

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

island in the town of Falmouth and the main land in said town.

An Act in relation to the Hill Manufacturing Company.

An Act to incorporate the town of East Millinocket.

An Act to incorporate the Somesville Water Company.

Finally Passed.

Resolve in aid of the Temporary Home for Women and Children in Portland.

On motion by Mr. Wyman of Washington the Senate adjourned.

HOUSE.

Thursday, February 21, 1907.

Prayer by Rev. Mr. Evans of Augusta.

Papers from the Senate disposed of in concurrence.

Bill, An Act to authorize the Rumford Falls and Bethel Street Railway to maintain a dam on the Androscoggin river near the mouth of Bear river, came down from the Senate referred in that branch to the committee on railroads and expresses.

On motion of Mr. Gleason of Mexico the bill was tabled for printing pending is reference in concurrence.

Senate Bills on First Reading.

An Act to preserve trees abutting on public ways and other places.

The House report of the committee on interior waters, reporting ought not to pass on bill, An Act to establish a bench or water mark in Sebago lake, came back from the Senate the report accepted by that branch in non-concurrence with the action of the House in re-committing the same to the committee.

On motion of Mr. McKinney of Bridgton, the report from the Senate was tabled, and Tuesday of next week assigned for its consideration.

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

Judiciary.

By Mr. Libby of Amity—Petition of B. F. French and 39 others of Linneus in favor of change of S. J. court sessions in Aroostook county.

By Mr. Stuart of Belgrade—Petition of F. L. Pray and 70 others of Belgrade, to submit to the voters of the State an amendment for initiative and referendum.

By Mr. Martin of Bangor—Petition of John F. Connolly and 45 others of Bangor for initiative and referendum.

By Mr. Tolman of Portland—Petition of John E. Owen and 45 others of Portland in favor of initiative and referendum; of William E. Callaghan and 16 others of Portland; of Granite Cutters' Union of Portland for same.

By Mr. Weeks of Fairfield—Bill, An Act amending Chapter 164 of the Public Laws of 1905 relating to location and assessment of damages for property taken for public uses.

Legal Affairs.

Petitions in favor of the passage of bill in relation to the Union Water Power Company were presented as follows:

By Mr. Kendall of Bowdoinham—Of James H. Fiske and 21 others; of W. W. Nearing and 22 others; of F. C. Whitehouse and 24 others; of A. J. Hutchinson and 20 others.

By Mr. Lowe of Turner—Of H. L. Pratt and 23 others, operatives in Bates mill, Lewiston; of L. R. King and 29 others, operatives in Androscoggin mills; of Fred Broden and 104 others, Androscoggin mills; of J. J. Russell and 79 others, Androscoggin mills; of William H. Allen and 71 others, Androscoggin mills; of W. E. Moore and 37 others, Androscoggin mills; of Harry Cheney and 103 others, Androscoggin mills; of C. F. Packard and 44 others, operatives in Avon Mfg. Co., Lewiston; of W. E. Wood and 95 others, Avon Mfg. Co.

By Mr. Emerson of Stow—Petition of F. S. Morse and 14 others of Waterford for a law to prevent prize fighting contests.

Petitions for same were presented as follows:

By Mr. Minahane of South Berwick—Of Rev. David Onstott and 44 others of Old Orchard.

By Mr. Davis of Poland—Of J. W. Smith and 14 others of Poland; of Charles W. Webber and 38 others of Durham.

By Mr. Perry of Fort Fairfield—Of Rev. Wm. E. Greene and 29 others.

By Mr. Loring of Pownal—Of Geo. F. Sturtevant and 44 others of Freeport.

By Mr. Hall of Dover—Of Rev. H. W. Norton and 21 others.

By Mr. Kelley of Farmington—Of Rev. H. L. Nichols and 15 others of Hallowell.

By Mr. Tolman of Portland—Of Alpheus Griffin and 32 others.

By Mr. Young of Hiram—Of E. E. Kimball of Hiram and others.

By Mr. Tolman of Portland—Of Charles M. Woodman and 32 others; of L. F. Buell and 42 others.

By Mr. Stubbs of Strong—Of Philip H. Stubbs and 14 others; of Frank Luce and one other.

By Mr. Barker of Exeter—Of F. W. Brooks and 9 others of Corinna.

By Mr. McKenney of Bridgton—Of William Woodard and 43 others.

By Mr. Davies of Yarmouth—Of H. L. Caulkins and 30 others, of Yarmouth.

Appropriations and Financial Affairs.

By Mr. Safford of Kittery—Petition of E. C. Shapleigh, M. D. of Kittery and 38 others for resolve in favor of Maine State Sanatorium Association.

By Mr. McKinney of Bridgton—Petition of J. Louville Bennett, M. D., and 39 others for same.

Agriculture.

By Mr. Lovejoy of Milo—Petition of C. R. Atwood and four others of New Gloucester for the exemption of young stock from taxation.

By Mr. Merry of Woodland—Petition of Melvin Palmer and 27 others of Skowhegan for same.

By Mr. LeBree of Cambridge—Petition of J. H. Wilson and 25 others of Cambridge for same.

By Mr. Martin of Bangor—Remonstrance of C. E. Hayward and 40 others of Ashland against amendment of Revised Statutes imposing unnecessary restrictions upon the keeping of dogs; of W. H. Rowe of Masardis and 19 others; of G. B. Hayward and 40 others of Ashland against same; of Charles W. Farnham and 28 others of Clinton against proposed bill entitled "An Act for the protection of sheep husbandry;" of Rev. E. B. Foster of Clinton and E. E. Merrill; of Dr. S. L. Andrews and 29 others of Clinton for same.

State Lands and State Roads.

By Mr. Stuart of Belgrade—Petition of F. L. Pray and 65 others of Belgrade in favor of the Sargent road bill.

By Mr. Stuart of Belgrade—Petition of F. L. Pray and 68 others of Belgrade for State aid in repairing public high-

ways, said aid to towns to be in proportion to their entire road mileage.

Inland Fisheries and Game.

By Mr. Wood of Bluehill—Remonstrance of Walter R. Butler and 28 others of Bluehill, against any change in the present law relative to wild hares or rabbits.

By Mr. Milliken of Island Falls—Remonstrance of A. E. Hopkins and 57 others against proposed legislation creating a game preserve around Mt. Katahdin; of Llewellyn M. Felch and 19 others of Houlton; of A. T. Robinson and 24 others of Sherman; of Blake Barton and 41 others; of Daniel McDonald and 27 others; of Isaac Cushman and 46 others of Sherman and Silver Ridge; of W. J. Donoghue and 42 others of Sherman; of John T. Murphy and 24 others of Benedicta; of F. H. Daggett and 29 others; of L. L. Bickings and 422 others; of John J. Wills and 161 others; of William Erb and 41 others against same.

Public Buildings and Grounds.

By Mr. Johnson of Calais—Petition of G. W. Miller and 19 others of Calais in favor of the removal of the State capital to Portland; of L. L. Murchie and 41 other of Calais for same.

Remonstrances against removal of State capital were presented as follows:

By Mr. Reynolds of Winslow—E. W. Garland and three others of Benton; of Frank W. Gifford and 20 others of Benton.

By Mr. Emery of Jay—Of B. F. Stanley and 24 others of Wilton.

By Mr. Stuart of Belgrade—Of W. C. Smiley and 22 others of Fayette.

By Mr. Montgomery of Camden—Of W. Starrett of Hope and 29 others.

By Mr. LaBree of Cambridge—Of M. J. Merrill and 23 others of Harmony.

By Mr. Dow of Brooks—Of E. D. Tasker and 34 others of Jackson.

By Mr. Wood of Bluehill—Of Seth M. Young and 42 others of Lincolnville.

By Mr. Sprague of Drew—Of Wilbur Grant and 26 others of Kingman.

By Mr. Gallagher of Waldoboro—Of Elmus Shuman and 39 others of Waldoboro.

By Mr. Tolman of Glenburn—Of John E. Flagg and 13 others of Glenburn; of Frank A. Bishop and 15 others.

By Mr. Lowe of Turner—Of Frank W. Cooledge and 10 others, of I. T. Monroe and 18 others.

By Mr. Stubbs of Strong—Of L. D. Gross and 17 others of Coplin plantation.

Temperance.

By Mr. Davies of Yarmouth—Remonstrance of A. M. Alexander and 50 others of Harpswell against resubmission.

By Mr. Oram of Bristol—Remonstrance of C. A. Simmons and 31 others of Friendship against same.

By Mr. Martin of Rumford—Of J. L. Pinkerton and 16 others against same.

Taxation.

By Mr. Stuart of Belgrade—Petition of F. L. Pray and 17 others of Belgrade for increase of school tax fund by one mill.

By Mr. Dyer of Buckfield—Bill, An Act to amend Section 24 of Chapter 8, Revised Statutes, of 1903, relating to annual excise tax of railroads. (Tabled for printing pending reference on motion of Mr. Dyer.)

Salaries and Fees.

By Mr. Hall of Dover—Bill, An Act in relation to the salary of the register of probate of the county of Piscataquis.

Orders.

On motion of Mr. Dyer of Buckfield, Ordered, The Senate concurring, that the committee on appropriations and financial affairs be directed to inquire into the advisability of requiring supplies purchased by the State for all State institutions to be purchased on the basis of competitive bids, and report by bill or otherwise.

Reports of Committees.

Mr. Davies from the committee on the judiciary reported "ought to pass" on Bill, "An Act to limit time required within which to bring suit to quiet title to real estate."

Mr. Goodwin from same committee, on petition of Rev. H. H. Noyes of Island Falls and 25 other clergymen, praying for an act directing the clerk of courts in each county to send to the clergymen in that county, a list of the divorces granted at each term of court, reported that the petitioners have leave to withdraw.

Mr. Dunton from the committee on legal affairs reported "ought to pass"

on Bill, "An Act relating to the appointment of an inspector of milk and vinegar in the city of Augusta."

Mr. Hall from same committee, on petition of the selectmen and others of Jefferson, praying for an amendment to the existing statutes so as to allow the taking of alewives in Dyer's river, reported that the petition be referred to the committee on shore fisheries.

Same gentleman from same committee reported "ought not to pass" on Bill, "An Act to amend Section 108 of Chapter 6 of the Revised Statutes relating to caucuses."

Mr. Young from the committee on railroads and expresses reported "ought not to pass" on Bill, "An Act to incorporate the Sullivan and Winter Harbor Railway Company."

Mr. Langley from the committee on agriculture reported "ought not to pass, on Bill, "An Act to amend Paragraph 5 of Section 6 of Chapter 9 of the Revised Statutes relating to the taxation of young animals."

Mr. Crosby from same committee reported same on Bill, "An Act to amend Section 2 of Chapter 19 of the Revised Statutes, relating to the prevention of contagious diseases among animals."

Same gentleman from same committee reported same on Resolve in favor of the Newport Agricultural and Pomological Society.

Same gentleman from same committee, on petition of Richard H. Hurd and others of North Berwick for an appropriation of \$500 to aid the agricultural association of North Berwick, reporting that the petitioners have leave to withdraw.

Mr. Merrill from the committee on inland fish and game on petition of J. J. Sodergren and others for a highway through Little Madawaska from the outlet to the Madawaska lake, in Aroostook county, reported that the petition be referred to the Commissioners of Inland Fish and Game.

Mr. True from the committee on taxation reported "ought not to pass" on Bill, "An Act relating to the taxation of railroads and street railways.

Same gentleman from same committee, on Bill, "An Act to amend Section 24 of Chapter 8 of the Revised

Statutes, relating to taxation of railroad companies," reported that the same be printed and recommitted.

The reports were accepted and sent to the Senate.

Mr. Montgomery from the committee on the judiciary reported "ought to pass" on Bill, "An Act to amend Chapter 154 of the Private and Special Laws of 1895, as amended by Chapter 20 of the Private and Special Laws of 1905, relating to the Wiscasset Water Company."

Mr. Johnson from same committee reported same on Bill, "An Act to amend Chapter 134 of the Revised Statutes, relating to recognizances in criminal cases."

Mr. Smith from same committee reported same on Bill, "An Act to amend Section 11 of Chapter 61 of the Revised Statutes relating to the solemnization of marriages."

Mr. Goodwin from same committee reported same on Bill, "An Act to incorporate the Limerick Water and Electric Company."

Mr. Waldron from same committee reported "ought to pass in new draft under same title" on Bill, "An Act to amend Section 15 of Chapter 65 of the Revised Statutes, relating to courts of probate."

Mr. Weeks from same committee reported same on Bill, "An Act to amend Sections 13 and 14 of Chapter 73 of the Revised Statutes, relating to sales of estates of non-resident owners."

Mr. Martin from the committee on legal affairs reported "ought to pass" on Bill, "An Act to abolish Fast day and create Patriots' day."

Same gentleman from same committee reported same on Bill, "An Act to amend Section 10 of Chapter 12 of the Revised Statutes, relating to county law libraries."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Resolve relating to the re-printing of the Maine reports and to the purchase of the same by the State."

Mr. Moore from the committee on railroads and expresses reported "ought to pass" on Bill, An Act to in-

incorporate the Winter Harbor and Eastern Railway Company.”

Mr. Emery from same committee reported same on Bill, “An Act relating to the extension of the Fryeburg Horse Railroad.”

Mr. Mullen from same committee reported same on Bill, “An Act to extend the charter of the Waterville and Winslow Bridge Company.”

Mr. Johnson from same committee reported same on Bill, “An Act to extend the charter of the Lincoln Electric Railway Company.”

Same gentleman from same committee reported same on Bill, “An Act to establish the Lubec and Machias Railway Company.”

Mr. Charles from the committee on banks and banking reported “ought to pass in new draft” on Bill, “An Act to amend and extend the charter of the Pepperell Trust Company,” under title of “An Act to extend the charter of the Pepperell Trust Company.”

Mr. Pooler from same committee reported “ought to pass in new draft under same title” on Bill, “An Act to incorporate the Solon Trust Company.”

Mr. Crosby from the committee on agriculture reported “ought to pass” on Bill, “An Act to assent to the purpose and provisions of An Act of the Congress of the United States, entitled ‘An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof.’”

Same gentleman from same committee reported same on Resolve to amend Chapter 126 of the Resolves of 1905, relating to the Central Maine Fair Association.

Mr. Herrick from the committee on shore fisheries reported “ought to pass

in new draft under same title” on Bill, “An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts.”

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

First Reading of Printed Bills and Resolves.

An Act to incorporate the Kezar Falls Water Co.

Passed to Be Engrossed.

An Act to set off a portion of the town of Starks and annex the same to the town of Norridgewock.

An Act to incorporate the town of Bowerbank.

An Act to amend and extend the charter of the Caratunk Power Co.

Resolve in favor of the St. Elizabeth Roman Catholic Orphan Asylum of Portland.

An Act to amend Chapter 212 of the Private and Special Laws of 1903, as amended by Chapter 139 of the Private and Special Laws of 1905 relating to the Searsport Water Co.

An Act to amend Section 2 of Chapter 465 of the Private and Special Laws of 1868, providing for the election of a superintending school committee and superintendent of schools in the city of Lewiston.

An Act authorizing the erection and maintenance of piers and booms in the West Branch of the Penobscot river.

Resolve providing for preventing contagious diseases among cattle and horses.

Resolve in favor of the Madawaska Training School.

Resolve providing for an epidemic or emergency fund.

Passed to Be Enacted.

An Act to ratify the action of the

committee appointed to build a bridge across York river.

An Act to change the name of the plantation of Hill.

An Act to incorporate the Bingham Electrical Co.

An Act to extend the charter of the Mutual Fire Insurance Co.

An Act in relation to reports of hearings in vacation in law or equity.

An Act to amend the charter of the Messalonskee Electric Co.

An Act to make valid the incorporation and corporate acts of Fort Fairfield Grange.

An Act to authorize the Twin State Gas & Electric Co. to exercise certain powers in this State.

An Act to repeal Chapter 6 of the Private and Special Laws of 1891, entitled "An Act additional to and amendatory of 'An Act granting a new charter to Bates College.'"

An Act to amend Chapter 145 of the Private and Special laws of 1887, entitled "An Act to provide sewerage in the town of Houlton.

An Act to amend Chapter 31 of the Private and Special Laws of 1905, entitled "An Act to authorize the Houlton Water Co. to generate, sell and distribute electricity."

An Act to amend Chapter 227 of the Private and Special Laws of 1880, entitled "An Act to supply the people of Houlton with pure water," as amended by Chapter 497 of the Private and Special Laws of 1889, and as amended by Chapter 148 of the Private and Special laws of 1903, and as amended by Chapter 3 of the Private and Special Laws of 1905.

Finally Passed.

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the bridge on the St. John river at Van Buren.

Orders of the Day.

Unfinished business: Majority and minority reports of committee on elections, reporting on remonstrance of Winfield S. Brown, contesting seat of Lafayette B. Waldron.

Mr. Hadlock of Cranberry Isles withdrew his motion to accept the majority report.

Mr. Johnson of Waterville then mov-

ed that the minority report be substituted for the majority report.

Mr. JOHNSON: Before the motion is put, Mr. Speaker, I would like to address the House on the motion. I believe I can bring this matter before you in a concise manner so that you will all understand the points at issue or the points upon which the members of the committee have differed in these two reports which have been made. I think I can confine my remarks almost entirely to a discussion of four ballots. Fortunately for a consideration of this case there are no allegations of fraud, of illegal voting or misconduct on the part of election officers. It comes down simply to a legal count of the ballots which were cast in the class of towns of Dexter and Garland for representative at the last election. I am very sorry that the committee upon elections has divided upon this question, and there should be no party politics in it. I believe I am a strong party man, but I believe that when the ballot boxes have been closed and the ballots have been cast, opportunities for party work have ended, that thereafter the ballots which have been thrown to express the will of the voters should be counted according to law and with the utmost impartiality and fairness. I believe you all agree with me in that, that there should not be in a question of a mere count of ballots any partisan politics but simply an attempt to get at the will of the voters as declared by those ballots under the law as it exists.

Now, there is something more in this, I will say, in preface to what I may say further—a great deal more in this than the question of whether a Republican or whether a Democrat shall occupy a seat in this House. There is nothing personal, either, in the matter. Mr. Waldron, the sitting member of this House, is my friend whom I have known for years. Both gentlemen who were candidates for the office of Representative at this last election are honorable and respectable gentlemen. The votes cast for these two gentlemen were not divided in their class towns upon party lines. Many

Democrats voted for the sitting member, Mr. Waldron; many Republicans voted for the contestant, Mr. Brown. The question here is how to count the votes from those two towns of Dexter and Garland, not as the party expression in those two towns but as it expresses the expression of the will of the citizens of those towns. Now I fully concur with the majority report of this committee—and I understand that the minority also agree with that—that distinguishing marks should not be considered, that our statute, which unfortunately has been retained since we have adopted the Australian system of voting, that the statute says plainly that no ballot with a distinguishing mark shall be received but if it has been received it shall be counted.

You see the incongruity. You cannot tell whether a distinguishing mark is on the ballot or not because it is a secret ballot and the ballot is folded when presented to the election officers; but the statute says that after it has been cast and received it shall be counted. So, I fully agree that the committee should not take into consideration the distinguishing marks upon the ballots.

The majority report finds that at this election there were 424 votes cast for Mr. Waldron, the sitting member, and 422 votes cast for W. S. Brown, or Winfield S. Brown, the contestant; so that the sitting member, Mr. Waldron, by the majority report has a majority of two. The minority report is that Winfield S. Brown had 425 votes, and Lafayette B. Waldron, the sitting member, 423 votes, claiming the election of the contestant by two votes. So you see the matter has got down to a few votes; and I wish every member of this House could see those ballots. Now, there are nine ballots to which I want to call your attention. The first is a ballot in the town of Dexter which in the two reports is designated as No. 3, Garland. (Showing ballot) It is unfortunate that you are called upon to vote upon this question without being able yourselves to study that ballot. It has a cross in the Re-

publican square. Then the voter went down here and made a cross through the name of Lafayette B. Waldron. There is a cross through the name, Lafayette, and part of the cross cuts the top of the middle initial "B." The majority of this committee has said that that is not an erasure of Mr. Waldron's name and they have counted that ballot for Lafayette B. Waldron, the sitting member. The minority of the committee say that that was an erasure of Mr. Waldron's name, the cross going down through the "Lafayette" and cutting the top of the "B" erased his name. I think the minority of that committee are correct. One of the definitions given in Webster's International Dictionary of the verb "to erase" is "to cross out." Let me ask you as practical men if a note were brought to you with the name "Lafayette B. Waldron" at the bottom of it, and through the "Lafayette" and extending through the top of the middle initial "B" was a cross such as that, would you consider that an erasure of the name of the maker of that note or not? Would you call it a genuine signature and say that the name had not been erased? Suppose upon a book of entry that name appeared to which a charge was made and then this cross had been put through the name. Wouldn't it be an erasure of that name? The majority report says that as the cross comes down through the word "Lafayette," it comes down through one letter only "e," in the middle part of it, that it starts and cuts the top of the "B" and comes down through the final "e" of the name, leaving, they say, a name still spelled "L-a-f-a-y-t-t" which may be a name. Now is that an impartial counting of ballots? I do not ask you to get at the intention of the voter, because I agree with the committee that nothing is left to intention; but was that an erasure of the name of Lafayette B. Waldron in the common acceptance of the term "erasure," and according to our statute we are instructed that words as used in statutes are to be construed according to their ordinary, usual interpretation and meaning. Would any

one of you hesitate to say, if you saw that name and that cross down through it, that there had been an erasure of Lafayette B. Waldron's name, in any business transaction that you might have, where that name was appended to any written document and you found that cross down through it?

The supreme court of South Dakota has considered that very question and have given an interpretation of the word "erased" consistent, I say, with the general acceptance of the term. This is in the case of Vallier vs. Brakke, in the 7th South Dakota Reports, page 356, where there was a similar ballot for consideration. The supreme court of South Dakota had this question before them. The ballot was No. 5. And the court say: "The finding No. 5, of the court is clearly correct, and its conclusion that a cross made by the official stamp on the name of the plaintiff was an erasure of the name was also correct." This is where the stamp of the cross was used on the name and the cross was said to erase the name. Now, here is the point; the supreme court of South Dakota said this: "If the act of erasure is such that the court can clearly see the voter has made an effort to erase the name, and intended in fact to erase it, any informality in the manner of doing it will be disregarded." Isn't that sound common sense, as well as sound law, that any informality of the voter when there is an attempt to erase is plainly made, any informality is to be disregarded? I sat in the Senate at the beginning of this session interested in the contest of a friend of mine, Rev. John B. Reardon, whose right to a seat was contested—I sat there as his friend, not counsel, and watched the count of the ballots. A ballot with a cross in the Democratic square and then a cross down through the residences only of the Democratic candidates for senators in this county, appeared. That cross did not touch a single letter of the name of Rev. John B. Reardon or Simon S. Brown or Thomas J. Lynch, but it did cross out the residences which followed their names; and the committee on the part of the

Senate rejected that ballot as an erasure of those names. Now, in the name of fairness, when we get into this House in a contest, are we to be told that a cross down through the Christian name of the candidate and the middle initial of the candidate is not an erasure of his name, but on the other side of this Capitol we are told that a cross going through the residence only without touching the name is an erasure? And the same learned counsel who appeared here for the sitting member in this contest appeared over there in that contest, and argued forcibly there, as he always does, and from his great store of learning and his large experience, that that vote with a cross through the residence should be rejected and that it was an erasure of all three candidates for senators, and then argues here that a cross through the Christian name and through the middle initial is not an erasure, and a majority of the committee accept that report and bring it in here for us to accept. Now, I leave it with you whether that ballot which is number three, Garland, contains an erasure. I leave it with you whether that is not plainly an erasure of the name of Lafayette B. Waldron and should not have been counted for him by this committee. If so, his vote is reduced to 423 from 424.

Now I wish to call attention to another ballot which is Dexter No. 15. In that the voter had placed his cross in the Republican square and then, as the minority of the committee say, erased the name of Lafayette B. Waldron and wrote beneath the name so erased the name of "W. S. Brown" in a shaky hand, the hand-writing of some old citizen of Dexter, who, doubtless had voted for many years, who wished to express his will at the polls on this election day. The trembling hand of an old citizen wrote the name of "W. S. Brown." Perhaps with all that formality some of you may think, he should have used when you are seeking for technicalities, he did not erase the name of Lafayette B. Waldron. But what did he do? He took his pencil and perhaps with his dim eyesight in his declining years he tried to pencil out the name "Lafayette B. Waldron," and

write beneath it the name of the candidate of his choice as he had a right to do under the statutes of this State. He took his pencil and through the word "Lafayette" there appears a dim line running through the "e," cutting the top of the "B" and then slides up over "Waldron." He did not have a rule with him with which to make a straight line through all the letters of the name, but he commenced to erase the name of Lafayette B. Waldron, commenced with his Christian name and then shot up over the name "Waldron." And then another attempt was made evidently, because another line appears on top of or next to the line through the word "Lafayette," and then when it reaches the final "e" of the name it divides. Now as that ballot appears today there is a plain mark through the word "Lafayette" and through the top of the "B." I understand the majority of this committee to say that when that ballot first came to their hands—and they have had these ballots under their control—that line commenced with the final "e" of "Lafayette" and erased the "e" and the "B" and they think that another line has been added inadvertently, they say. Who has added it? These ballots have been in their control. The minority members of this committee, all of whom I have seen, say that that ballot is today as it was when they first saw it. Discussion arose among them as to whether there was a dim line through the word "Lafayette" and a magnifying glass was obtained and the line appears as it will appear to you all, commencing with the first letter of the Christian name "Lafayette," and then the name "W. S. Brown" under it. Now, gentlemen, we are establishing precedents in this counting of ballots. We count not only for today, but we establish precedents for time to come, precedents to be referred to, precedents to govern in the future in a contest before this Legislature which is supreme and from which there is no appeal because you are the judges of the elections of your own members. Judges, gentlemen, and the term "judge" implies judicial fairness, justice and a love of justice. You are the sole judges of the election of the

members of this House. Now, if it be true that that pencil mark began with the "e," erased that "e" as they admit, and went up through the "B," then slid up over the "Waldron" because the old gentleman, as I say, with his failing sight could not control his pencil or did not see just where it was going, was that a substantial erasure, I will ask you that, and when he afterwards went to work and wrote in that trembling hand the name "W. S. Brown" under it—was it an erasure? Was it put in there inadvertently, a mere chance mark over the name of Lafayette B. Waldron? Or, did he do the best he could at the time to erase the name of Lafayette B. Waldron? I do not believe you are going to say that it is necessary that the voter should erase every letter in a candidate's name to make an erasure. If he makes a substantial erasure, a crossing out of that name, I submit it is sufficient and there is no court in this land which in passing upon that question, compelled to pass upon it, with judicial fairness and a love of justice, but what would say that that old voter made an erasure of the name of Lafayette B. Waldron, and, as under the statute he had a right to do, wrote the name of W. S. Brown. It is admitted and no controversy is made that a vote for W. S. Brown should be counted for Winfield S. Brown—one and the same name. There is no dispute about that. If that is an erasure of the name of Lafayette B. Waldron it is a vote for Winfield S. Brown or W. S. Brown and should be counted for him. He has 422, and if you add that one vote to which he is legally entitled under any fair system, under any judicial system, or counting the ballots, he will have 423 votes, a tie with Mr. Waldron—that is, if you take from Mr. Waldron the vote where his name is erased by a cross, that is the way the vote will stand, a tie.

Now, there are six ballots here where the voters tried to vote other than their party tickets. In three of those ballots here were stickers used over the name of Winfield S. Brown by Democrats who wished to vote for Lafayette B. Waldron. They had a right to do it by stickers. The law says they should be placed on and over the

printed name of the candidate. The three Democrats who tried to do that in these three ballots did not succeed in getting their stickers completely down over the name of Winfield S. Brown. One of them got his sticker so placed that it did not cut off anything of the "Winfield" and just went down through the very bottom of the final letter "d." Another one put his sticker at the top of the letters so that every single letter of the "Winfield S. Brown" is plainly legible upon this ballot and you can read on the ballot the name of Lafayette B. Waldron and the name of Winfield S. Brown. The tops of the letters are cut off, but every letter is legible so that anyone can read both names. Those votes were counted for Mr. Waldron. There were three more of a similar character for Mr. Brown. Three Republicans put their cross in the Republican square and then attempted to put a sticker with Winfield S. Brown's name upon it over Lafayette B. Waldron's name. Two of those the majority of the committee accepted. There was a partial erasure of Mr. Waldron's name. But the third one is discarded. The third one was this: There was a cross in the Republican square, a sticker used for the Democratic candidate for sheriff over the Republican candidate, then down here at the bottom was a sticker for Winfield S. Brown on and over the names of the Lafayette B. Waldron, as much so as another ballot which I will show you which has the sticker of Lafayette B. Waldron on and over the name of Mr. Brown. The learned counsel who appeared for the sitting member admitted that that sticker clips off the top of some of the letters of Lafayette B. Waldron but does not go down far enough to cover up and entirely obscure the name. Therefore, that vote was not counted for Mr. Brown and neither for Mr. Waldron, the majority of the committee finding that there were two candidates voted for.

Now, the other ballot to which I wish to call attention. Here is one of those counted for Waldron, a sticker ballot. It did not obscure the name of Winfield S. Brown. That is counted for Waldron. I have no objection to its

being so counted. I think it should have been; but so should this ballot where the sticker with Mr. Brown's name upon it was placed on and over that of Lafayette B. Waldron's, in all fairness, in all fair counting of those ballots. If that were so then the contestant Mr. Brown would have 424 votes, one more than Mr. Waldron.

There is another ballot to which I wish to call attention. We are told by the majority of the committee that this ballot for Mr. Waldron should be counted which has a cross through the Christian name because they said they found one for Mr. Brown where there is a cross. That is the one they referred to (Showing). There is a cross there, in fact, there are crosses all over that ballot. The crosses were not taken into consideration because the committee, both majority and minority, had agreed not to pay any attention to distinguishing marks, and that cross touches no part of the name of Winfield S. Brown; it is beneath the name and no part of it touches the name of Winfield S. Brown; it does not go through it. The cross in the case of Lafayette B. Waldron began above the "Lafayette" and went down through it. This voter for some reason made his cross in the Democratic square and other crosses down here in both the Democratic and Republican columns, six or eight crosses on that ballot.

There was another ballot referred to as being of a like nature to that cast for Mr. Waldron, with a cross, but in that there is a cross in the Republican square up here and then there is a cross down below the name of Winfield S. Brown in the Democratic column—no cross in the Democratic square—a good vote for Mr. Waldron and was counted for him, as it should have been, under the rule that a cross is not a distinguishing mark—not like the ballot which I have shown you. There was one other ballot which compared with this ballot which has the sticker for Winfield S. Brown just above the name of Lafayette B. Waldron so that the sticker clips some of the letters of the name, but in that ballot the sticker having Mr. Waldron's name upon it

was placed clear below the name of Mr. Brown.

There was another ballot which the minority of this committee say should be counted for Mr. Brown. In that the voter had placed his cross in the Democratic square and then he had erased with a pencil the names of all the candidates under the square except the name of Winfield S. Brown. That stood with nothing done to it. He then in the Socialist square made a cross. The Socialists had but one candidate and that one candidate for Governor. Now, under our statutes that voter may place his cross in the square above the party group or name in which case he shall be deemed to have voted for all of the names in the party group. The voter placed his cross in the Democratic square. He erased all the candidates except the candidate for the Legislature. He then in the Socialist square placed a cross. There was but one candidate in that column, a candidate for Governor. The minority say that it is borne out by the decisions that that vote should be counted for the Socialist candidate for Governor and for the Democratic candidate for the Legislature. There is nothing in our statute or any of our decisions so far as I am aware which says that a voter is compelled to vote in one party group only. Now this very question came before the supreme court of Illinois, and their statute is precisely like ours. We have a statute which says that if a voter marks more persons for an office that there are candidates to be voted for so that you cannot determine his choice, his ballot shall be rejected. In this case the voter marked but one candidate for Governor, the Socialist, and in the Democratic column he marked but one name for the Legislature, Winfield S. Brown, by placing his cross in the Democratic square. The only difference between the method in Illinois and ours is that instead of having a square at the head of the party group they have a circle. In the Illinois case the voter placed a cross in the circle above the Republican party group and also a cross in the circle above another party group, but the other group which I think was the Populist had no can-

didate for the school board. The Republicans in their column had a candidate for the school board. And the supreme court of Illinois counted those ballots as votes for the Republican member of the school board in that contest. Here is the decision found in the 30th Lawyer's Reports Annotated, that those votes were counted as voted for the Republican member of the school board and so allowed. If that be so, and if that is good law in Illinois, isn't it good law for us here in Maine, with no decision of our State court upon this question and no statute which says that there shall be voting in one column only? Isn't that a vote when the voter marks his cross in a Democratic square and pencilled out all the other names and left the name of Winfield S. Brown—isn't that a vote for Winfield S. Brown, when he went to the Socialist square and put his cross in there was there any double voting? And when he voted there he voted only for the Socialist candidate for Governor, he did not vote again for a member of the Legislature. There was no double voting I submit. The minority of the committee in asking that that vote be counted for Mr. Brown are borne out by the decisions of the supreme court of Illinois. I know of no decision which would reject that ballot. If you receive those two ballots and they are counted for Brown, his vote is 425 and the vote for Mr. Waldron is 423. But, if, gentlemen, you feel that those two last ballots, this voting in two columns, this placing of a sticker above a man's name and slipping the toy letters is not a sufficient erasure to meet the technical requirements of the law or the requirements which you set up in your own minds, what will you say to the other proposition that this was a tie vote—423 votes for each of these candidates? How can you escape that conclusion, counting these ballots fairly and impartially? Whatever the consequences may be in this result, we are not here to deal with consequences. As I said, Mr. Waldron is my friend, but this is not a matter of friendship, it is not a matter of party; it is a matter of principle higher than friendship or party; it is a matter of precedent to be

followed in the future; it is a matter which should receive the careful, candid, impartial consideration of every member of this House. (Applause.)

Mr. SMITH of Patten: Mr. Speaker, I had not intended upon this occasion to cbrude my views upon the House. The gentleman having this matter in charge is suffering from an attack of the grip. I believe the sitting member of this House has made no other arrangement for any particular person to represent his interest upon this floor; but he is my neighbor, my friend; he comes from my county; is upon my delegation; sits with me and my Brother Johnson in the judiciary committee of this Legislature. Therefore, perhaps, I should be doing him an injustice if at this time I remained silent and allowed his case to be unrepresented to the members of this House. I can only give some passing reflections that have occurred to me as I have listened to my distinguished friend who has just addressed you.

I agree with him that this question should be settled not in accordance with our personal views or inclinations, but in accordance with the law of the State. I agree with him that you cannot and should not go into the intention of the voter as represented by one or more of these ballots. The law says you shall not. As law-abiding citizens we are bound to obey the law. Not only does the law say that we shall not go into the intent of the voter, but common prudence says we should not. The moment you depart from the rule laid down by the statutes of this State you are afloat upon a sea of speculation, and will land you know not where. I have before me the report of the majority of the committee on elections. I suppose that the members of this committee, after long, deliberate and careful attention, with an opportunity to examine the decisions of the courts which opportunity we do not have here, were perhaps better competent to judge of the situation than we are. I concur with my brother that it is a misfortune that these ballots could not be written in flaming letters upon the wall before us, so that every man might be able to see and every man might read. His de-

scription may be faulty, mine may be; but, Mr. Speaker, the eyes of the members of this committee were upon those ballots. They scrutinized them, they examined them in the light of the evidence, they examined them with reference to the law. The majority have presented to you their views in detail. The minority, also honorable men, have presented their views, but not in detail, not specifically, but have presented some aggregate conclusions. I would like with all due respect to the minority to ask the members of this House if they can take that minority report cut off and separated from the majority report, and find in that report a single reason for the report as made. The majority report has not only given you a description in detail of the controverted ballots, they have given you in detail the reasons why those ballots should be counted, not only reasons which would appeal to your judgment, but reasons sustained by the law and the authorities which they cite and quote for your guidance. I should be willing, were this proposition coming to me as an entirely new one, to bank upon the decision so carefully worked out of the majority of this election committee. They were the court; they heard it; they decided it. If the supreme court of this State render a judgment, although it may be only four to three, we all respect it; nobody argues against it; nobody criticizes it. Here is a tribunal composed of reputable men on both sides taken from the body of this House, who have spent days upon the investigation of this troublesome question from Dexter. That court has rendered its decision. By the decision of that court I am willing to abide. I believe that by the decision of that tribunal every member of this House should abide.

Now for a moment let me call attention to those ballots as described. Take No. 3 Garland. The cross was made in the square at the top of the Republican column. Unless something was done to indicate the contrary, that cross voted every man in that Republican column including the sitting member, Mr. Waldron. When that cross was made Mr. Waldron was voted for, and that vote

should be counted for him unless legally he can be deprived of it. The minority, as I understand it, attempt to deprive Mr. Waldron of this vote because in the square devoted to his name there is a cross made, a cross touching in the faintest degree the letter "B" of his name, and passing down and partly cutting out the letter "e." As sensible men was that an erasure of the name of Lafayette B. Waldron? We formerly had the method of making crosses down below the square at the top to indicate our choice for representative. After the ballot law was changed it was not infrequent for a man to make his cross down below the party square for the purpose of emphasizing his desire to vote for the person in whose square he put that cross. Are you going to say, gentlemen of the House, that when a man put a cross in that square devoted to the representative touching that one letter of Mr. Waldron's name, that is an erasure of the name? Do you know whether it is an erasure? Do you know whether it might not be a desire of a friend of Mr. Waldron's to indicate in that contest his desire to vote for him and to emphasize it? I suggest to you that whether it was an attempt to erase Mr. Waldron's name or not, it did not. My brother concedes the principle that no matter what your intention is you must carry out your intention under the laws of this State. Now, by no stretch of the imagination can that be deemed an erasure. What do you understand by an erasure of a name? You understand the drawing of your pen or pencil through it so that there is nothing left which would constitute a name. Now, take the majority report of the committee and you find in the tabulation of these votes that that rule was adopted no matter whom it affected; when enough was left to leave a name like "Lafayette B. Waldron" it was counted; when ever enough was not left to constitute a name, it was rejected. And the same rule that works for one must be applied to the other. It may be a misfortune for Mr. Brown and for Mr. Waldron, but you must have fixed rules, you must be governed and con-

trolled by the law. An erasure does not simply mean to make a little dot or a dash; it means an erasure, a wiping out; and when a name still remains there has been no erasure of that name. You will find that the authorities are cited in the report of your committee on elections.

Now, take Dexter No. 15. As the ballot shows somebody started to draw a line which was just over the title "For Representative." It was drawn up into the square of "Register of Deeds" which is above it. It crossed the dividing line between the Register of Deeds and Representative to the Legislature, came back, cutting one or two letters in "Representative" and resting upon the last "e" in the name of Lafayette B. Waldron. It might have been made by an inadvertent slip of the pencil. Whether it was or not, I get back to my learned brother's proposition that the intention should not govern, because when you speculate on the intentions you are upon a boundless sea without rudder and without compass. Now, then, there wasn't a letter erased, as we understand it in the name of Lafayette B. Waldron. There was only one, or at most two obliterated in the word "Representative." Can you say when you are deciding under the rules of law that that is an erasure of the name of Lafayette B. Waldron? But there is something more. My brother says there is a faint line drawn from that, an extension of that line running through the name "Lafayette," and therefore he says it is an erasure, and that it shows, further, the intention of this voter. The majority of your committee have stated in their report that that line was not there while those votes were being considered; no man saw it, no man found it, notwithstanding that these ballots were examined time after time in the town of Dexter, notwithstanding they were examined time after time and day after day in the room of the committee on elections, notwithstanding they passed under the crucial and critical examination of counsel upon both sides, notwithstanding that ballot was argued by the

counsel on both sides. Until that argument closed no man living of all the men who had counted that ballot in Dexter, of all the members of the committee, as I understand it, none of the counsel engaged in the case, had ever seen, as I say, at the time of the closing of the hearing before this committee that faint line or any other kind of a line running through the name "Lafayette." My brother asks how it got there. I don't know. It is there now. It was not there then; and your committee say so. Gentlemen, I leave that ballot No. 15 there! I leave the name without that line that came into that ballot after the hearing and arguments; I leave it without a single letter erased except some kind of a little quirk down over the letter "e." Shouldn't it be counted? Are you not going to sustain the majority of this committee upon that ballot?

My brother argues to you a parallel illustration. Here was a ballot with the name of Winfield S. Brown put on with a sticker. It does not touch the name of Lafayette B. Waldron except by a hair line; it leaves every letter of the name, every word of the name, absolutely distinct and clear. It should be counted. The law says that the sticker should be put on and over the name. In that ballot nothing of the sort was done; it was not "on and over." The name of Mr. Waldron was not erased; it was left as clear and distinct as upon any ballot there. My brother compares it with another ballot, No. 6. I want to call attention to the difference between No. 6 and the ballot that I have described, and I want you to bear in mind our position that if the name remains so it is distinguishable as a name it is not erased under the law. If it does not remain so it is distinguishable, it is erased. Take this ballot, No. 6. The voter made his cross in the Democratic column. He comes down to the Representative for the Legislature and he puts on a Lafayette B. Waldron sticker. It obliterates every letter in the name of Winfield S. Brown except the letters "W-i-n-f-i-e" and part of the "l"—nothing left but a fractional part

of the Christian name of Mr. Brown. Now, this was the rule applied by the committee as shown by their report in the counting of these ballots—where there were two names plain and distinct and a cross at the head of the column, the vote should not be counted for either man because there were two men's names where there should be only one. It was counted for the man who had his sticker over the other name so substantially no name was left.

My brother calls attention to No. 10. You remember his argument upon the cross that just touched the letter "e." In No. 10 it obliterated the name of Mr. Brown just as effectively as the cross in No. 3 obliterates the name of Mr. Waldron.

Now, I have very little more to say except a reference to this one ballot which was last discussed, and that was the ballot marked with a cross in the Democratic square and a cross in the Socialist square. I disagree with my learned brother when he says that you may jump all over the face of the ballot and vote for anybody in different columns. The principle of our law and the theory and construction by which we have always been governed indicates conclusively that all your voting must be done in one column, in one group. You put your cross at the head of the column and any changes you make are made under that head. Now, this cross was placed in the Democratic column. Another cross was placed in the Socialist column. My brother says the voter first placed his cross in the Democratic column and then went down and erased every name except the name of Winfield S. Brown and then went over and put his cross in the Socialist column. My brother must have the eye of omniscience if he can follow this voter into the booth in Dexter and tell you whether he first put his cross in the Democratic column and made an erasure or put it first into the Socialist column. When the man had put his cross in either column, he had made all the party crosses that the law permits him to make. All his voting must

be done under that cross. Nobody can tell which ticket he elected to vote for, whether the Socialist or the Democratic; and I suggest to you that the committee have acted wisely and well and in accordance with the generally accepted doctrine governing such cases. What kind of a proposition is it to put up to a returning board? If you can pick out names which you think a man intended to vote for in two columns and count them, you could in the four columns which appear on that ballot. All system is gone, everything is gone; you are speculating. I get back to my brother's opening proposition, that you must be governed by the law and shouldn't embark upon the sea of speculation.

Now, gentlemen, I have talked longer than I intended. I leave the matter in your hands believing that you will sustain the judgment of the court which has rendered its decision in the report given here, and believing that justice will be done to my friend who is sitting here, your associate and mine. (Applause)

Mr. JOHNSON: Mr. Speaker, I intended to read to the House the decision of the supreme court of Illinois which I will now do with your permission. This was a contested election case of a member of the school board which went to the supreme court: "Applying the rules indicated to the ballots in this record, we find that of the 32 rejected all were properly excluded except eight, four of which should have been counted for each of these candidates. In these the voters made a well-defined cross in the Democratic or Republican circle at the head of the ticket (four in each), but also made a cross in another circle opposite a party name on which there was no candidate for superintendent of schools. While such ballots could not be counted for candidates upon both tickets, because the voter in that case marked more names than there were persons to be elected to the office, that rule cannot apply to these candidates, that is to say, where a voter made a cross in the Republican circle and did the same in the Independent Republican circle, on which last named ticket there was

no candidate for superintendent of schools, he did not mark more names than there were persons to be elected to that office, but expressed his choice for Miss White. And so where a voter made a cross in the Democratic circle but did the same in the People's Silver circle, on which there was no candidate for the office, the vote should have been counted for Orr."

Now, that the opinion of the supreme court of Illinois against the judgment perhaps of myself and my learned brother who has spoken. I leave it there.

Mr. SMITH: I submit that the Illinois law is not our law at all.

Mr. JOHNSON: I beg to differ.

Mr. SMITH: They vote there with a stamp, as I am informed, and I got some information the other day from a gentleman who has investigated their election laws. They vote with a stamp, put the stamp in the Republican column and then go out and put crosses elsewhere with that stamp and indicate their votes in that way.

Mr. JOHNSON: There is a fac-simile of some ballots which do not seem to be made with a stamp; they are made with crosses.

Mr. SMITH: As I understand it they make erasures by using a stamp.

The question being upon submitting the minority report for the majority report, Mr. Johnson moved that the yeas and nays be called.

The motion was agreed to.

The SPEAKER: All those who desire to substitute the minority report for the majority report will answer yeas as their names are called; all those who desire to sustain the majority report will answer no. The clerk will call the roll.

YEA:—Allen of Dennyville, B'anchard, Brawn, Brown, Copeland, Cyr, Dondero, Duncan, Durton, Edwards, Farnham, Flaherty, Frost, Gallagher, Grinnell, Harriman, Harris, Harthorn of Milford, Hibbard, Horgan, Johnson of Waterville, Jordan, Kelley, Leader, Leighton, Lowe, Lynch, Martin of Bangor, McClutchy, McKinney, Michaud, Minahane, Montgomery, Moore, Morneau, Newbert, Noyes, Perry of Randolph, Pike, Pinkham, Pooler, Preston, Scates, Skidmore, Skillin, Stevens of Jonesport, Stover, Strickland, Thomas of Harpswell, Tolman of Portland, True, Tucker, Waldron of Portland, Walker, Wardwell—59.

NAY:—Allen of Columba Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin

Barrows, Brackett, Charles, Chase, Clark, Cobb, Colcord, Crosby, Davidson, Davies, Davis, Decker, Dow, Dyer, Emerson, Emery, Farrar, Fulton, Giddings, Gleason, Goodwin, Gordon, Hadlock, Hall of Caribou, Haskell, Hathorne of Detroit, Hawkes, Herrick, Hill of Machias, Hill of Monticello, Irving, Jacobs, Johnson of Calais, Joy, Kendall, Knowlton, LaBree, Lane, Langley, Libby, Lord, Loring, Lovejoy, Martin of Rumford, Mayo, Merriman, Merrill, Merry, Miliken, Newcomb, Newton, Oram, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Reynolds, Smith of Lisbon, Smith of Patten, Spear, Sprague, Stearns, Stevens of Portage Lake, Stuart, Stubbs, Tarbox, Theriault, Thomas of Howland, Titcomb, Weeks, Whitehouse, Wight, Wood, Young—82.

ABSENT:—Danforth, Higgins, Randall, Safford, Snow, Tolman of Glenburn, Weld, Witham—8.

PAIRED:—Barker, no; Mullen, yes. Donigan, yes; Folsom, no. Hall of Dover, no; Havey, yes. Murphy, yes; Putnam, no.

So the motion was lost.

On motion of Mr. Smith of Patten the majority report was then accepted.

Unfinished business: Majority and minority reports of committee on elections, reporting on remonstrance of Alexis O. Robbins, contesting seat of Dana L. Theriault.

Mr. JOHNSON—In regard to this case I move to substitute the minority for the majority report.

I read at one time in the life of a distinguished American who was called the Great Commoner, the rugged Thaddeus Stevens, that in an election contest when he was not present he was called in to vote, and when he came in he inquired about it and they told him "Both of these fellows are bad fellows anyway, they are damned rascals." Mr. Stevens said: "That is not material; which one is our damned rascal?" (Laughter and applause). I therefore move, without discussion, that the minority report be substituted for the majority. (Applause).

The question being to substitute the minority report for the majority, a division was had and the motion was lost by a vote of 55 to 77.

On motion of Mr. Lord of Parsonsfield, the majority report was then accepted.

On motion of Mr. Stearns of Norway, Bill, An Act to incorporate the Paris Trust Company was taken from the table and referred to the committee on banks and banking.

On motion of Mr. Flaherty of Portland, report of committee on judiciary report-

ing out to pass on bill, to amend Revised Statutes relating to bail commissioners, was taken from the table.

On further motion by Mr. Flaherty, the report was accepted. (Tabled for printing under joint rules).

On motion by Mr. Weeks of Fairfield, report of committee on insane hospitals reporting reference to committee on legal affairs on petition relating to support of pauper insane and feeble-minded, was taken from the table and referred to the committee on legal affairs.

On motion by Mr. Dyer of Buckfield, majority and minority reports of committee on legal affairs on bill relating to police and city marshal of Biddeford, was taken from the table and reassigned for Wednesday of next week.

On motion of Mr. Horigan of Biddeford, the following committee reports were introduced under suspension of the rules:

Mr. Horigan from the committee on Indian affairs reported ought to pass on resolve in favor of Nicholas Sockbasin, representative of the Penobscot tribe of Indians.

Same gentleman from same committee reported ought to pass on resolve in favor of Joseph Neptune, representative of the Passamaquoddy tribe of Indians.

The reports were accepted, and on motion of Mr. Horigan the rules were suspended, the resolves received their two readings and were passed to be engrossed.

On motion of Mr. Walker of Biddeford, Adjourned.