LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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SENATE

Wednesday, February 12, 1919.

Senate called to order by the President.

Prayer by Rev. M. C. Folsom of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. D. 112. An Act to amend Section 3 of Chapter 130 of the Revised Statutes relating to the sale of milk.

In the House this bill was read once and then indefinitely postponed.

In the Senate, on motion by Mr. Babb of Cumberland, tabled.

House Bills in First Reading

H. D. 110: Resolve to reimburse the committee on State Prison for expenses to Thomaston.

H. D. 108: Resolve in favor of the city of Calais to reimburse said city for money expended in the care of State paupers.

H. D. 106: An Act to amend Section 58 of Chapter 8 of the Revised Statutes, relative to the protection of forest fire signs.

From the House: An Act to amend Section 1 of Chapter 10 of the Revised Statutes, to provide for a uniform poll tax.

In the House the report of the committee on taxation, ought not to pass, was accepted.

In the Senate, on motion by Mr. Stanley of Oxford, tabled.

The following bills, resolves, etc., were presented, and on recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

By Mr. Babb of Cumberland: An Act to authorize the commissioner of agriculture to group the various bureaus and lines of work in the department of agriculture into divisions.

Education

By Mr. Grant of Cumberland: Resolve to provide funds for vocational education.

Inland Fisheries and Game

By Mr. Metcalf of Piscataquis: An Act to amend Section 18 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of fish.

By Mr. Thornton of Aroostook: Petition of William L. Waldron of Ashland and 80 others, citizens of Ashland and Portage and vicinity, in favor of the resident hunters' registration law.

Orders

On motion by Mr. Chick of Kennebec, it was

Ordered, that 500 copies of Senate Document 37 be printed for the use of the Senate.

On motion by Mr. Walker of Somerset, it was

Ordered, the House concurring, that the committee on education be directed to investigate the various propositions and methods of distributing school funds, and report by bill or otherwise.

Mr. RICKER of Hancock: Mr. President, I would like to inquire through the Chair if that bill is in the possession of our committee, or referred to us, yet.

Mr. WALKER: It is not.

Bills in First Reading

S. D. 70: An Act to establish a superior court in the county of Penobscot.

Reports of Committees

Mr. Dearth for the committee on judiciary, on S. D. 24, an Act to amend Section 27 of Chapter 84 of the Revised Statutes, relating to the examination of applicants for admission to the bar, submitted same in a new draft under the same title, and that it ought to pass.

Mr. Parent from the committee on legal affairs, on an Act to amend Section 1, 2, 3, 5, and 11 of Chapter 222 of the Public Laws of 1907, entitled, An Act to provide for mothers with dependent children, reported same ought to pass.

The reports were accepted and sev-

eral bills tabled for printing under joint rules.

Passed to Be Engrossed

S. D. 60: An Act to repeal Section 16 of Chapter 37 of the Revised Statutes relating to the capacity of milk cans.

On motion by Mr. Babb of Cumberland, the following amendment was adopted, and the bill as amended was passed to be engrossed:

Senate Amendment A

Amend by striking out the words "of the section" as quoted from the Revised Statutes, so that said bill as amended shall read as follows: Section 16 of Chapter 37 of the Revised Statutes is hereby repealed.

S. D. 62. An Act to amend section thirty-two of Chapter 63 of the Revised Statutes of 1916, relative to mill waste deposited in lakes and ponds.

S. A. 64. An Act to amend Section 36, Chapter 36, Revised Statutes, relating to hearings in case of violation of the apple packing law.

H. D. 65. An Act to amend Section 4 of Chapter 48 of the Revised Statutes relating to municipal officers maintaining standards of measures.

H. D. 5. An Act to amend Sections 11 and 13 of Chapter 6 of the Revised Statutes relating to enrollment of voters for primary election.

H. D. 88. An Act relating to the taxation of money deposited in banks outside the state.

H. D. 96. Resolve authorizing the state land agent to sell certain lots in the town of St. Agatha in the county of Aroostook.

H. D. 97. Resolve authorizing the state land agent to sell certain public lots in St. Francis plantation in Aroostook county.

Passed to Be Enacted

An Act to amend Chapter 5 of the Revised Statutes by repealing Sections 30, 31, 32 and 33, relating to the control of forest fires.

An Act to amend Section 9 of Chapter 118 of the Revised Statutes relating to the fees of witnesses.

Assigned for Today

The PRESIDENT: Today assigned and first on the calendar is the report of the committee on senatorial elections on petition of Henry L. Irish of Turner praying that he may be admitted as senator vice Edward R. Parent, with accompanying resolution.

Mr. THOMBS of Penobscot: Mr. President, fellow Senators: Before taking up this matter and making a committee report, I think it might be proper and profitable if the Secretary would read the report of the Committee.

The Secretary read the report of the committee, as follows:

The committee on senatorial elections to whom was referred the petition of Henry L. Irish of Turner, in the county of Androscoggin, praying that he may be admitted as one of the senators from the county of Androscoggin vice Edward R. Parent, one of the sitting senators from said county, having had the matter under consideration, and after hearing the evidence in the case and the arguments of counsel, begs leave to report that the said Henry L. Irish received 4758 votes and the said Edward R. Parent received 4668 votes at the last September election for the office of senator from said county, and therefore the said Henry L. Irish was legally elected one of the senators from said county to the 79th Legislature of Maine and shall be seated as one of the duly accredited senators from said county.

(Signed) THOMBS,
BAXTER,
BUTLER,
EMERSON,
HOLT,
LEWIS,
PEACOCK,
Committee on Senatorial Elections.

Mr. THOMBS: Mr. President, it has been the custom for Legislatures in the past, to expedite and properly take care of the work that comes before them, to appoint committees to attend to certain duties that may properly come before the Legislature,

and for which the Legislature itself perhaps as a whole may not have sufficient time, in order to give those matters to which they are entitled. It seems to be a method of procedure that is not only necessary but that the experience of Legislatures in the past has found of sufficient merit to warrant its continuance up to this time.

Among the various committees that are appointed at every session is a comimttee of this body to investigate the matter of the election of its members, and I deem that it is the duty of this committee, after they have attended to the duties which belong to it, to report back for the advisement of this body their findings upon such things as have been brought to their attention. It is my purpose at this time to simply lay before the members of this Senate the facts, so far as I recall them, and very briefly the conclusions which the committee drew from those facts, for the purpose of advising you as to what transpired in the matter of the investigation of the election which this comimttee has had under advisement. I want at this time simply to transmit, if I may, the findings or the acts that transpired before the committee on elections. This morning this Senate is sitting as a committee of the whole to accept or reject first the committee report, but more than that to determine for themselves not merely the rights of the parties that are interested by the committee report, but that this Senate shall determine those rights upon the evidence that is presented to them, and this committee is the means or instrument provided by custom for that purpose.

Now, Senators, I think it is a peculiar case first, in this respect, that at this late day in the session—and many of us hope that we have reached the half-way mark in the session—that we should just at this time be considering this matter. I personally believe, and I think that you will agree with me, that matters of this kind should be taken care of as expeditiously as possible. Every man who appears here in obedience to the summons of the Governor and participates in the organization of this Senate should know forthwith whether or no his rights to sit and remain here are questioned, and if they are he should have at the earliest possible moment a complete vindication or it should be made known to him that this body considers that he has no further rights here. But this seems to be an excuse possibly for some delay in arriving at the point at which we are today. The matter which we are to consider has been before the Courts of the State of Maine, and this legislative committee found immediately upon starting their investigation, and even before a hearing upon the petition was assigned, that certain ballots and other evidence that the parties deemed essential to proper presentation of their case were in the hands of the Supreme Judicial Court in the county of Androscoggin, and they protested to the committee that it would not be fair to them for the committee to ask them to proceed without some means of procuring this evidence. The committee acquiesced in that view and to assist them asked the Supreme Court if they would not provide for the use of the committee such ballots and other evidence relating to certain elections as were then in their custody and possession.

It took some few days in order to get this matter properly before the court, and after the court had acceded to our request it was still a few days longer before this evidence reached the secretary of State's office. Having accomplished this the committee proceeded to a hearing at which the parties appeared by counsel upon either side, and the committee, realizing that perhaps its full duty in this matter was a careful canvass of the entire vote that was cast in Androscoggin county, or the Fourth Senatorial District, urged upon counsel for contestant and contestee the importance of agreeing, if possible, upon so many of those votes as it were possible to do—this with the idea of expediting the hearing, lessening the labor of the committee, and of arriving at the true conclusion.

And I want to say here, fellow Senators, that counsel upon the one side and the other very cheerfully granted the request of the committee in this respect and spent a great deal of time and a great deal of hard work upon the matter of canvassing the returns and the ballots in this Fourth Senatorial District. So that after this had been accomplished they were able to come back and report to the committee that they had agreed that in all of the county of Androscoggin except for one voting precinct they were in accord upon the true number of ballots cast both for contestant and for contestee. You will readily see that this very materially lightened the labor of the committee, and we saw no harm, after so careful a canvass had been made by those gentlemen who are skilled in those matters, in accepting their aid and report. So then this morning this committee reports to you that we are able to start in this matter upon this basis, that there is before you in the report of the committee read by the secretary, the number of ballots that were cast in the Fourth Senatorial District for contestant and contestee, except in one voting precinct alone. So that I do not think it will be questioned for a moment by contestee that there is any discrepancy or any question of argument there. This committee has this agreement of counsel to this effect. So that the committee is able to report to you senators that in this matter under consideration Edward R. Parent, the sitting member here in obedience to a summons from the Governor, had a total of 4668 votes, and petitioner in this case, Mr. Irish of Turner, had 4758 votes.

Now let me repeat, that is the total and tabulated vote upon which there is no question in the entire Fourth Senatorial District excepting the vote that was cast in Ward 4 in Auburn. Your committee were appraised that counsel could not agree upon the vote that was cast in this precinct, and we were not long in learning that there were charges of fraud in this matter, and while it might be possible for counsel to reconcile some little differences of opinion as to the marking of a few ballots that were cast in this ward, that it was impossible for them to agree and submit to the committee any conclusion with respect to the counting of this vote. There they departed squarely and divided, and that was the matter to which the committee gave its attention.

Now let me very briefly remind you—and I may not be telling you anything you do not already know, but the committee were not long in reaching the conclusion that there was not only evidence but that there had been practiced in that voting precinct in Auburn on the 9th of September, not only a violation of the voting laws of this state but a gross and serious fraud upon the rights of those men who were candidates for office at that time, and as evidence of that fraud contestant produced what the committee considered abundant evidence to justify him in making his claim.

This evidence consisted first in showing various acts of the ward officials there that were contrary to the strict interpretation and strict letter of the statute law governing elections. Your committee did not consider many of those as at all serious or affecting the matter under advisement. Your committee desired to know and learn if possible what the true vote was that they might record for that voting precinct for those two candidates. So they passed over some of these minor transgressions of the law because it did not appear that they had very much to do with the actual counting of the ballots. But it did appear and the committee were satisfied that fraud not only existed but was practiced in that ward in that election to the extent that it would make it impossible for this committee to determine by an inspection and count of the ballots there cast just the proportion that were cast for one or the other of these parties.

It appeared to the committee, and I feel that they were satisfied that somehow, sometime, during this election day from the opening of the polls at six o'clock in the morning to the time that they were closed at

five o'clock at night, somebody by some means had injected into that ballot box at least 60 votes for whom no one was there to vote. Now your committee were satisfied of that for various reasons.

In the first place the count of the check list does not show the number of ballots that were found in the ballot box. There were taken from that box on that night 456 ballots. The incoming check list showed a total check marks of 396, and they were able to verify the correctness of their incoming check list by comparison with an unofficial list so-called, that was kept by party workers on both sides just outside of the voting booth. It appeared in evidence that at very nearly the time for closing of the polls a comparison between this unofficial list and the incoming check list had been made and they were found to agree. There was further evidence that only one man voted after that time. So that I feel warranted or justified in saying to you senators, that this committee felt satisfied that the incoming check list indicated correctly the number of voters in that precinct who had on that day exercised their right of franchise. Now if things had been all straight in that ward and you could put any credit in the returns, you certainly should find when you moved to the other end of the voting precinct that the out-going check list, so called, would compare with the incoming list. If the election were conducted properly it certainly should agree. That is apparent.

But the evidence convinced the committee that instead of showing a total of 396 names, as the incoming list showed, it showed a total number of check marks of 456—I beg your pardon, it showed a total number of check marks of 412, showing a variation or difference between the two check lists of 16.

Now there was furthr evidence relating to the practices there conducted, but I think I have outlined to you the main feature of this most phenomenal election. And I repeat that the committee, after hearing all the evidence in this matter, was satisfied that the correct number of voters in that ward had not been recorded, and that the number of ballots that were cast and upon which the return was made to the city clerk did not indicate the true and correct number of men who had exercised their franchise in that ward that day. So that it seemed to the committee that there was nothing for them to do except to ask these gentlemen who appear here as interested parties in this matter, if they could explain to this committee how they might arrive at the correct total. The committee I think were justified, or at least they felt they were justified under the circumstances under which this election was conducted, in saying to these gentlemen that these returns of this election upon which we have based our findings throughout all the rest of the county cannot be believed, cannot possibly be true and reflect the correct record of the votes in that ward, and that therefore we feel that we must reject these returns. Now then, gentlemen, what is the situation, if you determine that the committee were correct thus far? It is the primary purpose and object and duty of this Senate to declare, if it is possible to ascertain it, the correct number of votes that were cast in this county for these parties.

Now then, it appeared to the committee that it devolved upon them perhaps to endeavor to ascertain what the correct vote might be in that ward for either of the parties, that they might add it to the totals which they had arrived at. I take it to be a well recognized principle of law that the matter of proof of the correct number of votes there cast is justifiable and correct and that the committee would be authorized in receiving evidence and in thus trying to determine what the correct number of votes there cast was. And this situation confronted the committee.

Now, senators, there are in the secretary of State's office returns from Ward 4 in Auburn, a pile of ballots 456 in number, and your committee has gone over that pile of ballots in an effort to discover if possible for whom the correct number of ballots were thrown of those who that day voted in that ward. It seemed the duty of the committee, after having ascertained

and satisfied themselves that there were at least 60 ballots in that lot that might or properly should be rejected, to try to determine if possible the relation of the remaining ballots for the candidates. Now the first and obvious thing that met the committee was this, and let me impress upon you senators that so far as the committee are able to determine there are no distinguishing marks upon these ballots whereby any living man can say that this one or that one up to the number of 60 could be picked out and said to be 60 ballots that ought not to be there,—that is an absolute impossibility—now then, the committee wondered if they were able to determine in any other way beside an inspection as to the true number that were cast for these parties. And when they looked to counsel upon the one side and the other they did not receive any help from them.

So that the committee finds itself in the situation of realizing and believing that in this number of 456 ballots there are at least 60 ballots or votes that do not properly belong there; and they are further unable to tell on account of not being able to identify the 60, just what proportion of 395 ballots should be added for contestant, or just what number should be added to the total of contestee. In other words, senators, your committee arrived at the conclusion that under all the circumstances and in view of the lack of proof of the true vote there, that the only thing that they were justified in recommending to you was the fact that this vote in that ward was so permeated and so besmirched were the records by these fraudulent acts that the true and correct ballots could not be determined, and that therefore there was nothing for them to do except to reject the whole number cast in that ward. And having arrived at that conclusion the committee made the report that is before you this morning.

Now I think I have gone over briefly, and at some length perhaps, the matter as it was placed before the committee.

My purpose at this time in addressing you is to make an effort to reflect as well as I may at this time the matter as it was presented to the committee, in order that each one of you may not only see the committee's position but that you may also determine individually and upon your oath of office upon the law or the duty or obligation that devolves upon you, sitting as you do in judgment at this time, as to where you believe, or who you believe the rights of this matter are with. It seems to me at this time that I cannot add anything further for your enlightenment. As a matter of argument I presume that we shall be further enlightened during the morning hours.

Mr. DEERING of York: Mr. President and Senators: I have been extremely interested in the story of the election case as outlined by the chairman of the election committee. Election cases are cases which lawyers always find very unsatisfactory to argue. They are cases in which sometimes absolute and impartial justice cannot be satisfactorily obtained. I wish to say that during the handling of this case by the committee, once or twice I have been talked to by members of it and by the chairman, and I desire at this time to assure the senators that no more earnest or honest or painstaking effort has ever been made within my recollection by any committee to arrive at the facts which they believe to be proper and just. I also desire to say that I have confidence that I am addressing a body of men, both Democrats and Republicans, whose only object in the consideration of this case is to arrive at a place where they will say they have come as near doing justice to Edward R. Parents and Henry L. Irish as is possible under the circumstances.

With these brief opening remarks, and stating further to the Senate that I believe that Bro. Thombs has outlined the facts of the case as well as can be, and that I need not enter upon that phase of the case, I desire to enter upon the discussion, first of the law as I understand it, which pertains to cases of this kind, and next to the facts which have been adduced in evidence and presented by evidence to this committee; and, further than that, I want to say something about the results that will obtain if this committee's report is accepted and the effect it might have

upon cases which might be based upon nearly the same principles.

Of course I am arguing against the report, against the reception of the report of this committee composed of members of this Senate, and I believe that any man on the committee or off the committee, if he is satisfied when I have finished my argument, or when the arguments are all finished in this case, that the conception of the committee is wrong, may vote according to the conception that he then has if he really and honestly believes that he has misconceived the law or misconstrued the facts.

Now the law seems to some to be an intricate and mysterious thing. But as a matter of fact it is not so. The most of us have either been on juries or before juries, and you will find that when cases come in court and lawyers appear on each side, there comes a time in the process of a trial when the judge gives his charge to a jury. You will find in civil cases that the judge will say: You have here on one side the plaintiff and on the other side the defendant, and the burden of proof is on the plaintiff to prove the allegations which he has set up in his claim. Now the names plaintiff and defendant are the names that pertain most often to the cases which appear before the court. We have, however, another class of cases which are used in extraordinary remedies and about which men seldom hear. One of those is named quo warranto. This case is brought in the name of the State, here it would be in the name of the State of Maine, against some particular party to come into court and show cause why he should hold his office. Another case which is used in extraordinary remedies is mandamus. That case seeks to put the right man in office. Quo warranto puts the intruder out, and mandamus puts the right man in.

Neither one of these processes does both things. This particular case does not appear under the category of those extraordinary remedies. This is a case where a man comes into court and before a committee of the Senate as a petitioner, and he makes in his petition certain claims against another man's rights. Henry L. Irish comes into court as a petitioner and makes the claim that he is elected senator from the Fourth District of Maine and that Edward R. Parent is not elected, and there is where you have an issue in this particular matter, and the burden of proof, as the court will lay down to you or anybody else in all cases of this kind, is upon the plaintiff. And the plaintiff is the petitioner in this particular case.

Now that being so, it is fortunate perhaps that we have something in regard to this particular case that has already been tried, and the fact that the Senate is judge of the qualifications of its members and is not bound by any rules of law or any precedent will be handled by me at a little later stage of this argument. In trying cases you search the books to find how near you can find a decision to the results which you wish to accomplish. You sometimes find it written by some judge as arbiter dicta in an opinion; you sometimes find it a little nearer than that, sometimes fine a case in some state in the Union which almost exactly resembles the one you want, but rarely in the history of any jurisprudence can a man hunt over the books or look up decisions and find a decision upon the very identical case that he is trying. But here in this case we have a decision of Justice Morrill, sitting as a single justice, upon the very identical case, concerning the very identical men, that this committee of the Legislature is trying.

Now this case does not bear the great dignity and responsibility that a case decided by the full bench would bear, and still on this particular case this is the law up to this time, and I want to say not only to the members of the Senate but to the members of that honorable committee, that they ought to go by the law that we have now. They want to do the fair thing. There is no doubt about it. And we want to do the fair thing. We want to deal out even handed justice and do what is right between Edward R. Parent and Henry L. Irish. But supposing this: After we accept the report of this committee, that Edward R. Parent is

not elected and Henry L. Irish is, and this opinion of Judge Morrill's goes before the supreme court of the State of Maine and they sustain Judge Morrill, not only does all our fairness and justice vanish into thin air, but every lawyer and every man in the Senate is going to look absolutely foolish. That, gentlemen, is an argument that you cannot get away from. It is true that that decision has not been rendered yet, but so far as we are, there is Judge Morrill's opinion; and I desire to state to you that it is my opinion that that opinion of Judge Morrill will be sustained by the full bench, and if it is do we want to put in here a decision in the middle overruling the opinion that Judge Morrill has made?

Now to pursue this opinion. In the beginning Judge Morrill states upon the election cases which he heard, and it will be necessary for me to read some of this, and in this particular reading of legal phrases bear in mind that the petitioner is Henry L. Irish and the defendant is Edward R. Parent. "Upon each petitioner falls the burden of showing that he was elected to the office which he claims. Before the court can enter judgment in his favor it must appear 'that the petitioner has been elected and is entitled by law to the office claimed by him.' It is not sufficient to show that the incumbent was not elected; the petitioner must show that he himself was elected and is entitled by law to the office. Benner vs. Payson, 110 Maine, 204,207; Libby vs. English, 110 Maine, 449,459; Murray vs. Waite, 113 Maine, 485,492. Prior to the enactment of the statute upon which these proceedings are based, 'the only existing process by which the rights of one unlawfully holding an office could be inquired into, was by quo warranto. This writ issues in behalf of the State against one who claims or usurps an office to which he is not entitled, to inquire by what authority he supports his claim or sustains his right. The proceeding is instituted by the attorney general on his own motion or at the relation of any person, but on his official responsibility."

Now to skip a little bit in quotation from the decision and beginning further down, it says: "The form of procedure is new, but the position of the petitioners and the rules of evidence are the same. In quo warranto the burden is upon the respondent to show his title to the office claimed and occupied by him. Attorney General vs. Newell, 85 Maine, 276. But when the process is instituted by the attorney general upon the relation of a private individual claiming the office held by the respondent, failure on the part of the respondent to prove his title to the office does not establish the title of the relator, for upon that issue the plaintiffs have the affirmative, and the burden is upon them to maintain it."

Then he quotes some more decisions which I will not read into the record, and finishes with this significant paragraph: "So in these cases before the court, the burden is upon each petitioner to show that he was elected and is entitled by law to the office which he claims."

Now that is in the beginning of the opinion of Judge Morrill. He states without any modification at all that the burden of proof is upon the petitioner. That is the man that claims, that is Henry L. Irish that comes into court here and claims that he is elected, and Edward R. Parent is not. Now if the burden of proof is upon Henry L. Irish, it is for us to find out and determine here whether he has sustained the burden of proof that the law says he must sustain, because when you are talking about legal decisions and when you are talking about the Senate's not being bound by any precedents, that certainly does not mean that all the experience of all the courts in the United States and of this State, and all the experience of men who make study of these things, and all the experience of men who have gone through the peculiar and intricate questions of the law—it does not mean that when we are said to be judge of the qualifications of our own members that we can disregard that experience which makes men preeminent in the walks of life in which they have chosen to lead

their lives. We must be bound, not perhaps absolutely, but our minds cannot help being guided by the great judges of this State and the great judges of the United States. If we were not so bound, by what precedents would we work at all? They say perhaps that we are not guided by any rules of law—we are the sole judges

Well, so is the Governor of our State in a similar position, but in the 116th Maine you will find 35 pages of questions and answers that the Governor of the State of Maine submitted to the supreme court of the State and the supreme court answered them. In the 114th Maine there are 15 more pages. where the Governor asked the supreme court of this State to give their opinions. In the 107th Maine there are 10 pages of questions and answers that the supreme court of this State made to this very Senate. And, gentlemen of this Senate, do you say that we are going to disregard the justices of the supreme court of the State, when in all the books from 1854 down to the present time you will find precedents by which the Senate and the Governor and Council and other legislative branches of this government have asked the opinion of those men of experience and they have given to them their opinions upon certain questions which they have presented to them? And no man ought to come into this Senate and say we should disregard the wisdom of the ages and the experience of judges when we judge of the qualifications of our own members.

I desire to say that at this period of the case Judge Morrill said: "We must therefore proceed to examine alleged fraud in Ward 4, Auburn." I do not think that I disagree at all with my brother from Penobscot, Senator Thombs, as to the facts in the case that were presented to the committee. That is, my understanding probably is the same as his in regard to the facts that were produced in evidence before this committee.

It seems that there were three men, O'Connor, Flaherty and Small, who were particularly in charge of this election in Ward 4, Auburn, and when they got all done that day with their manipulations of the ballots and the ballot boxes, coming to the city clerk and handing them there to different people and going out to get ice-cream and one thing and another, it was found there were 60 ballots in that ought not to have been in the box.' I believe we may as well say that that is about as true a statement of the facts without any particular elaboration of them as can be made, and Judge Morrill finds the same things to be true. And Judge Morrill says "the ward clerk and some of the election clerks fell short of the full measure of their duty to their fellow citizens by tardiness at the opening of the polls and by absence during the day. The city clerk's office should have been open at the adjournment of the ward meeting to receive the ballots and the ballot boxes; and that official should not have permitted the check lists to go into the hands of interested parties for the purpose of making copies." I think that refers to candidates for several af the offices who took copies of the ward lists while they were in the hands of the city clerk.

"By proof of these fraudulent acts the record and return of this election in Ward 4 in the City of Auburn have been impeached. Their value as legal evidence of the result in that ward has been destroyed; their probative force is gone." And he cites Attorney General vs. Newell, 85 Maine, 273,276; People ex rel. Judson vs. Thacher, 55 N. Y. 525; 14 Amer. Rep. 312; McCrary on Elections, 4th ed. sec. 569, 670. "The cases cited on brief of petitioners' counsel amply sustain this conclusion."

Now it shows by that very paragraph in Judge Morrills opinion that he has considered cases that are quo warranto cases. Attorney General vs. Newell is a quo warranto case. And People ex rel. is the way they bring it in New York, meaning People ex relator vs. Judson, that is a quo warranto case. Now Judge Morrill has considered them and I want to say for the benefit of the Senate that Justice Morrill is a man who has three times revised the laws of the State of Maine. He has been

judge of probate in Androscoggin County for a great many years, and I understand, but I am not sure that this is so, that he postponed the holding of a term of court a week so that he could give his undivided study to this particular matter. Now I am not sure that this is exactly so, but I know some part of the time he ought to have been holding a term of court he was concerned in the decision of this particular case. And after considering the quo warranto cases which he has just mentioned, this is what he says: "But the case shows that there were 395 voters in that ward who legally cast their votes at that election; at least there is no evidence to show otherwise; only one name of the 396 checked on the incoming check lists has been shown to have been fraudulently checked, and that through impersonation of the voter by another. We do not know what ballots these legal voters cast, or for whom they voted; the fraudulent ballots carry no marks. I cannot assume that they were all cast for the republican candidates in these cases, although if I were to do so, all the respondents except Mr. Verrill would be shown to be elected. Some of these fraudulent ballots may not have been cast for any party to these petitions."

"The petitions"—and that includes Mr. Irish in this case I am reading about—"contend that the true vote, therefore, cannot be ascertained and that the entire vote of the ward must be rejected." They contended the same thing before the supreme court in this case as they contended before the committee of this Senate, and this is what Judge Morrill says about it: "I cannot accede to this contention. The vote cast in that ward becomes a matter of proof by other evidence than the record and return. In a leading and oft cited case it is said: 'In election cases, if the return is discredited, so that it is no longer evidence of the right of the party claiming under it, then the question who received the majority of the votes is to be ascertained by other legal proof.'

"The vote of the district or precinct to which the return relates is not to be disregarded. The electors ought not to be disfranchised because no return is made, or because it has been rendered valueless by the fraud or mistakes of others. * * In this case if the return was rejected, the parties were remitted to other proof to ascertain the result of the election in the disputed district. * * So in the instant cases I think that the value of the record and return as evidence having been destroyed, the vote of the entire ward is not to be rejected, but the parties were remitted to other evidence. The practice of calling the electors themselves to testify has been approved even under secret ballot laws, the personal privilege of the witness to refuse to disclose for whom he voted being respected." And he cites other quo warranto cases.

"Neither petitioners nor respondents have seen fit to introduce other evidence; I think therefore that the decision of these cases turns upon a determination of the question upon whom the burden of proof rests. The petitioners say that this burden is upon the respondents, but we have seen that in the instant cases the burden is upon each petitioner to establish his title to the office claimed. Notwithstanding the fact that upon the vote of the rest of the county the petitioners appear to be elected, yet after the petitioners had destroyed by evidence of fraud the probative value of the record and return in Ward 4 and in doing so had disclosed that a possible maximum of 395 legal ballots were cast in that ward, I think and therefore rule that the burden of proof was still upon the petitioners in each case to show that he received a sufficient number of those legal ballots in Ward 4 to give him a greater number of votes throughout the county than his opponent. The petitioners have therefore failed to show that they have been elected and are entitled to the offices claimed by them, and the entry in each case must be, Petition dismissed, with costs."

Now if anybody, either a lawyer or a layman in this Senate, can produce anything to the Senate by which they should more conscientiously go than the matter which I have just read, then I

would be interested to hear their discussion.

That practically concludes the discussion of the law so far as Judge Morrill's opinion is concerned.

Now briefly I want to take up a few facts and to call the attention of the Senate to the peculiar characteristics of this particular case.

It has been submitted in evidence, I believe, and if I am not right Brother Thombs will correct me, that no person in the world can tell for whom the fraudulent ballots were cast. Is that correct, Bro. Thombs?

Mr. THOMBS: It is.

Mr. DEERING: It has been testified to by ten different men, eight or ten different men, that they could not tell anything about it. And so we come here with 60 fraudulent votes in there and nobody knows whether these 60 fraudulent votes were for Henry L. Irish or for Edward R. Parent. And then if nobody knows—and there is no evidence put before this particular election committee to sustain that burden of proof that they must carry—then I say that the report of the committee is made under a misconception of the law and the facts.

Now I understand that the man who had the most to do with this particular ward and was most concerned in protecting his good name from any smirch that might be put upon it on account of the illegal things done at that ward, was a man named O'Conner. I understand Mr. O'Conner has been indicted, but that has no particular bearing upon the case. The idea was, I believe, that he had been a Republican. He was a Republican at that particular time. Further evidence showed that both parties asked him to take charge as warden, and further evidence showed that back a few years ago he was a Democrat. That is, this man O'Conner has been on several sides. Now supposing any partisan interested in the corruption of the ballot wished to have it done, what would he do? Would he go to a Democratic warden or a Republican warden? No, not necessarily. He would go to that kind of a warden that he knew could be fixed. And both parties knew Martin O'Conner. Republican party and Democratic party are simply names. That is all in this particular case. They have no significance in obtaining the justice that we want to obtain. Now I don't understand that Martin O'Conner had anything to gain by the election of Parent or by the election of Irish. If he didn't have anything to gain by the election of either one of them somebody must have given him something so as to make it for his benefit to corrupt the vote. Now if he did corrupt it, and nobody can determine for whom the 395 honest ballots were cast, are we going to say that those men shall be disfranchised that cast the 395 honest votes? One of the first cases decided by the Legislature of the State of Maine, one of the most important I believe, was the case of Bradbury vs. Usher, in Maine 1863, Part 2, and the legislative committee that sat upon it was composed of Lewis Barker, H. C. Davis, Moses Lowell, M. S. Staples, W. S. Peavey, H. L. Watts and Reuben Merrill. I don't know who those men were, but I suppose that in their times they were as diligent and able as the men that are here now. I shall read a little bit from their conclusions:

"Reports of Massachusetts contested elections in cases Western, p. 144; Charlemont, p. 261; Tyringham, 266; Marblehead, 295; Ashland, 583; and Blanford vs. Gibbs, 2 Cush. 39, and in what may be regarded as a leading case, settled by the Massachusetts court in Sudbury vs. Stearns, 21 Pickering, 148. In that case 63 illegal votes were cast at a parish meeting, and the court were called upon to pass upon the effect of these votes upon the meeting, and they held that the reception of the illegal votes did not necessarily vitiate the proceedings—that the moderator who admitted them, if he acted corruptly, could be punished, and so of the men who threw the votes, but the meeting being legal in its inception, the legal voters should be protected in the exercise of their elective franchise. We now quote the language of the court: 'It is no objection to an election that illegal votes were received unless the illegal votes changed the majority. The mere fact

of their existence never avoids an election. This is so plain a proposition that it needs no authority to support it. It is the principle adopted and acted upon in all cases of contested elections, whether in the British Parliament, the Congress of the United States, the Legislature of this or of any other of the United States. The burden of proof, too, is always upon the persons contesting the election.' The committee would further cite the case of Murphy in 7th Cowan. 153, in which it is laid down that 'it must be made to appear affirmatively that the persons whose election is contested received a number of illegal votes which, if rejected, would have reduced them to a minority. The mere circumstance that illegal votes were received will not vitiate the election. If this were otherwise, hardly any election in the State could be sustained.' Angell & Ames on Corp. 72."

That, gentlemen, is one of the first important cases in the State of Maine and I want to say that the principles in that case are followed down to this day, that when a man sets up in any court or in any Legislature as a petitioner that he is elected and somebody else is not, he must prove his case the same as he must prove it anywhere.

And now I have heard it said, if this can be done, if votes can be put into a ballot box and then that whole ward thrown out, we want to know it. The people who said that, said "We want to know it." Very well, —they say you have opened the door for so big a fraud that you can never overcome it. Gentlemen of the Senate, I want to give you some examples of fraud that could be perpetrated if their contention of the law were sustained. I want to give you a few examples that I have in mind that are true. Ward 6 in Lewiston with 450 votes, at any time if a fraud is committed in that ward and three or four hundred majority is thrown out, that city can be changed from a Democratic to a Republican city. Anybody interested in changing the election can stick one or two or five or ten fraudulent votes in any ward he thinks is going against him, and then admit the fraud and say that ward should be thrown out: In 1912 in the city of Saco we got 55 Republican majority for the mayor and we got 95 of that majority in Ward 7. Anybody that wished to upset that election could have put half a dozen votes into Ward 7 and said there is fraud in that ward and therefore throwing out that we would have defeated the mayor that we elected. In Ward 2 of Biddeford, a big Democratic ward where they have about 200 majority, you let a Republican go down in that ward some year when the thing is close and put a half dozen Democratic or any other kind of votes into that ward so that it does not tally with the check list, and say that fraud is admitted there, and then you upset the Democratic party in Biddeford. Gentlemen, that is the door they open. It may affect not only a ward, it may affect a city, or a county, or a state or a district. And that is the door that they are going to open if their contention is satisfied.

Now I heard another thing mentioned, and it is so peculiar that I hardly know how to handle it. A man said to me this morning and a prominent man, said it would be good politics—that man was not a member of the Senate—he said it would be good politics, where we were so strong with 29 members of the Senate, to show the people that we were perfectly fair and let a Republican out and take a Democrat in. I am happy to say that I have never heard that sentiment from any senator or in the body of this Senate. But it is here. It is outside. It is in the corridors. It is on the street. Gentlemen, that is a peculiar expression of anybody's idea to do justice. There is no politics in this matter. There can't be. If we should go so far as to follow any suggestion like that, we would drop the very thing that we are trying to do, and don't lose sight of the thing that we are trying to do, justice to Parent and Irish, and when we do that, while our parties may have the name Republican or Democrat, you want to remember that justice is not so labled, justice is what we are trying to seek.

Now I understand from the argu-

ment of my brother, Senator Thombs, that the vote was so permeated with fraud that the committee rejected the whole ward. Am I right?

Mr. THOMBS: Yes.

Mr. DEERING: Now in his contention on that particular point he goes against the decision of Justice Morrill, against the decision in Bradbury vs. Usher, and against all the other of our decisions where the fraud is limited. Now there is no question about the fraud in this particular case being limited. Because the contestant and the contestee agree that there were 395 good votes there.

Now as I understand unlimited fraud it is one where they cannot find out how much fraud there is and how far it goes—how many of the votes are good and how many of them are not. But here in this particular case there are 395 votes that are admitted to be good. And shall we as a Senate follow that conclusion that he has come to that the ward must be thrown out and disfranchise 395, honest, square, upright votes in that particular ward in order to find the justice that we are seeking for in this particular case. They can't say who threw the votes or for whom these particular ballots were cast. There is no proof that they have brought before you to show that Parent received them or that Irish received them, and if you believe the law that I have given you is the correct solution of this thing, if you believe in Judge Morrill's opinion which is the only law we have up to this present time, if you are going to support those particular principles, you cannot follow the opinion of this committee and reject the whole ward. Because when this committee rejected the whole ward it disfranchised 395 men in Ward 4 in Auburn who everybody admits voted honestly and correctly.

Now there have been various things brought to the attention of the committee, but in one particular instance, McCrary on Elections, 4th Edition, par 243, quotes at length from the Opinion of the Justices of the Maine Supreme Court, in 70 Maine, 587, and cites that opinion as important. The quotation from the court is:

"But shall the whole town be disfranchised by reason of the fraud or negligence of their officers? This would be punishing the innocent for the fraud of the guilty; it would be more just and more consonant to the genius and spirit of our institutions to inflict severe penalties upon the misconduct, intentional or accidental, of the officers, but to receive the votes whenever they can be ascertained with reasonable certainty."

They have ascertained not only with reasonable certainty, but they have agreed that 395 votes in that ward are sure to be bona fide honest votes. And still with even that in their minds, the committee has disfranchised that 395.

Now there is a phase of this case which takes this particular attitude, and I do not see—yes, I see how people can support it and speak for it, but I do not see how any lawyer can do it—the things that we say here today either as lawyers or laymen are in the record and they are going to be looked at by not only the people of the State of Maine but they are going to be looked at by the judges of the State of Maine and other lawyers in the State of Maine, and I am glad to put in that record what I am saying in regard to what the law is. But this contention that I am coming to is this. It is going to be contended that this particular man O'Connor or whoever had charge of that ward had an almost exclusive opportunity to tuck those votes into that ward. Those were the fraudulent votes. A man that would commit fraud will commit fraud for money. He does not commit that fraud for fun. And I want to say to this Senate, without any fear of successful contradiction, that it is not the hand that perpetrates the fraud which should be found, but the brain that conceives it should be found. And whether that brain is inside of a man who votes a Republican ticket or a Democratic ticket, not a single scintilla of evidence has been produced to this committee to show. The object of the fraud, the benefit of it, is what you have got to trace. Martin O'Con-

ner, whether he is a Democrat or a Republican or a Mugwump, or on both sides as the evidence most likely shows he is, didn't do that fraud for nothing. He obtained something for it. Now his exclusive opportunity to corrupt that vote because he was in a Republican ward does not prove that a Republican hired him to do it; it does not prove that a Democrat hired him to do it. But the burden of the proof is upon Mr. Irish, who comes here and says that he is elected because a fraud took place there. Now what better game could any dirty politician play than to go round to some ward wherever he could find a man that he could corrupt and get him to stick some ballots in the box and then holler corruption and upset the ward. And anybody who will take something to perpetrate a fraud will do it for one party as quickly as he will do it for the other party. And if O'Conner is a man who will commit fraud he will sell out to the Republicans as quickly as to the Democrats and vice versa. And therefore I say the burden of proof that Mr. Irish comes in here to sustain he has not sustained, and the law upon which the committee founded its opinion is not borne out by the legal decisions which I have quoted to you.

Gentlemen of the Senate, I hope you will not accept the report of this committee, because I believe the law as given you is the only correct one, and the conclusion you can draw from the facts will convince you that Henry L. Irish has not sustained the burden of proof that he ought to have sustained to prove the allegations in that petition in which he says, "I am the Senator from the fourth district and Edward R. Parent is not." Edward R. Parent comes here with a certificate of his election, and Henry L. Irish comes here contesting it. It is up to Henry L. Irish to prove that he is entitled to that certificate and Edward R. Parent is not, in that petition which he has put before the Senate.

Gentlemen, we must be guided by these opinions. If we cannot be guided by precedent, and by the intelligent men who have written these opinions, we are all going in different directions.

Gentlemen, I hope you will not sustain the report of the committee.

Mr. THOMBS: Mr. President and fellow senators, I dislike, after having spoken so recently, to again trespass upon your time, because I am sure that you are already wearied with this matter. I certainly should not do this of my own volition, if I consulted my own wishes and tastes in this matter at this time. I should remain silent and let every senator in this chamber vote on this question according to the mind that he has and the dictates of his conscience. But I believe that it is the duty of somebody in this chamber, in such manner as they are able, to present to you and to call to your minds some of the things that I believe ought and must guide you in making up your decision and in voting on it.

Now first of all, Senators, I want to compliment my brother, the Senator from York, upon his plain, forcible and enlightening argument. It does credit to him as a good lawyer, which you and I know that he is, and being such a good lawyer he has assumed that every man in this chamber is also a lawyer or has a legal education and qualification. And he has made to you, gentlemen, I say to you with frankness, a fine legal argument. It would be well received in any court and entitled to a great deal of respect, and I am lead to inquire right there, when he emphasized to you over and over the value of legal decisions, and the fact that he tells you that you should be decided by them and none other, I am lead to inquire what would happen to this Senate if it should so happen that there were no men of the legal profession included therein.

Why, if you are going to accept what he tells you about their value here, and I am not going to question that either, I believe you would have the Secretary of State coming into that Hall of the House of Representatives every day and saying "God save the State of Maine." He would

have you believe that lawyers are so necessary in this Legislature, and that legal opinions are so valuable that the Legislature, perhaps, could not successfully do the business of the State of Maine without their aid. They certainly, I believe, are of assistance, but I believe he magnifies to you the value, perhaps, of the necessity of your accepting legal opinions.

I believe, Senators, that it is your duty and that it is my duty to do the business that falls upon us as senators here, in the light that we have as citizens of the State of Maine, and not entirely from a professional standpoint, as lawyers or of any other profession. And I want to refer you briefly to the Constitution of the State of Maine, and to call your attention to this phraseology: "Each house shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business."

That is what the Constitution of the State of Maine says, thit it is the duty of each house to determine the qualifications of its own members, and you cannot escape it and do your full duty as senators of this 79th Legislature. That is a duty that is placed upon you by the Constitution, and it is the duty that you are about to discharge today. Now, gentlemen, how are you going to do it? Are you going to be bound solely and entirely by legal opinions, or are you going to approach this matter in the manner that it appeals to you, and in the manner in which you understand it, and upon which you can act intelligently?

If there were no lawyers in this body you still would have your committee of elections whose duty it would be to inquire into such matters as were brought before it, and I know that such a committee as that would endeavor to do its duty just as this committee has endeavored to do its duty and enlighten this body.

Now let us inquire for just a moment as to what the duties of this body are in this respect. In the first place, I want to say to you that I believe that it is a sound legal principle, sound beyond all legal contradiction, that the certificate of election that entitles a man to take his seat in this body, is prima facie only, and I want to quote to you from the decision of the justices of the supreme court on that point: "The Governor and Council are only authorized to ascertain who appear to be elected senators." Let me repeat: "The Governor and Council are only authorized to ascertain who appear to be elected senators, and have no power to determine who are elected. That power is entrusted to the Senate alone, and it must determine whether those appearing upon the 'lists' to have been elected, were elected and had the qualifications required for senators."

It seems to me that that places the burden fairly upon this Senate to determine who are its members. Let me quote farther: "Prominent among the latter, stands the provision in the third section of part third, article four which declares that 'each house shall be the judge of the elections and qualifications of its own members.' This provision, so far as the Senate is concerned may be deemed rather declaratory of existing rights, than conferring new powers. Section 5, of article four, part second, confers upon the Senate the power to 'determine who are elected to be senators, by a majority of the electors in each district,' and as a necessary correlative, who are not elected, or rather, in what districts, if any, vacancies exist."

Now, gentlemen, give that your consideration for just a moment. Those are the words of the supreme court of Maine, which my brother had lauded, and which has my hearty respect. Those are the words of this court, and you are not only to determine who are elected by a plurality of the votes in this district, but as a necessary correlative, who are not elected or in what districts, if any, vacancies exist.

My position, gentlemen, is this: I disagree with my brother in the matter of his statement as to the burden of proof in this matter. I believe that there is no such thing as a burden of proof rest-

ing upon one man or the other; the burden of proof is upon this body, to determine according to the best light that they can get of the facts as to who is entitled to the seat here. That leads me to say right here that I agree with my brother as to the legal ability and qualifications of Justice Morrill, lately called to the supreme court of the State of Maine. It was my good fortune to serve with him as a committee from this Legislature upon the revision of the statutes which we are now using. I came then to love and respect this man for his eminent fairness, his manly qualities and for his extensive legal knowledge, and I should feel badly today if I felt that I was disagreeing with him in any particular in arriving at the conclusion which I am recommending to you as a member of this elections committee.

Let me call your attention to this, gentlemen, and please give it due consideration: Justice Morrill is acting upon a petition that is brought in the court of law, and I have tried to show you the difference, as I understand it, between a court of law which is bound by the statutes and by precedents, to this body in which we sit.

In the matter of the petitions that are before Judge Morrill and upon which he has rendered a decision, so extensively quoted here this morning, Justice Morrill is proceeding under a statute of the State of Maine, and he is limited as a judge by the provisions of that statute.

The particular section which I believe defines the limitations under which he works is this: "The parties or their counsel shall be heard upon written or oral testimony, according to the practice in like procedure and in such manner as the justice directs, and if it appears upon such trial or hearing that the petitioner has been elected and is entitled by law to the office claimed by him, then judgment shall be in his favor."

Now I want to submit to you gentlemen, as square, fair-minded men, not as attorneys, but as laymen—I want to submit to you that I believe it is not only sound legally but it is good sense, too, to say that Judge Morrill in his proceedings under that statute cannot reach any other conclusion than that to which he came. And this election committee, and I believe that you, too, are going with Judge Morrill, because you have the same faith in him that I do, in the decision which he has rendered.

And we do not disagree, in my opinion, with him up to the very point of the case on the matter of the burden of proof. Justice Morrill says to you plainly that it has not been made to appear to him that the petitioners were elected, and he says that because it has not been shown to him as to the true vote that was thrown in Ward 4. We agree with him when he says that the probative force of the report in that ward is of no value. We agree with him when he says that the parties are thus remitted to other evidence. That other evidence was not produced for him, neither is it produced for the benefit of this committee, but I want to emphasize again that I believe there is no inconsistency between those two opinions. He is proceeding upon one line, upon a certain statement of facts; but, gentlemen, I believe that under the circumstances, under the interpretation that has been made of them by the justices of the supreme court, and by the common sense of the matter, that you are proceeding under different laws than was he, bound as he was by statute, if I understand that language in the constitution; if I understand the language of the court, which I have read to you, which says to this body distinctly that you are not only empowered but it is your duty to ascertain, when the matter is called to your attention, who is the legal occupant of the seat.

Why, gentlemen, suppose somebody in the State of Maine should cause a letter to be addressed to this Senate saying that they believed a certain man was unlawfully occupying a seat here, and this Senate, upon its consideration, should think the matter was of sufficient importance to investigate it, don't you think they would have that right? Have you got to have a petition from some man who claims that he is elected? Why, gentlemen, I

believe that just a statement of that would cause you to understand and believe it, and this Senate is charged with the duty among others of investigating its own members, to determine who rightfully occupies this seat or the other. Right there, gentlemen, is where I take square issue with my brother, and say to you frankly it is my opinion that there is no burden of proof that you need be disturbed about. The only burden of proof that rests upon you and me here this morning is to satisfy ourselves, according to the light that we have, as to who was duly and legally elected from Androscoggin county and ought to be entitled to that seat.

The PRESIDENT: The pending question is on the acceptance of the report of the committee. And the Senator from Penobscot, Senator Thombs, calls for the yeas and nays. Those in favor of the yeas and nays will please rise.

A sufficient number having arisen the yeas and nays were ordered and the secretary called the roll. Those voting yes were: Messrs. Baxter, Butler, Creighton, Davies, Dearth, Emerson, Googin, Guerney, Higgins, Holt, Lewis, Metcalf, Peacock, Thombs, Walker—15. Those voting no were: Messrs. Ames, Babb, Chick, Clement, Cobb, Deering, Folsom, Gannett, Gordon, Grant, Lord, Ricker, Stanley, Thorton, Tuttle—15.

The PRESIDENT: Fifteen Senators having voted yes and fifteen Senators having voted no, the report of the committee is not sustained.

On motion by Mr. Thornton of Aroostook, the rules were suspended and that Senator presented the remonstance of M. L. Benn and thirty-three others against annexing the town of Smyrna to the town of Morrill, which was referred to the committee on towns.

On motion by Mr. Grant of Cumberland. An Act to repeal An Act entitled "An Act to incorporate the town of Grafton," was taken from the table, and on further motion by the same senator was given its second reading and was passed to be engrossed.

On motion by Mr. Ricker of Hancock, An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915, as amended by Chapter 304 of the Public Laws of 1917, entitled "An Act to provide for State and county aid in the construction of highway bridges," was taken from the table, and on further motion by the same senator was referred to the committee on ways and bridges.

On motion by Mr. Thombs of Penobscot, the vote whereby H. D. 5, An Act to amend Sections 11 and 13 of Chapter 6 of the Revised Statutes, relating to enrollment of voters for primary election, was passed to be engrossed, was reconsidered.

House Amendment A was then adopted in concurrence and the bill as amended was then passed to be engrossed.

On motion by Mr. Emerson of Aroostook,

Adjourned.