitants of York to give the York hospital a tract of land.

An act regulating the sale of bonds and other obligations on the installment plan for foreign corporations.

An act to amend section 19 of chapter 77 of the Revised Statutes relating to title by descent.

An act to authorize the Mattawamkeag Lumber Co. to erect and maintain piers and booms in the west branch of the Mattawamkeag river and in Fish stream.

An act authorizing the town of Stonington to issue bonds for the purpose of erecting a school building.

An act to confirm the organization of the Sebec Power Company and amend its charter extending its corporate powers and purposes.

An act to authorize E. S. Everett and others to erect and maintain a wharf into the tide waters of Casco bay in the town of Freeport.

An act to amend section 13 of chapter 32 of the Revised Statutes relative to the manner of hunting and catching wild hares or rabbits.

An act for the protection of muskrats in the towns of Hartland, Harmony, Athens and Pamyra in the county of Somerset.

An act additional to chapter 93 of the Revised Statutes relating to mechanics aliens.

An act to amend chapter 34 of section 3 of the Revised Statutes relating

to notaries public.

An act to amend chapter 143 of the private and special laws of 1899 entitled "An act to incorporate the Lubec Water and Electric Light Co."

An act to authorize the removal of bodies of deceased persons from the Freedom Cemetery in the town of Freedom.

An act to amend chapter 15 of the Revised Statutes relating to the education of youth.

An act to amend section 1, chapter 463 of the private and special laws of 1897, relating to the taking of alewives in Bagaduce river.

An act to authorize the construction and maintenance of a wharf into the tide waters of Casco bay on the island of Little Chebeague, situated in the town of Cumberland and the city of Portland, Maine.

An act to enable William G. Barter to construct and maintain weirs near Whitmore's Cove in the waters of Penobscot bay.

An act to amend section 2 of chapter 406 of the private and special laws of 1850, entitled an act creating the Norway Village Corporation.

An act to amend section 11 of chapter 116 of the Revised Statutes relating to compensation of the executive council.

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

An act to incorporate the Fidelity Trust Company of Portland, Maine (Tabled on motion of Mr. Webb of Brunswick.)

An act authorizing Samuel Sylvester to build a wharf into the waters of Small Point harbor in the town of Phippsburg, in said State.

An act to amend section 8 of chapter 117 of the Revised Statutes relating to constables.

An act to authorize the Mainstream Lumber Co. to erect a dam across Mainstream in the town of Harmony.

An act to amend the Revised Statutes, chapter 125, section 48, relating to cruelty to animals.

An act to amend chapter 9 of the Revised Statutes, relating to the assessment of taxes on lands in places not incorporated.

An act to establish the Emerson Lumber Company to erect and maintain dams across the West Branch of the Mattawamkeag river in the town of Island Falls in the county of Aroostook.

An act to repeal chapter 415 of the private and special laws of 1903 annexing certain islands in the town of Fhippsburg.

An act to incorporate the North Chesterville Light and Power Company, in the village of North Chesterville in the towns of North Chesterville and Farmington, in the county of Franklin.

An act to incorporate the Trinitarian Congregational Parish of Castine and to legalize the doings of said parish, as heretofore known under the name of the Trinitarian Society of Castine, Me.

An act to amend chapter 119 of the private and special laws of 1881, as amended by chapter 122 of the private and special laws of 1899, relating to the taking of spawn herring in Narragaus bay.

An act to amend chapter 391 of the private and special laws for the year 1903 relating to the Farmers' Telephone Co. enlarging its territory.

An act to repeal the first clause of sub-division entitled 'in Washington county' of section 1, chapter 407 of the private and special laws of 1903 entitled "An act to consolidate and revise certain laws relating to closing certain lakes and ponds to ice fishing.

An act to authorize the erection of dams, side dams, piers and booms in Higgins stream and Grant brook, in the plantation of Brighton and town of Wellington, and in Buzzell brook in the towns of Wellington and Harmony, and to make improvements in said streams.

An act to amend chapter 266 of the public laws of 1893 as amended by chapters 128 of the public laws of 1899, 159 and 167 of the public laws of 1901, and 73 and 212 of the public laws of 1903, relating to the militia.

An act to amend chapter 64 of the private and special laws of 1901, and chapter 48 of the private and special laws of 1903 relating to the Wilson Stream Dam Co.

An act to repeal chapter 264 of the laws of 1824, amended by chapter 459

of the laws of 1827 and chapters 258 of the laws of 1887, relating to the fisheries in the waters of Vinalhaven.

Finally Passed.

Resolve in favor of L. C. Morse.

Resolve in favor of the town of Chelsea.

Resolve in favor of the Norcross Transportation Company.

Resolve to provide means for examination of claims for State pensions.

Resolve in favor of the town of Falmouth.

Resolve in favor of R. D. Leavitt of Auburn.

Resolve in favor of L. M. Staples.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of George N. Drost of Fort Fairfield.

Resolve in favor of the town of Edmunds in the county of Washington, to aid in building a bridge across tide waters in said town on road leading through the town of Edmunds to Whiting.

Resolve in favor of F. J. Allen of Sanford.

Resolve in favor of the town of Greenbush.

Resolve in favor of I. K. Stetson, Bangor, Maine.

Resolve authorizing a temporary loan for the year 1905.

Resolve authorizing a temporary loan for the year 1906.

Resolve providing for an epidemic or emergency fund.

Resolve in aid of navigation on Lewey, Long and Big lakes.

Resolve to aid in building a road in Eagle Lake plantation.

Resolve in favor of Moose River plantation, county of Somerset.

Resolve in favor of George G. Weeks.

Resolve in favor of Jackman plantation, county of Somerset.

Resolve in favor of Peter M. Nelson, representative of Penobscot tribe of Indians.

Resolve in favor of the Girls' Orphanage of the city of Lewiston, under the auspices of the Sisters of Charity.

Resolve in favor of aid in building a highway bridge across the Kennebec river between the towns of Bingham and Concord.

Resolve in favor of the town of Fort Kent, in the county of Aroostook, to assist in building a bridge across Fish river in the town of Fort Kent.

Resolve for the purpose of completing the fish hatchery and feeding station at the Rangeley lakes.

Resolve to authorize the land agent to sell and convey certain lands owned by the State in Caribou, now used as a fish hatchery.

Orders of the Day.

On motion of Mr. Hale of Portland, report of the committee on inland fisheries and game, reporting ought to pass on resolve in favor of Sebago Lake fish hatchery, was taken from the table and on further motion by the same gentleman the report was accepted. The resolve was then tabled for printing under the joint rules.

On motion of Mr. Reed of Portland, report of committee on federal relations reporting ought not to pass on bill to provide for representation at Louis and Clark and Jamestown Expositions was taken from the table and on further motion by the same gentleman the report and bill were recommitted to the committee on judiciary.

On motion of Mr. Reed, report of same committee reporting referred to next Legislature resolve for appropriation for representation at Jamestown Exposition, was taken from the table and on further motion by the same gentleman it was recommitted to the committee.

Special assignment:

Bill, relating to conduct of elections.

Bill relating to shelves in voting places.

MR. MOREY: Mr. Speaker, Two bills have been presented for consideration and they may be considered together, both tabled by the gentleman from Lewiston (Mr. O'Brien) last evening. It is an important matter as it affects the question of the secrecy of the Australian ballot law. The object of bill numbered 477 is to make the ballot secret. I cannot conceive how under No. 514, the bill presented by Mr. O'Brien, it can be a secret method of voting. No 514 provides that the compartments be turned around, that they be reduced in height until they are five feet only

from the floor, the top of the booth. The objections to the bill, on the ground that it is not a secret ballot are these, you will remember that inside of the guard rail the booths are so arranged at present that they face the guard rail. The election officer who is inside the guard rail frequently steps up behind the shoulder of the man who is voting and thus has an opportunity to see how he is voting. Now these compartments are turned around. They are but five feet in height. There is no provision made to keep the election officer from going in behind these compartments and watching, as he did before, the marking of the ballots.

Suppose a man takes in two men, for instance, a ward heeler takes in two men and it is his business to find out how these men vote. He takes them in behind these compartments, they are five feet in height, so he can look over to the man marking the ballot. He can turn his head and see the man marking his ballot in the other compartment. There is no provision that would keep him from seeing how his neighbor marked on the side or the other. It takes away what little secrecy there is in the present ballot law. In addition to that the election officer who has the right to go behind the compartments can also look over the shoulder of the voter and see how the ballot is marked. Tell me how bill 514 can in any way promote the secrecy of the ballot?

Now, bill No. 477 provides that the shelves shall remain facing the guard rail as they are now, and that the compartments shall be built out and a swing door placed facing the guard rail. The voter goes into this enclosure and the door is shut after him. He is with himself, his conscience and his ballot. It is an absolutely secret system. It is well known that there is a call for a really secret ballot in this State. Men from one party or the other perhaps do not desire to vote for some one man on the ticket. Under the present system or under bill No. 514, for fear that they would be seen in the process of cutting, they would vote the whole opposition ticket for the purpose of getting back at one man on the ticket. One of these bills is absolutely secret, the other has no secrecy about

it; and when you vote upon this question I ask you to give it your careful attention. It is a matter to promote the efficiency of the secret ballot. This bill would do it. There is not as I can see an objectional thing about it. The other method invites persons to go behind those compartments and to see and report, to take in and purchase and sell the voters whom they can corrupt for that purpose.

Mr. O'BRIEN of Lewiston: Mr. Speaker, House bill No. 514 was introduced here I believe some day in the first of February. I introduced it and it met with more than a little favorable comment in the home city of Mr. Morey and myself. The local papers commented on it quite favorably. Some four or five days after I introduced it the gentleman from Lewiston (Mr. Morey) introduced House bill 477 and referred it to the judiciary committee. The bill which I had introduced had been sent to the legal affairs committee. Now, both of those committees have had an enormous amount of work to attend to during this present session. Somehow or other the bill introduced by my colleague, referred to the judiciary committee, was reported back here to the House on last Thursday, a favorable report. The report on the other bill, 514, did not return from the legal affairs committee until Friday. I simply mention this to show which of these bills was introduced first, as far as that may have any bearing on the matter.

Now I agree with the gentleman from Lewiston in all that he says about the desirability of a secret ballot. The fact that the judiciary committee reported favorably upon his bill and that the legal affairs committee reported unanimously on the other bill is sufficient evidence that some change should be made in our voting system in order that a man may have some secrecy in his ballot. Since there is a necessity of some change, the first thing, it seems to me, which we should consider is the simplest form by which the object can be accomplished. There is altogether a too intricate mechanism about our voting at present; and when two methods of change are proposed, whichever is the simpler is

to my mind the one that should be adopted. Another question which should have some weight is the practicability of the method. If you read House bill No. 477 you will find that it provides that an enclosure with a swinging door, the door six feet from the floor, should be provided for each and every voter. If every city and town had fixed polling places, places where no other use was made of them then the use made on election day, there might be some good in this bill, but in many towns and in some of the cities we have voting places that are not fixed so that those booths could be put in there and made stationary. And if you are going to provide booths with a swinging door, suppose a man of my size needed assistance in voting, needs two election clerks in order that they may direct him so that he can vote intelligently. How large a booth must you have for those three men to get into? You could not have but one or two booths in the whole ward room. The gentleman from Lewiston says that bill No. 514 absolutely does away with the secrecy of the ballot. Since this bill was introduced here I have been agreeably surprised to learn of the number of towns and cities in this State where voting has been done in the past in exactly the manner which I have prescribed in House bill 514. Two of the senators in the other branch in talking with me about the matter have said that at every election up to the present time the manner of voting in their towns has been in accordance with the manner prescribed here in bill No. 514. The only objection to that is that while they have been voting in a manner which gave a secret ballot, at the same time they have been voting contrary to the statute, because the statute provides at the present time that the voting shelf shall be the view of all persons in the ward room. House bill 514 provides that the voting booths should be so arranged that they be reversed from the position which the statute now compels, that they be turned about. Under this bill a man marks his ballot in entire secrecy because it provides that there shall be no other persons in the rear, in other words, that the shelves shall not be in

view of any person except those participating in the voting. The gentleman from Lewiston would have you believe that if a ward heeler wishes to control votes all he has to do is to bring in five or six men and compel them to hold up their ballots and allow him to see the manner in which they vote. How many times can a ward heeler get by that ballot box and get into the rear? He cannot get in but once; he has but one vote; he cannot get in again.

The gentleman makes something out of the fact that the top of the booth as proposed in No. 514 is only five feet high. He says a man can mark his ballot in such a way that he can show it to others. The gentleman must know that there is a provision in the statute with a penalty attached if any man shows his ballot. On the other hand bill No. 514 provides that there shall be at least a foot and a half space unenclosed at the base of the booths, thereby giving an opportunity for the proper persons in the ward room to see the feet of every voter as he stands behind that booth. It also provides that the top of the ballot booth shall not be more than five and one-half feet from the floor. Can you conceive how a man in there can collide with another person without some proper official knowing about it, and if he does isn't there a provision in the statute which provides a penalty for it? I say that what we want is the simplest method of voting, the least expensive and the most practical. In many of the towns and in some if not all of the cities the expense of House bill No. 477 will be considerable. I ask you, gentlemen, when you come to vote to ask yourselves if your town or your city should take the more expensive method and the one which at the same time is the least practicable.

Another objection that he raises to No. 514 is this. He says, suppose a man comes in to vote and he wants the assistance of the election clerks, then the two election clerks go to the rear, and he intimates that if there is collusion between those two ballot clerks—although they belong to opposite parties—they have a grand opportunity to fool the poor fellow while standing in the

rear of the booth. But in No. 514 we provide for just such a contingency as that, that there shall be inside the guard rail and in view of all others a voting shelf or compartment for the exclusive use of voters who require the assistance of the election clerks in marking their ballots. That is, inside the guard rail and facing every person in the ward room is a shelf provided for the man who needs assistance in marking his ballot, so that when the election clerks go to any man with assistance they are standing right in the open view of every man in the ward room, and they do not in such cases go in the rear of the booths. Consequently there is no occasion, no opportunity for two corrupt officials to delude a voter and get him to vote a different ticket than he intended to do. Even if a man receives money for his ballot, give him an opportunity to vote as he sees fit, no matter from which party the money came or if it came from both. I say on top of that that I never yet, and I hope I never will be afraid to trust the people, and I wish that conditions were such that every man on the checklist in every city and town would take the interest to vote on election day; and by having such a law as bill 514, we would have an honest expression from every voter. I ask you when you are considering these two bills to vote as your conscience tells you, in keeping with the expense of the change, the practicability and the simplicity of it, and I believe when you consider those points you must vote in favor of House bill 514.

Mr. MOREY: The gentleman told you to begin with that he wanted you to vote for his bill because he introduced it first. Bill 477 was in partial draft in my desk and I had consulted with members of this House as to the advisability of its provisions; and then, when this bill was half drafted and under discussion, then over night was put in this bill, and at the next meeting of the House the bill 477 was introduced here and was referred to the judiciary committee. So much for that branch of the case.

The gentleman says that two election clerks would not have gone in behind the compartments to see how the men were voting. I never made any such claim. I said that the election clerk when he is done marking the ballots for those who want assistance, is always walking back and forth and looking over the shoulders of people voting, and I say that he has ample and exclusive opportunity to see how the men vote as he does with the

arrangement as it is today. That was the position.

The gentleman asks if a man comes to have his ballot marked and he is of large size, what would be done. When you go now to your compartment, the two election clerks always stand back, they do not crowd into the compartment with you. Under this bill they would stand at the door of this compartment. As far as the expense is concerned, to extend the size of the voting shelves and place a door on them is worth perhaps \$2.50. That will not involve any town in financial ruin. It is not here a question of cost. This bill has been discussed by members of the House when someone jumped in this other bill, and now the gentleman wants you to take the question of cost into consideration. The question to be determined here is which is best for the people, and I hope you will decide it according to the merits of the two bills. One results in absolute secrecy; the other is not secret and puts a premium upon something worse.

I did not say that a man voting in a booth would hold up the ballot for inspection. Of course there is a law against a man's exhibiting his ballot. The gentleman takes an imaginary position to discuss instead of confining himself to the facts stated here. The position was this: You go into a compartment and the man on the other side looks and sees how your ballot is marked. There is no law to prevent a man from looking over the compartment and seeing how his neighbor is voting. That is the objection.

Mr. O'BRIEN: The gentleman has made some reference to his having his bill half drafted when mine was introduced. I want to make this statement in order that you may not be misled by what he says. The very night of the election last September, after seeing the disgusting scenes of how some work was done in certain ward rooms in Lewiston, I talked over with Mr. Belleau—and he can bear me out in the statement—something relative to a change on this very point, and I told him then that I intended to bring in a bill touching that point. More than that, I think the gentleman from Rockland (Mr. Littlefield) will recall the fact that the second week we were here I talked with him upon the matter. So you can see that if the gentleman (Mr. Morey) had any bill of this kind up in his desk it was not that fact that led me to seek any change in regard to this ballot law. I am satisfied that voting today is not secret and that is the reason for my having prepared this bill.

The gentleman says that there would not be any secrecy under bill 514, that one man can look into a neighboring booth and see how the other is voting. I submit to you, is it possible as the booths are arranged in the ward rooms today for any man to look over the edge of the booth and see the ballot of the other man in the next booth? It is impossible; and the shelf will be too high under this bill. Enact this bill and it will be utterly im-

possible for any man in one booth to look over the top or the side and see what the man in the next booth does. The gentleman says that the two election clerks do not go into the booth to assist a man in voting, and that they will not under his bill. I admit that it is not necessary for them at the present time to go into the booth, but you adopt his bill with a swinging door and how in heaven's name are they going to tell him how to mark his ballot unless they go in there with him? And in order for three men to be in there you must have a booth large enough so that three or four of them would fill an ordinary ward room.

I submit the matter without further talk.

The SPEAKER: The House by unanimous consent has considered these bills together. Bill 477 is the first to be disposed of.

Bill 477, An Act to amend Section 22 of Chapter 6 of the Revised Statutes relating to the regulation and conduct of elections, was then read a second time and assigned for tomorrow for its third reading.

The pending question being the second reading of bill 514, An Act to amend Section 22 of Chapter 6 of the Revised Statutes, relating to the better arrangement of shelves in the polling places,

Mr. Morey of Lewiston, moved that the bill be indefinitely postponed, and called for the yeas and nays.

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

The motion was lost.

The question being, shall the bill be indefinitely postponed,

The motion was agreed to.

On motion of Mr. Higgins of Limerick, the rules were suspended and that gentleman introduced bill, An Act to provide for the better enforcement of the laws against the sale of intoxicating liquors, and on further motion by the same gentleman it was tabled for printing pending reference to a committee.

On Motion of Mr. Tupper of Bangor, bill An Act to amend Section 2 of Chapter 21 of the Private Laws of 1895, relating to the Bangor municipal court, was taken from the table, and on further motion by the same gentleman it was referred to the committee on legal affairs.

On motion of Mr. Higgins of Limerick, bill, An Act to incorporate the Kittery Water and Electric Light company, was taken from the table.

Mr. Higgins offered an amendment to Section 7 by striking out in the sixth and seventh lines the words "their transportation," and inserting the words "said corporation;" also amend Section 8 by striking out in the second and third lines the words "or any adjoining towns;" also by inserting in the fourth line after the words "purpose of" the words "procuring of."

The amendment was adopted, the bill was then read a third time and was passed to be engrossed as amended.

Mr. O'BRIEN of Lewiston: Mr. Speaker, in view of the fact that there was no quorum present when the vote was taken on House bill 514, I move that it be reassigned.

Mr. MOREY of Lewiston: I object to that on the ground that the point was not taken in season.

Mr. O'Brien: I make the point that there was not a quorum present when that vote was taken.

The SPEAKER: The point is not well taken.

Mr. O'BRIEN: I move to reconsider the vote whereby bill 514 was indefinitely postponed.

The motion was lost.

Mr. O'BRIEN: I raise the point now that there was no quorum present.

The question being on determining the presence of a quorum, a count of the House disclosed the presence of 54 members, or less than a quorum.

On motion of Mr. Higgins of Limerick,

Adjourned.