

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**HOUSE.**

Wednesday, February 26, 1913.

The House met according to adjournment and was called to order by the Speaker.

Prayer by Rev. Fr. Nelligan of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to repeal Section 10 of Chapter 124 of the Revised Statutes, in regard to railroad employes.

In the House this bill was referred to the committee on legal affairs, and came from the Senate referred to the committee on railroads and expresses in non-concurrence.

On motion by Mr. Mitchell of Newport the House receded and concurred with the Senate in its reference of the bill to the committee on railroads and expresses.

From the Senate: Majority and minority reports of the committee on labor in reference to Chapter 40 of the Revised Statutes, known as the 54- and 56-hour labor law.

In the House the report of the minority was accepted, and came from the Senate in that branch the majority report being accepted in non-concurrence.

Mr. Descoteaux of Biddeford moved that the House insist upon its action and ask for a committee of conference. The motion was agreed to.

The Speaker thereupon appointed as such committee of conference on the part of the House Messrs. Descoteaux of Biddeford, Kelleher of Portland and Tryon of Pownal.

From the Senate: Majority and minority reports of the committee on legal affairs, on resolve relating to changing the date of the State election from September to November, majority report "ought not to pass" signed by Messrs. Bailey, Cole, Peaks, Connors and Thombs, minority report "ought to pass" signed by Messrs. Wheeler, Peacock, Kehoe and Rouseau.

In the Senate the majority report was accepted.

On motion by Mr. Scates of Westbrook both reports were tabled, pending the acceptance of either, and Tuesday of next week specially assigned for their consideration.

**Senate Bills on First Reading.**

Resolve in favor of Greeley Institute. An Act to extend the charter of the Penobscot Lumbering Association for 15 years.

An Act to change the name of Roach River, First Roach Pond, Second Roach Pond, Third Roach Pond and Fourth Roach Pond, in Piscataquis county.

An Act to regulate the use of Songo Lock by steamboats, motor boats or other boats.

An Act to extend the charter of the Penobscot Boom Corporation for 15 years.

An Act to authorize the Kingman Lumber Company to build and maintain piers and booms in the Mattawamkeag and Molunkus Rivers.

Resolve in aid of navigation on Sebect Lake.

Resolve for aid in repairing the Rockland-Rockport Trunk Line.

From the Senate: Ordered, the House concurring, that the State land agent be and hereby is authorized to deliver to the registry of deeds of Lincoln county duplicate copies of whatever plans of Lincoln county towns that may be in his possession and for which he has no use.

The order received a passage in concurrence.

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

**Judiciary.**

By Mr. Putnam of Houlton: Petition of E. L. Cleveland and 72 others of Houlton in favor of the enactment of "An Act to regulate by arbitration strikes, lockouts and disputes between employers and employes of public utilities."

**Placed on File.**

By Mr. Clark of Portland: Remonstrance of Anna Morrill Hamlin of Portland and 255 others relative to extending suffrage to women, with

statement of facts why they are against the same; also remonstrance of Mrs. T. F. Millett of Gorham and 41 others against same.

#### Legal Affairs.

By Mr. Robinson of Bangor: An Act to provide fire protection in theatres, concert halls and places of amusement in the State of Maine.

By Mr. Swett of Bath: An Act to repeal Chapter 30 of the Revised Statutes, as amended by Chapter 74 of the Public Laws of 1907 and Chapter 201 of the Public Laws of 1909.

By Mr. Rousseau of Brunswick: An Act to amend Chapter 46 of the Revised Statutes, relating to interest.

By same gentleman: An Act to amend Chapter 117 of the Revised Statutes, relating to the regulation of costs and fees.

By Mr. Kehoe of Portland: An Act to amend Section 77 of Chapter 10 of the Revised Statutes, relating to the sale of real estate for taxes.

By same gentleman: An Act relating to the fire departments of the several cities and towns.

By same gentleman: An Act to amend Section 6 of Chapter 92 of the Revised Statutes, relative to mortgages of real estate.

#### Mercantile Affairs and Insurance.

By Mr. Higgins of Brewer: An Act to provide for personal liability of officers of mutual fire companies in certain cases.

#### Agriculture.

By Mr. Irving of Caribou: Petition of Woodland Grange in favor of Aroostook seed and experimental farm.

#### Ways and Bridges.

By Mr. Connors of Bangor: Petition of Daniel G. Young and 34 others in favor of resolve asking for road in the town of Otis; also petition of Charles R. Goodwin and 32 others for same.

#### Inland Fisheries and Game.

By Mr. O'Connell of Milford: Petition of H. E. Comins and 59 others requesting an amendment to the Act requesting a close time on fishing in Douglass pond.

#### Sea and Shore Fisheries.

By Mr. Harriman of Cherryfield: Remonstrance of D. C. Smith and 23 oth-

ers against passage of House Bill No. 243, relating to shipment of lobsters out of the State during certain months, also against House Bill No. 121, to amend the present law in regard to measurement of lobsters; also remonstrance of J. A. Johnson and 17 others against same; also remonstrance of J. S. Chipman and 18 others against same; also remonstrance of G. Stevens and 10 others against same.

#### Reports of Committees.

Mr. Smith of Auburn from the committee on judiciary, on bill, An Act for the better regulation of the practice of dentistry in the State of Maine and to reorganize the Board of Dentistry, reported that same "ought not to pass" because the subject matter is covered by new draft of Senate Document No. 10.

Mr. Sanborn from the same committee, reported "ought not to pass" on bill, An Act relating to Squirrel Island Village Corporation.

Same gentleman from same committee, reported "ought not to pass" on bill, An Act to set of Capitol Island and Squirrel Island from the town of Southport.

Mr. Farrar from the committee on taxation, reported "ought not to pass" on bill, An Act to exempt the Cyrus Woodman Reservation in the town of Buxton and Pleasant Mountain Reservation in the town of Denmark from taxation.

Mr. Thompson from the committee on education, reported "ought not to pass" on resolve in favor of the Western State Normal school at Gorham for extension to Normal school buildings.

Mr. Allen from the same committee, reported "ought not to pass" on resolve in favor of Washington State Normal school.

Mr. Clark from the committee on inland fisheries and game, reported "ought not to pass" on resolve in favor of Messalonskee Boar and Cottage Owners Association.

Mr. Gordon from the committee on claims, reported "ought not to pass" on resolve in favor of F. W. Goodwin of Bangor.

Same gentleman from same committee, reported "ought not to pass" on

resolve in favor of the estate of A. J. Cameron of Augusta.

Same gentleman from same committee, reported "ought not to pass" on resolve in favor of A. K. Mason of Winslow.

Mr. Skillin from the committee on State School for Boys and Industrial School for Girls, reported "ought not to pass" on resolve in favor of the Maine Industrial School for Girls at Hallowell for construction of a new central building.

Mr. Clark from the committee on inland fisheries and game, on petition of A. W. Hart and 16 others of Lincoln and Magalloway Plantations, Oxford county, for regulation upon fishing in Black, Abbott, Beaver, Big, Hall, Lincoln, Eldridge and other brooks in said county, report that the same be placed on file as the subject matter of said petition is covered by the general revision bill.

Same gentleman from same committee, on bill, An Act to regulate fishing in Roach river and in the North Inlet of said Roach river, in the county of Piscataquis, report that the same be placed on file as the subject matter of said bill has been incorporated in the general revision bill.

Same gentleman from same committee, on petition of E. W. Towle and 12 others asking that the law to regulate the length of trout which may be taken in the Belgrade lakes, reported that the general revision bill now pending covers the subject matter of said bill and recommending that the same be placed on file.

Same gentleman from same committee, on petition of J. A. Wilson and A. A. Henderson and 15 others, relating to fishing in Big and Little Turner ponds, Somerset county, reported that the general revision bill covers the subject matter of said petition and recommending that the petition be placed on file.

Same gentleman from same committee, on bill, An Act to repeal so much of chapter 407 of the Laws of 1903 as prohibits fishing through the ice in L pond, in Sanford and Wells, in York county, with petition of W. H. Furlong and 25 others, reported that the general revision bill covers the subject

matter of said bill, and recommending that the bill be placed on file.

The reports were accepted.

Mr. Allen from the committee on education, reported "ought to pass" on bill, an Act to amend Section 115 of Chapter 15 of the Revised Statutes, relating to appropriation for support of normal and training schools.

Mr. Thompson from the same committee, reported in a new draft and "ought to pass" resolve in favor of the Western State Normal School at Gorham for repairs and permanent improvements.

Mr. Davis from the committee on interior waters, reported in a new draft and "ought to pass" on bill, an Act to incorporate the Pleasant River Gulf Improvement Company.

Mr. Higgins from the committee on mercantile affairs and insurance, reported "ought to pass" on bill, an Act relating to the admission of foreign insurance companies and amending Section 78 of Chapter 49.

Mr. Clark from the committee on island fisheries and game, reported "ought to pass" on bill, an Act repealing Chapter 153 of the Public Laws of 1911 entitled "an Act to prohibit the use of gang hooks, so-called, when fishing in inland waters of the State, with accompanying petitions, also remonstrance of John H. Dore and 24 others of Grand Lake Stream against same.

Mr. Allen from the committee on education, reported "ought to pass" on resolve in favor of the Aroostook State Normal School at Presque Isle.

Mr. Cook from the same committee, reported in a new draft and "ought to pass" resolve making specific appropriations for buildings at the University of Maine.

Mr. Thompson from the same committee, reported "ought to pass" on resolve in favor of the Western State Normal School at Gorham for purchase of equipment for manual training department.

Mr. Gordon from the committee on claims, reported "ought to pass" on resolve in favor of John M. Deering of Saco.

Same gentleman from same committee, reported "ought to pass" on resolve in favor of the city of Biddeford.

Same gentleman from same committee, reported "ought to pass" on resolve in favor of the town of New Portland.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

Majority and minority reports of the committee on inland fisheries and game, on bill, an Act to provide for a close time on bull moose, with remonstrance of Frank Averill and 53 others and E. A. Holbrook and 38 others against same, majority report "ought to pass" signed by Messrs. Austin, Clark, Smith of Pittsfield, Mathieson, Metcalf, Greenleaf and Wing; minority report, reporting in a new draft and "ought to pass" signed by Messrs. Allen, Hastings and Mooers.

On motion by Mr. Mooers of Ashland, both reports were tabled, pending the acceptance of either, the bill in new draft to be also printed, and the matter specially assigned for consideration, on Thursday morning, March 6th.

Majority and minority reports of the committee on taxation, which was instructed by order of the Legislature to inquire into the expediency of investigating the subject of taxation of money invested in real estate mortgages, and considering whether or not Chapter 179 of the Public Laws of 1911 should be repealed, and report by bill or otherwise, majority reporting that legislation thereon is inexpedient, signed by Messrs. Morey Dunbar, Spencer, Irving, Morse, Farrar, Sturgis and Hodsdon; minority reporting in accompanying bill, an Act to repeal Chapter 179 of the Public Laws of 1911 providing for the exemption of mortgages of real estate from taxation, and signed by Messrs. Wing and Richardson.

Mr. Dresser of South Portland moved that the majority report be accepted.

On motion by Mr. Irving of Caribou both reports, pending the acceptance of either, were tabled.

Mr. Gordon from the committee on claims, reported "ought to pass" on resolve in favor of Cumberland county.

The report was accepted, and this resolve having been already printed received its first reading and was assigned for tomorrow morning for its second reading.

Mr. Price from the committee on mercantile affairs and insurance, reported "ought to pass" on bill, an Act to amend Sections 41 and 42 of Chapter 49 of the Revised Statutes, relating to organization of insurance companies.

The report was accepted, and this bill having been already printed received its first and second readings, and was assigned for tomorrow morning for its third reading.

#### First Reading of Printed Bills and Resolves.

An Act to amend Chapter 188 of the Public Laws of 1911, providing for the encouragement of industrial education.

An Act to provide for the State certification of all teachers in public schools. (Tabled pending its third reading on motion by Mr. Jones of China.)

An Act to grant Bion M. Pike authority to maintain a ferry between Lubec, North Lubec, Eastport and Campobello.

An Act to amend Section 23 of Chapter 18 of the Revised Statutes, relating to the State laboratory of hygiene.

Resolve in favor of the Madawaska Training School at Fort Kent.

Resolve in favor of Wilton Academy.

Resolve in favor of aid in repairing highway in the town of Readfield.

Resolve in aid of building road across Mattawamkeag River in Moro Plantation.

Resolve in favor of reconstructing bridge at Forrest Station, Washington county, Maine.

#### Passed to Be Engrossed.

An Act to amend Section 25 of

Chapter 48 of the Revised Statutes relating to investment deposits in savings banks and institutions of savings.

An Act to extend the charter and rights of the Penobscot Bay Railroad Company.

An Act to prevent the organization or existence of secret societies in the public schools.

An Act to amend Section 8 of Chapter 116 of the Revised Statutes, relating to transcripts in the superior court of Kennebec county.

An Act relating to the taking of smelts in the St. George's River and its tributaries.

An Act to authorize the town of St. George to restrict the taking of clams within the limits of said town to the inhabitants of said town.

An Act to grant additional rights to married women.

Resolve, providing for the purchase and distribution of the book of early Maine history, entitled, "The Makers of Maine."

Resolve in favor of W. J. Maybury, secretary of the committee on insane hospitals, for certain committee expenses.

Resolve in favor of aid in repairing road from The Forks to Lake Moxie Station.

Resolve in favor of Michael Burns.

Resolve in favor of the Eastern State Normal School at Castine.

Resolve in favor of Rosa Prentiss of Lewiston.

Resolve in favor of Henrietta S. Hodgdon of Readfield.

Resolve in favor of Bridget Kelley of Auburn.

Resolve in favor of Susan J. Tarr of Vinalhaven, Maine.

Resolve in favor of Vinnie E. Saunders.

Resolve in favor of James Lombard.

Resolve in favor of Callie Mains.

Resolve in favor of Helen B. Hobart for State pension.

Resolve in favor of the town of Talmage.

#### Orders of the Day.

Mr. Austin of Phillips presented, out of order, under a suspension of the rules, the following order:

Ordered, the Senate concurring, that

the committee on appropriations and financial affairs be directed to inquire into the expediency of changing the end of the fiscal year of the State from December 31st to June 30th, and report by bill or otherwise.

On motion by Mr. Austin the order received a passage.

Mr. Scates of Westbrook presented, out of order, under a suspension of the rules, the following resolve:

Resolve in favor of paying certain bills contracted for placing a rail in the rear of the House of Representatives, and marking the members' desks.

On motion by Mr. Scates the resolve was laid upon the table.

On motion by Mr. Dunton of Belfast, majority and minority reports of the committee to which was referred bill, An Act in relation to the Ellsworth Municipal Court, majority reporting "ought to pass" and minority reporting "ought not to pass," were taken from the table.

Mr. Dunton moved that the minority report "ought not to pass" be substituted for the majority report.

Mr. DUNTON: Mr. Speaker, as I represent the minority of the committee on judiciary and as the minority was unanimous in its report, the duty develops upon me to give some reasons why the two reports, or, at least, why the minority report was made. Now it is pretty difficult to give reasons for some reports, and it seems to me it would be rather difficult for the majority to give satisfactory reasons, based upon public duty, for the majority; but I want to say, and I don't say this in criticism of their acts, they have the right as I have the right and in the exercise of that right these two reports come before you for your action. In order that you may vote intelligently upon this question, and I trust that we shall vote upon the merits of the question regardless of the reports of the committee,—but in order that you may understand the merits of this question it is necessary that the facts be brought before you.

The Ellsworth municipal court was established a great many years ago. It is a court of not very great import-

ance. There were 80 civil cases entered in that court during the year 1912, and only one civil trial as I am informed in which there was judgment for the plaintiff for the sum of \$10.40; there were 30 criminal warrants issued, but there was trial on less than half of them as I remember it. Notwithstanding that this court is not of great importance in the number of trials and in the number of criminal cases brought before it, it is necessary, I presume that the court exist. It has a wide jurisdiction. Hancock county is a large county, and the Ellsworth Municipal Court, while its name might indicate that it was simply a city court, is really a county court having jurisdiction over the whole county of Hancock; and some of the villages in which are located attorneys, who practice in that court are as far as 50 miles from the court. There are a great many islands in that section which are embraced within its jurisdiction, and I think there are a dozen or more villages in which, as I say, lawyers reside and from which cases go to this court, as well as from outside the county.

In 1876 the act was changed and the office of recorder established in connection with this court, and it was provided in that act that the clerk of the supreme judicial court should be the recorder of the municipal court, and that the records of the municipal court should be kept in the office of the clerk of courts; and since that time the clerk of the supreme judicial court has been ex-officio clerk of the municipal court. Approximately 25 years ago a deputy clerk was appointed, and as I remember it the same lady who was appointed deputy clerk has been deputy until this time, and is still the deputy recorder of that court; and as a matter of fact the clerical work of that court is performed, today, by the same lady, who has performed it for 20 or 25 years under the Republican clerk of courts and under the present Democratic clerk of courts. Her efficiency is unquestioned; her experience is indicated by the term of her service, and no one questions that the duties of that office are not well performed whether the clerk of courts is

there or whether he is not there. And, gentlemen, while the clerk of that court is in this room at this time, if any of you should go down to the telephone booth and call up the office of the clerk of courts at Ellsworth, wanting to know the status of any case in the municipal court you will get a response immediately from that lady, who knows more about it probably than does the recorder himself; and if any man in the county of Hancock or anywhere else in the State of Maine is interested in any matter pertaining to the municipal court he can find out all about that matter by telephoning any time between the hours of 8 o'clock in the morning and 5 o'clock at night. He may be sure that there is somebody there to answer and somebody that can tell him and give him the information that he wants. If he goes from another county to Ellsworth and goes to the court house on business connected with the office of the clerk of courts or any of those offices, and wants to find out something in regard to matters in the municipal court he has it placed at his hand, and there are no delays, no mistakes.

The salary of the recorder is \$400 a year; the salary of the clerk of courts is \$2,100, as I remember it, and out of that he has to pay the clerk hire; but that salary of \$400 a year is paid not by the city of Ellsworth, but by the county of Hancock, and it is the people of the whole county of Hancock that pay the salary of its recorder.

What the the provisions embraced in this bill, House Document No. 289? Substantially it is this, that the recordership of the municipal court be divorced from the office of clerk of courts; and it provides that instead of this recorder being elected by the people of Hancock county as he is now, although his name does not appear and the title "recorder" does not appear after his name, nevertheless, he is elected by the people of the county of Hancock when they elect their clerk of courts. This bill provides that a separate office of recorder of the municipal court be established, and that the Governor, by and with the consent of his Council, shall appoint a record-



er, who shall hold his office for the term of four years.

What are the reasons for asking that this change be made, because it is incumbent upon any one who proposes to change the existing order of things to give reasons sufficient to warrant the change. I stood in the committee at that hearing and the only reason that I heard advanced for changing was that the present clerk of courts of Hancock county lives at Bar Harbor; a second reason was that the salary of the clerk of courts and the recorder both was too much for one man to draw. I think there was also a suggestion, but I am not sure, that to the victor belongs the spoils; but it didn't seem to me that those reasons give or those which were suggested or those unspoken were sufficient, and it does not seem to me that they should be sufficient for you, gentlemen.

They say the clerk of courts lives at Bar Harbor, but there was no suggestion that the duties of the office of recorder was not well and satisfactorily performed. There was no suggestion of any inconvenience resulting to a citizen of Hancock county or anywhere else because of the fact that this clerk of courts resided at Bar Harbor, because, as I understand it, everyone admits the fact that the duties of that office are well and properly performed, and furthermore, as the deputy recorder has the same power to issue warrants that the recorder himself has in the absence of the judge of the court.

But, gentlemen, there is not a great need, it seems to me, considering the small business that is done in this court, that there should be a court there, anyway. A trial justice might attend to all of that business, and certainly there are trial justices there who, in the absence of the judge, could issue warrants, and it would be natural that the warrants would be issued by him in such a case. The deputy recorder can issue warrants, but the recorder, as I understand it, never has issued warrants, and never has been called upon to issue warrants. And on all the evidence upon that point, which amounts to nothing at all, it seems to me that considering the

fact that the clerk of courts is only a temporary office, and he don't hold it for life, and the next clerk of courts may live at Ellsworth or may live in some other part of Hancock county. The law does not provide that the clerk of courts shall live at Ellsworth and his duties are as important as are the duties of the clerk of this municipal court. Is there any reason why he should reside at Ellsworth? There is no requirement in this bill that the recorder who is appointed by the Governor with the consent of his Council, shall reside at Ellsworth, and under that bill a recorder from Bar Harbor might just as well be appointed, or a recorder from Sedgwick or any other part of the county of Hancock.

It is said that the salary is too large. Senate Document No. 199, introduced in the Senate on Feb. 6th, provides that a committee on salaries and fees be appointed to do certain things. Why is it necessary to consider this question of salaries and fees when you have set in motion a bill to provide a commission to consider that very thing? I won't dwell upon that. There is no suggestion at all that the county of Hancock is going to be benefitted if any change is made here. There is a suggestion that if this change is made you have got two offices instead of one, and the salary of \$2500 is split up into two parts, and that if any change should ever be made there would be a clear loss of \$400 to the county of Hancock.

If, as has been said, to the victor belongs the spoils, the answer would be that while the market-place may be captured the Acropolis has not, and the office of recorder of this court stands undisturbed on top of that hill overlooking the city of Ellsworth, as undisturbed as if that officer had been appointed for life, because he is elected by the people of Hancock county for a period of four years. Two years ago the recorder of the municipal court was put in his office in that court house by the people of Hancock county, and who shall say that we, having the power, have the right to annul the decree of the people of Hancock county? This office is not within the victories, and shall we spend our

time seeking for spoils? Does not the Governor have trouble enough with the vacancies that he has a right to create, and shall we create them for him and thrust them upon him?

There is a hunger and thirst for office, not confined to one party or the other, I admit; but shall we in this matter of offices endeavor to make the supply equal the demand? I trust not. And when you get this matter reduced to the final question, gentlemen, it can be expressed in this way, there is no vacancy, and the proposition is up to us to make a vacancy in this office, or to create a new office of recorder of this court in order that there may be a supply equal to the demand in this particular respect.

I have no criticism to make upon any man who seeks an office, upon any man who can induce us to create an office; but, gentlemen, it seems to me that we should be open to the greatest criticism if simply and solely to satisfy the insatiate hunger of those who seek office, create forthwith or deprive a present office holder of his place over which we have no statutory or legal authority simply for the purpose of giving him an office. It seems to me we are here for a different purpose. That great man, Grover Cleveland, years ago, said this: "A public office is a public trust." We are public officers and we are here to do the business of the people of the State of Maine, but we are not here to defeat the will of the people of the State of Maine expressed by their ballots; we are not here to usurp the authority that exists in the people of the State of Maine and that has been exercised by them to their satisfaction; and it remains for the people of Hancock county to say who shall occupy that office of recorder for the next four years just as they have said who shall occupy it for the present term of four years.

I say, why should there be any change, why shouldn't this office be left where it is? It is not incumbent upon us, who claim that it should not be disturbed; but it is incumbent upon those who would disturb it to give reasons satisfactory to the minds of you who are called upon to remove the

present incumbent to make place for a new one.

I want to give you one or two reasons why that office should not be disturbed. In the first place, the business of the public is better served as it is. This morning, at 8 o'clock, the deputy walked up the steps of that court house and through its corridors into the office of the clerk of courts where the records of this municipal court are kept in cases provided by the people of Hancock county, side by side with the records of the supreme judicial court placed in the same custody. Shall we commission any man to go up to that court house and take down those cases from the walls where they were placed by the people of Hancock county, carry them out and load them on a dray and cart them down the hill into some obscure back law office or into some building where nobody can get at them except when a court is in session or when the attorney happens to be in his office, or shall we let them remain where they are placed, where they have remained all these years and where properly they ought to be because the convenience of the people is best served by letting them remain where they are.

Furthermore, the clerk of courts is a man of wide experience, and he has charge of all those matters in the higher court; and if his experience is worth something in the lower court he must know his business to be clerk of the supreme judicial court in the county of Hancock.

Then again the matter of expense. Wouldn't it be cheaper for the people of the county of Hancock to pay one man to do those two things which are exactly the same nature, and which can be done in the same place and attended to during the same hours than it would be to pay two separate men for doing it? If they want to save expense, and if there is any question of economy in this at all, wouldn't the county be better served by keeping those two offices together; and if the salary is too much there is a way provided to remedy that; if it is not too much it should stay as it is. If the salary is not too much now it won't be enough when you take away \$400.

It seems to me the final reason is that the people who elected that recorder to that office when they elected the clerk of courts of Hancock county have sent no word to us that they have changed their minds and want another man to hold that office; and whatever our technical or legal rights may be, we have no more right in the face of the vote of the people of Hancock county taken two years ago to remove this office of recorder than we have to remove from his office the clerk of courts. Now, gentlemen, I trust that this question will be judged upon its merits.

Mr. SMITH of Presque Isle: Mr. Speaker, I do not propose to debate this proposition, and had no intention of speaking upon the matter, but I think my brother Dunton was in error in his statement of facts, although I may have made a mistake myself. I understood him to say that the clerk of courts received \$400 in his capacity as recorder of the municipal court, and that is in accordance with my recollection. I also understood him to say that the clerk of courts received a salary of \$2100 outside of that, and that is in accordance with my recollection. I also understood him to say that out of that salary the clerk of courts paid his assistant. Now it is my recollection that the clerk of courts stated at the hearing that he received for clerk hire an allowance of \$300. That is my recollection, that such is the statute, although as I say I may be in error about it. The Speaker knows, as he is a member of the Bar from that county, so as I figure it out, the clerk of courts practically receives \$2800 as I recollect the testimony offered before the committee. He testified that he paid his assistant practically \$600 a year, in other words, that he paid \$300 out of his own pocket. That is all the statement I care to make.

Mr. SMITH of Patten: Mr. Speaker, I don't feel that it is necessary to say much upon this proposition. There are two reports here, one signed by a very respectable, eloquent and suspicious minority, and the other signed by nine members of the commit-

tee. I am one of the nine. The committee considered this question very carefully. In fact, in order that the clerk of courts might be heard, notwithstanding we had given the usual notices, we adjourned the hearing for a time so that the clerk might appear before us and state his case, which he did. The committee came to a conclusion upon a certain state of facts that appeared to exist upon the statements not only of gentlemen who want this measure reported favorably by the committee but from the statements of the clerk of courts himself.

Now I take it that every municipal court, or all the municipal courts that I know anything about in this State, have a judge and a recorder. That is true in regard to the Ellsworth municipal court. In this case the recorder is also the clerk of the Supreme Judicial Court, a situation that does not exist elsewhere in the State, as I believe. That is to say, I know of no other clerk of the Supreme Judicial Court who is also recorder of a municipal court, and there are good reasons why he should not be. The municipal court should stand upon its own machinery and have a judge who can attend to its duties, and a recorder who can attend to the duties of that court undisturbed by duties to be performed and services to be performed elsewhere. It would be just as absurd to say that a judge of the Supreme Judicial Court might also be judge of the Bangor Municipal Court. It is not the correct principle and that condition should not exist.

We knew of no reason why the Ellsworth Municipal Court should not have its own recorder, other than the clerk of the Supreme Judicial Court. It seems that there are two nisi prius terms of the Supreme Judicial Court in Hancock county, and it has been said by the gentleman from Belfast (Mr. Dunton) that the duties of the clerk are performed very faithfully and efficiently by a deputy there. That is undoubtedly true; and the same gentleman also said that any time you might call you could get information of any sort from that lady; he also said that while this was going on that the clerk of courts was in the

city of Augusta, and as I understood him, in this House. That is the situation down there. The clerk lives in Bar Harbor, and except occasionally he is never seen in the office of the clerk of courts in Ellsworth, or as clerk of the municipal court. It seems that in the summer time he is in Bar Harbor and in the winter in Augusta, or elsewhere. It is true that the young lady does perform the services which have been described, and that he pays her the munificent sum of \$600 a year for that service, \$300 of which is allowed by the State for clerk hire out of an aggregate amount which he receives of \$2800.

Now, gentlemen, this question of what he receives is unimportant except in determining whether or not we are doing this man any wrong by divorcing those two offices, which are not harmonious or constituent. Just to refer to that for a moment, to show that he is not being wronged, I would like to compare his salary with the salaries of the clerks of court in some of the other counties of the State that we know about. The clerk of courts in Cumberland county gets \$2200 and \$1200 for clerk hire; in Franklin county the clerk gets \$1100, and has three nisi prius terms, where there are only two such terms in Hancock county; in Hancock with two nisi prius terms the clerk gets \$2100, \$360 for clerk hire and \$400 as recorder of the municipal court and some incidental fees that go with the office of recorder. Kennebec County has one term of the Law Court and three civil terms, and the clerk of courts gets \$2200 and \$800 for clerk hire; in Knox county with three civil terms and criminal terms the clerk gets \$1300; in Lincoln county with two civil and criminal terms the clerk gets \$1000; Oxford with three civil and criminal terms, and the clerk gets \$1000; Penobscot with one law term and five civil criminal terms, the clerk there gets only \$2000 with \$800 for clerk hire, and that is in the big county of Penobscot with one law term and five civil and criminal terms.

I will not go any further, but I will say this, that there was a complaint

in regard to this situation for the reason that this man cannot always be found there. He lives in Bar Harbor and is there considerable of the time. The recorder of a municipal court is supposed to be somewhere where he can issue warrants, as the law provides he shall in case the judge is incapacitated or sick, and in this case you can't send to Bar Harbor and get this man to sign warrants in case the judge is sick.

There is another situation, and on the testimony of the clerk of courts himself he is rarely there in Ellsworth except during those two terms of court, only for a few days. The work is done, as has been stated, by this lady, and he drags down \$2200 net for attending to his other business in Bar Harbor and coming up for four or five or six days twice a year to attend the supreme judicial court. Now, gentlemen, that has very little to do with the discussion of this question, except on the complaint that he is being wronged.

Every member of the Bar except one signed a petition to this committee that this change be made; they want a recorder there who will attend to the duties of that court. Whether the clerk of courts is the recorder of this court ex-officio the records are kept in the court house, and they should not be there at all. I don't have to argue the matter to have you understand that the records of the court should be where the sessions of the municipal court are held. If anybody wants a writ or any document they have to go up to the clerk of courts' office to get it, and they don't find the clerk of the court there; they find instead this girl who is doing the work of the office for \$600 a year. That is the situation, and those are some of the reasons upon which nine members of this committee have voted "ought to pass" on this bill here.

Mr. BOMAN of Vinalhaven: Mr. Speaker, there is one thing in regard to this matter that appeals to me, and that is in regard to section seven of this bill, in regard to the salary of the recorder. The bill provides that the salary shall be \$400 per year. Now

you have listened to bills coming in here for increases of salary from every section of the State, from judges of probate down to recorders of municipal courts; and I submit to you, how long would it be if this salary was established before this gentleman will come in here and want an increase to \$1000. I have had some experience in connection with these matters in my own county; and it seems to me whether a man is a Republican, a Democrat or a Progressive he can perform that duty to the satisfaction of the people of that county, and we should consider the saving whatever it is to the county of Hancock, so that in two years from now this man will not come to the Legislature and ask for an increase. The question here is whether this man is doing his duty, and if he is then I think we ought not to change the law.

Mr. RICKER of Castine: Mr. Speaker, I am not prepared to make any speech upon this matter, but after listening to the discussion so far as one or two things have occurred to me, and I will take a very few minutes of the time of this House. A good deal of stress is laid on the fact that there is a lady in the office who does the work. I am a member of the Hancock county delegation and am somewhat familiar with the question, and while it may be true that in fact this assistant does the work, it occurred to me that some time ago when the present incumbent of the office, Mr. Bunker, was running for the office and did not expect to be elected, that one of his main arguments was the fact that these two offices should be divided, and that the clerk of courts was getting too much money. It happened somewhat unexpectedly that he was elected, and we haven't heard so much about that aspect of the matter since.

We are simply asking that our clerk of courts and the office of recorder be put back where they were formerly. The question has been asked, as to who was the most interested in this matter. I think the members of the Hancock county delegation are interested as it is a local matter, and it is something that we know all about, and probably there are not 10 members of

this House who thoroughly understand the situation; and I hope that the motion to accept the minority report will not prevail.

Mr. WHEELER of South Paris: Mr. Speaker and members of the House, I do not propose to take very much of your time in a discussion of this matter which has been characterized as strictly a local matter; but there is one view of the matter that interests members of the House who reside in other sections of the State, and we desire to vote intelligently and justly upon this proposition, because there are pending before this Legislature matters which relate to our courts in other sections of the State, and these things somehow or other become interwoven with each other so that a matter relating to Hancock county may affect the courts in other sections of the State. There is pending before the legal affairs committee a matter in relation to the supreme judicial court of another county, and these matters have been brought together by reference before our committee and by reason of informal discussion of them; and so I say that I am interested and feel that I have a right to be interested as a member of this House in the disposition of this case which is now under discussion.

I am a believer in this proposition, and I do not speak upon it as a partisan residing in Hancock county, neither do I speak upon it from the standpoint of any political view because we have had the assurance of very honorable gentlemen that there is no question of politics involved in this question, and I am glad of that.

I believe that the people of any county after they have had an opportunity to express themselves, and after they have filled an office with a certain incumbent, that the burden of proof is strongly upon those who propose a change, and then you establish beyond a possibility of doubt that the public of that particular district or county desire a change. I have examined this resolve in vain to find any referendum attached to it, and if I am wrong I would like to be corrected on this point. If the people of Hancock county wanted that change I suppose it would be fair to have a referendum to that county.

I believe when a court has been established and an arrangement has been established as long as this one has, that it is not really a brand new question of divorce; it looks to me like a question of subtraction from this gentleman's salary. I am a believer in divorce under certain circumstances. When the parties are young and frivolous and full of life and have different interests I am, under certain circumstances, a believer in divorce; but when an old, decrepit couple come into court after having lived together for 37 years—and that is the length of time this arrangement has been in force—and after having lived together for 37 years, it is pretty hard work to figure out a good ground for divorce; and so in the absence of a referendum on this bill, and in the absence of any emergency on that ground and after 37 years of peace and harmony, I shall vote to sustain the minority report, believing that that vote has a tendency to quiet any political discussion in relation to the courts of other counties.

Mr. BOMAN: Mr. Speaker, I would like to ask a question of the gentleman from Castine, Mr. Ricker, as to who established the enormous salary of the clerk of courts.

Mr. RICKER: I will say to the gentleman, Mr. Speaker, not being a member of the board and being somewhat out of politics and not being mixed up in it, I don't really know.

Mr. NEWBERT of Augusta: Mr. Speaker and gentlemen of the House, I am not going to debate this question. It seems to me a bigger issue than some of us think it is. I will say just a word, however, for fear that some of the members here may miss the only point in controversy. This bill has a very innocent title. In 1876, 37 years ago, by Act of this Legislature this municipal court was organized, and the clerk of courts of Hancock county was made ex-officio recorder of the municipal court of the city of Ellsworth. The situation is funny, isn't it? For 35 years the clerk of courts in Hancock county was a Republican. I guess it was fixed up for him. Don't you think so? He was made ex-officio recorder of this municipal court and never had anything to do. There is no question here of public service; there is no question of in-

creased efficiency in this office by changing it as asked for; there is no issue here as to economy, for the county of Hancock will pay the same charges; it is purely political, gentlemen. The guillotine of the Republican machine is not working fast enough. The attempt is simply being made to pry off a piece of the salary belonging to the clerk of courts of Hancock county. He happens now to be a Democrat, and the guillotine is being set to work to give the salary to a young Republican lawyer of Ellsworth who is waiting and anxious to receive it. That is all there is to it.

Now, you good Republican members of this House are ashamed of that, some of you are; I know you are for you have told me so. I guess that others are. You good Republicans of this House ought to be patient. The guillotine is all oiled up, and she is working fine. And for the Hancock county Republicans, I want to say this to cheer them up: If you lose this little office in Ellsworth—and you are going to lose it—there are enough decent Republicans here to kill this bill, there are some Democrats here who will vote against it, and I hope that the Progressives who believe in the square deal will vote against it—and I will say to you Republicans from Hancock county, cheer up, because the word has gone forth that that great man from Bluehill, Judge Chase, is going to be appointed and confirmed as commissioner of sea and shore fisheries. (Applause.)

Mr. HARMAN of Stonington: Mr. Speaker, I am from Hancock county and am somewhat interested in the matter that applies to the municipal court of Ellsworth. The records of the municipal court of Ellsworth are now safe in the court house. If the recordership is taken away from the clerk of courts and another man is appointed to that office the records will be taken away from the court house, and you can't tell where they will be placed, and probably the county of Hancock would be called upon to furnish some suitable fireproof place in which to take care of those records. The clerk of courts for Hancock county has served as recorder of the municipal court of Ellsworth for the last 37 years, and it is strange that during all that time no one has

ever discovered that those two offices should be divorced, during all the time while this office was held by a Republican.

One of the petitioners who asked for this bill was a man who had been clerk of courts in Hancock county, and who had profited by the revenue therefrom for something like 20 years. The first petitioner on this petition was the son-in-law of the clerk of courts. Mr. Speaker, I trust that the motion of the gentleman from Belfast (Mr. Duntton) to accept the minority report will prevail.

Mr. DUNTON: Mr. Speaker, I don't want any misapprehension to exist as to our position on this matter. I am not holding a brief for Mr. Bunker, the clerk of courts, and it does not seem to me that it is a question of whether we are going to take something out of Mr. Bunker's salary or not necessarily. We do not have to answer to Mr. Bunker, but we do have to answer to the people who are behind Mr. Bunker, the people who elected him clerk of courts and recorder of the municipal court.

And, Mr. Speaker, it seems to me if we would think less of these officeholders and more of the people of this State of Maine, who have to pay every dollar of every salary that is drawn, that we would be doing better service for the people of this State of Maine. As I say, it is not a question of doing Mr. Bunker any wrong, but it is a question of doing our duty and refraining from doing what is beneath the dignity of representatives of this Legislature.

What are we trying to do, gentlemen? The guillotine has been spoken of, but if they kill us we don't object to be eaten after we are dead, but we do object to being eaten alive. This is not a case of divorce; it is not a case of decapitation; it is a case of vivisection, and from humanitarian motives alone, gentlemen, we should accept the minority report "ought not to pass." (Applause.)

There is one other point to which I wish to call your attention, an extension or continuation of the question suggested by the argument that Mr. Bunker was drawing this munifi-

cent salary which was established by the Republicans some 25 or more years ago, and which was drawn by that Republican official who was one of the best clerks of courts that the State of Maine ever had, established by the Republicans and drawn by a Republican up to two years ago, and the proposition is to divide up that salary, scatter it around here and there among the needy ones in order that he may not have so much. That is a doctrine that might have had some weight a thousand years ago, or such a matter, when Robin Hood and his merry men roamed Sherwood Forest, but I do not apprehend that we care to sustain any action we may take in this Legislature on any such ground as this.

According to the evidence that was presented before the committee, if I remember correctly, there was no claim that the convenience of the people of Hancock county suffered on account of Mr. Bunker's absence, if he was absent at times; and I want to submit further that it is my recollection that there was only one person who would be in favor of this bill and that was the one for whose benefit it was introduced; and the only evidence given before that committee, if I remember correctly, was given by him and by the present clerk of courts.

Now I want to thank the gentleman from Presque Isle (Mr. Smith) for correcting my unintentional misstatement as to the fact that Mr. Bunker received so much for clerk hire and those other matters. It does not bear upon the main question, and it is a question of just what we shall do under these circumstances. And I want to say to you, gentlemen of the Republican party—and you have it from your spokesman who sat upon that committee, that this is not done for political purposes, and you are free to use your own judgment as to how you shall vote upon this question; and if there are any merits in this question, and if there are any good reasons why this office should be changed for other than political purposes, I fail to see them.

I want to call attention to this fact, that while there may not be another recorder of a municipal court who is also clerk of the supreme judicial court, there are recorders of superior courts who are also clerks of the supreme judicial court. I will mention one, and that is in the case of Cumberland county, in Portland, and I believe I am right. There was no evidence offered, and there was no thought in the mind of any man here that the convenience of the people of Hancock county, lawyers or otherwise, required that any change be made. Mr. Speaker, I call for the yeas and nays.

The SPEAKER: Is the House ready for the question. The question is upon the adoption of the motion of the gentleman from Belfast, Mr. Dunton, that the minority report of the committee on this matter be substituted for that of the majority. The majority report is "ought to pass," and the minority report is ought not to pass." Those voting yes will vote on the bill "ought not to pass"; those voting no will vote for the majority report of the committee "ought to pass." The gentleman from Belfast, Mr. Dunton, demands the yeas and nays. As many as are in favor of the demand for the yeas and nays will rise and stand until counted.

A sufficient number having arisen, The yeas and nays were ordered.

The SPEAKER: Those voting yes will vote in favor of substituting the minority report for the majority report; those voting no will vote for the majority report. The Clerk will call the roll.

YEA:—Benn. Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland, Clark of New Portland, Cochran, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Donovan, Dresser, Dunbar, Dunton, Eaton, Eldridge, Elliott, Estes, Farnham, Folsom, Franck, Gallagher, Gamache, Gardner, Goodwin, Gordon, Greenleaf of Otisfield, Hancock, Harman, Harriman, Haskell, Higgins, Hodsdon, Hogan, Hutchins, Jennings, Johnson, Kehoe, Kelleher of Portland, Kelleher of Waterville, Lawry, Leary, LeBel, Leveille, Libby, Mason, Mathieson, Maybury, Mildon, Mooers, Morgan, Morneau, Newbert, Packard, Pitcher, Plummer, Price, Putnam, Quinn, Reynolds, Richardson, Robinson, Rolfe, Sanderson, Sargent, Scates,

Sherman, Snow, Sprague, Stetson, Stuart, Sturgis, Swett, Thompson, Wheeler, Winchenbaugh, Yeaton—86.

NAY:—Allen, Austin, Bass, Benton, Bither, Bowler, Bragdon of York, Butler, Chick, Durgin, Eastman, Emerson, Farrar, Greenleaf of Auburn, Haines, Harper, Irving, Jenkins, Jones, Kimball, Leader, Marston, McBride, McFadden, Metcalf, Mitchell of Kittery, Mitchell of Newport, Morrison, Nute, O'Connell, Peaks, Peterson, Ricker, Roberts, Rousseau, Sanborn, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Spencer, Taylor, Thombs, Tobey, Trimble, Tryon, Twombly, Violette, Washburn, Waterhouse—52.

ABSENT:—Bragdon of Sullivan, Maxwell, Merrill, Morse, Peacock, Pendleton, Ramsay, Stanley, Stevens, Swift, Umphrey, Wise—12.

The SPEAKER: Eighty-six having voted in the affirmative and 52 in the negative, the motion of the gentleman from Belfast, Mr. Dunton, prevails, and the minority report "ought not to pass" is substituted for the majority report. (Applause.)

#### Special Assignment.

The SPEAKER: The next business upon the calendar is report of committee on salaries and fees to which was referred order relating to salaries and fees.

Mr. SCATES of Westbrook: Mr. Speaker, I move that we refuse to accept the report of the committee, and I will ask that the clerk read the order.

The clerk then read the order as follows:

"The committee on salaries and fees which was instructed by an order of the Legislature to inquire into the expediency of appointing a special committee to sit during the recess and after adjournment of the present session, and to inquire into the amount of compensation received by all State and county officers, whose salaries are determinable by the Legislature, and to report to the next Legislature such amounts as will make the salaries of such officers equitable throughout the State, have had the same under consideration, and ask leave to report the accompanying order relating to the salaries of officers.

(Signed) Wing for the Com.

The report was accepted.

Ordered, that a special joint committee of three on the part of the



Senate and four on the part of the House, be appointed to inquire into the amount of compensation and services rendered by all State and county officials whose salaries are determinable by the Legislature. Said committee is hereby authorized to sit during any recess and after the adjournment of the present session, with full power to employ a stenographer, summon, administer oaths to and examine witnesses, call for books and papers, and in general to obtain all necessary information upon which may be based Legislative action looking towards equalization of salaries, and report in writing their findings and recommendations, which report shall be filed with the clerk of the House not later than December 1, 1914, and be referred to the next Legislature without further action thereon."

Mr. SCATES: Mr. Speaker, what does that order mean? That means that there shall be created a junketing committee of seven members with a stenographer to go over this State at the expense of thousands of dollars, in order to raise the salaries of county and State officials. That is all it means, and that is what the people of this State will consider that it means; because no one apprehends for a moment that that committee would recommend a reduction in the salaries of officials of this State. Now, as one, I want to enter my protest against raising the salaries of the officials of the State of Maine. We had this thing up two years ago, and at that time it was indefinitely postponed, and I hope the members of this House will vote to reject the report of the committee.

Mr. MITCHELL of Newport: Mr. Speaker, wish to correct the statement of the gentleman from Westbrook (Mr. Scates), that this means or might mean an expenditure of thousands of dollars. I have before me the figures of the expenses of the commission of 10 years ago, and I find the total sum is \$1614.65, including counsel fees and stenographer's fees. This was a commission authorized during the session of 1903 to travel

over the State and investigate the fees and salaries in the 16 counties of the State. And, gentlemen, I want to say that far from being a junketing party the commission draws only the actual expenses of the members travelling about and the hotel bills; and owing to the large number of matters that were brought before this Legislature and referred to the committee on salaries and fees, it was deemed wise not to attempt in the short time we have before us to adjust all these matters. We could not do them all justice, and the only way in which we could do justice to all the office holders of this State is to have a commission investigate for themselves in each county of the State; and I hope the motion will not prevail.

Mr. ROLFE of Portland: Mr. Speaker, I wish to introduce a few objections to this proposed order, My objections are as follows:

First: It deprives the counties or the delegations from those counties, of the right to say what the compensation of their public officials shall be, which has always been the rule in the past.

Second: Because some counties and some officials have already had their applications for increased salaries acted upon favorably, while others just as deserving would have to be deferred two years. This is especially true in Cumberland county.

Third: The expense of such a committee is unknown, but must be several thousand dollars. If you examine the provisions of the order you will find no limit to the amount that may be expended, and yet it gives the committee full powers to go anywhere in the State, or summon anyone from any part of the State as a witness, and the State will have to pay the bills.

Fourth: The creation of such a committee is unnecessary, because the present joint committee of salaries and fees have ample time to hear all applications for increase of salaries, whether county or State, during the present session of the Legislature. The applications affecting county salaries and appropriations could, as it always has been and always should be, determined

by the county delegation, while those affecting State officials could be readily heard and disposed of.

Fifth: The creation of such a committee as proposed would not only be a violation of the principal of local self-government, but it would also be unjust, expensive and unnecessary. The new special committee would have no different sources of information for equalizing salaries than the present existing committee on salaries and fees.

Early in this session I introduced a bill increasing the salary of the clerk of courts in Cumberland county. I only ask to have a hearing before the Cumberland County Delegation, and if in their opinion I was not right in asking for the increase in the salary I would be satisfied if they reported adversely against the bill. If you would allow me, I would like to read a letter giving a statement of what he wishes and why he wishes it to be allowed. This letter is as follows:

Early in the present session a bill, proposing an increase in the salary and an additional allowance for clerk hire in the clerk of court's office in this county, was introduced by Rep. Rolfe of this city and referred to the Cumberland county delegation in accordance with the general rule in the past for such matters. When it reached the Senate it was tabled and is there now.

In the meantime an order was introduced in the Senate and referred to the joint committee on salaries and fees, to determine the advisability of creating a special committee to sit during the recess between this Legislature and the next and determine whether the salaries of all public officials, which are fixed by the State, were equitable or not and report at some future time. The order was passed and through the chairman of the committee a bill at once reported, providing for a special joint committee, to consist of seven members, with full power to summon witnesses, take testimony, etc., and report on or before Dec. 1, 1914. The bill was tabled pending printing.

Now the bill to increase the clerk hire was introduced to provide for another clerk, because we have an insufficient force in the office to do the work, and

that has been the situation for more than three years. The recording is two years behind at the present time. There was a year's work of recording to make up in the supreme court when we came into office in 1907.

Four years ago the court house was burned; during the following two years we had to move our records and files three times; store them in different places, occupy temporary, cramped and inconvenient quarters; hold the supreme and law court terms in a church and United States court room, a quarter to a third of a mile away.

When we moved into the new court house we were obliged to devise a plan for taking care of, arranging, marking, numbering and filing away for reference for all future time, over 100,000 original court and county papers covering a period of over 150 years. This was done on the part of the office force without one dollar of compensation for extra work, notwithstanding one of the county offices has had a special appropriation by the Legislature of \$10,000 for extra work on account of the fire, \$8000 of which has already been paid by the county.

The constantly increasing work in an office of this kind, in the most populous county in the State, is apparent to anyone. The building of the Portland, Gray & Lewiston Railroad added nearly 50 cases to the docket from appeals, etc., in land damages; the failure of the contractors to finish the Fidelity building caused over 40 equity cases to be entered in one year; the proposed bridge between Portland and South Portland, with its estimated land damages of \$120,000, shows what is in sight for extra work the coming two or three years. The need of additional help is imperative, not only to catch up but to stay caught up. The county commissioners feel they have no authority to approve expenses for another clerk unless authorized by the Legislature.

The office of clerk of courts is entirely a county office; the clerk is elected by the voters of the county, and his salary and the expenses of the office are paid by the county. That is why such matters have always been left to the county delegation for determination. That is what is being done in all other matters pertaining to county affairs before this Legislature.

Nearly 100 of the members of Cumberland Bar have signed a petition that the bill introduced by Mr. Rolfe be reported favorably.

The list includes the names of Franklin C. Payson, president of the Bar Association; Harry R. Virgin, attorney for the Bangor & Aroostook R. R.; David W. Snow; Wilfred G. Chapman; William H. Looney; Josiah Drummond; Stephen C. Perry; Scott Wilson, attorney general; William H. Gulliver; Enoch Foster; Guy H. Sturgis; David E. Moulton; Carroll W. Morrill; John F. A. Merrill, judge of the municipal court; Joseph B. Reed; E. O. Greenleaf; Charles J. Nichols; Lindley M. Webb; Augustus F. Moulton; Richard Webb; Frank D. Marshall; George M. Seiders; Irving E. Vernon; Sydney B. Larrabee; Albert S. Woodman; George C. Wheeler, United States referee in bankruptcy; H. P. Sweetser; Ardon W. Coombs; Benjamin Thompson; Clifford E. McGlauffin; George F. Gould; M. P. Frank; Charles E. Gurney; William Lyons, and over 50 others.

Every signer is in daily and almost hourly touch with the office and its affairs and certainly know its needs and requirements better than any man in Franklin, Aroostook or Washington counties.

Now we feel that we are justified in asking and requesting from the members from this county that the bill be not referred to a special committee which will not report for two years but that a hearing be given this term, either by the committee on salaries and fees or by the county delegation, as has always been the custom in the past and is now in regard to other matters affecting a county. There are notices now for three hearings before that committee, on Tuesday, the 18th.

If, in the judgment of the committee or the delegation, the bill, after a fair hearing, has no merit, let them deny it; if it deserves to be granted, do it. No one can find any fault with that.

I felt justified in asking that this matter be referred to the Cumberland County Delegation and that they may have a chance to listen to what may be said by and for the parties in fa-

vor of an increase of that salary, and in preference to this special committee that is going to be appointed and which will in two years from now report what our needs are at the present time; and, therefore, I object to the passage of this order.

Mr. SANBORN of South Portland: Mr. Speaker, I do not fully share in the sentiment expressed by the gentleman from Westbrook (Mr. Scates) as to the object or purpose of the creation of the committee as is proposed. On general principles I have no objection to that method of determining salaries for State officials. Reference has been made to certain officials in Cumberland county. Few of the people of the State appreciate fully the growth of that county and the enormous amount of business done in the county offices; nor do they appreciate the disadvantages under which the county officials there are at the present time obliged to work owing to the inadequate sums allowed them for clerk hire and assistance. It is really a serious condition for us. There are, I think, before the Legislature three calls for assistance in that behalf, one from the probate office which is meritorious, one from the superior court judge calling for an increase of salary to bring it up to what is adequate in comparison with the dignity of the office, and a third from the clerk of courts, which, to my mind, is the most acute in point of necessity of all. All that has been said here is absolutely true, and we are in need of immediate relief there.

In the office of the clerk of courts there are two young ladies employed at a salary which is less than prevails in the larger law offices for stenographers, and they are doing work which calls for far greater capacity, far greater ability, and longer hours. They are required to work longer hours than stenographers in any of the law offices; they are obliged to forego their pay during two week's vacation which they take. And all those considerations I think should move you, at least, to allowing the Cumberland county matters to be referred to the Cumberland County Delegation, who can be safely trusted to determine how much money Cum-

Derland county should pay for the services which are rendered in the interest of Cumberland county. I have only that to say, and as I said at the outset, on general principles I have no objection to that method of determining salaries.

Mr. MAYBURY of Saco: Mr. Speaker, I wish to file my protest against the commission in general, and this one in particular. These commissions are a good deal like a five-wheel coach, very ornamental but seldom of any practical value, and we must realize that their efforts would, like women's tears, avail nothing; and no one knows better than the members of this House, and the gentleman from Newport (Mr. Mitchell) in particular, that whatever action they take after their junketing trip, that this next Legislature is in no way bound by their action. At the next session of the Legislature a good many of us may be here, and some of us will not, but we will be in no way bound by the action of that committee; it will be up to the next Legislature to do whatever it may see fit.

Mr. PEACOCK of Readfield: Mr. Speaker, I had not intended to take any part in this discussion, but I am interested in one or two measures which I have introduced at this session, and I wish at this time to file my protest against the passage of this order. We have in Kennebec county a register of probate, a very efficient man, and in that office he is obliged to employ a clerk and part of the time two clerks. The law provides a small sum for clerk hire, and when extra help is required by him he pays it out of his own pocket.

If this commission is appointed and is required to make a report two years hence I can see wherein the register of probate of our county will have to pay out of his own pocket—and his salary is none too large at that—from \$300 to \$600 or \$700 for clerk hire each year. For that reason I desire to enter a protest to the passage of this resolve. I believe in legislating for the present and not for the future, for men who may be dead two years

hence, and so hope that this order will not receive a passage.

The SPEAKER: The question is upon the motion of the gentleman from Westbrook (Mr. Scates) that the report of the committee recommending passage of the order which has been read be not accepted. Is the House ready for the question. Those in favor of the motion to not accept the report of the committee recommending the passage of the order will say yes; those opposed will say no.

A viva voce vote being taken,

The motion was agreed to, and the report of the committee was not accepted.

Mr. Peacock of Readfield then moved that the report of the committee, together with the order recommended by the committee, be indefinitely postponed in non-concurrence with the Senate.

The motion was agreed to.

(At this point Mr. Mitchell of Kittery assumed the Chair amid applause.)

On motion by Mr. Durgin of Milo, the report of the committee of claims on resolve in favor of the town of Milo, which was tabled Feb. 21st, was taken from the table and on further motion by Mr. Durgin the matter was recommitted to the committee on claims.

The SPEAKER (pro tem): Today we clean the calendar by vote of the House passed sometime last week. The first matter on the calendar to be disposed of is bill, An Act in relation to the charter of the city of Bangor.

On motion by Mr. Gallagher of Bangor, the bill was taken from the table, and on further motion by Mr. Gallagher the bill was re-tabled.

Resolve in favor of the town of Grafton for the repair and permanent improvement of highways.

On motion by Mr. Goodwin of Mexico this resolve was re-tabled.

An Act to provide for instruction in road building in the public schools.

On motion by Mr. Mitchell of Newport this bill was re-tabled.

Resolve for the further improvement of marketing the farm products and purchasing supplies for the farm.

On motion by Mr. Irving of Caribou, this resolve was re-tabled.

An Act to amend Chapter 489 of the

Private and Special Laws of 1901 entitled "An Act to supply the town of Lubec with pure water."

On motion by Mr. Trimble of Calais this bill was re-tabled.

An Act to incorporate the Pittsfield Water District.

On motion by Mr. Smith of Pittsfield this bill was re-tabled.

An Act authorizing the city of Bangor to supply the town of Hampden with water.

On motion by Mr. Gallagher of Bangor this bill was re-tabled.

An Act to enlarge the powers and jurisdiction of the Western Somerset Municipal Court.

On motion by Mr. Dunbar of Jonesport this bill was re-tabled.

An Act to amend Section 5 of Chapter 21 of the Revised Statutes of Maine, relating to liens upon sewers.

On motion by Mr. Plummer of Lisbon this bill was re-tabled.

An Act to incorporate the trustees of the John B. Curtis Free Public Library in Bradford.

On motion by Mr. Morrison of Corinth, this bill was re-tabled.

An Act to establish a uniform poll tax.

On motion by Mr. Irving of Caribou, this bill was re-tabled.

An Act to permit the town of Pittsfield to obtain a pure water supply.

On motion by Mr. Smith of Pittsfield this bill was re-tabled.

On motion by Mr. Folsom of Sanford, House Document No. 146, bill, An Act to divide the town of Sanford and incorporate the town of Springvale, was taken from the table, and on further motion by Mr. Folsom the bill received its third reading and was passed to be engrossed.

#### Women's Suffrage.

The SPEAKER (pro tem): The next matter on the calendar for consideration is report of the committee on judiciary to which was referred resolve proposing an amendment to the constitution of Maine conferring the right of suffrage on women, reporting "ought to pass." The question before the House is on the report of the committee that the bill "ought to pass."

Mr. Newbert of Augusta moved that

the report of the committee be indefinitely postponed.

Mr. NEWBERT: Mr. Speaker and gentlemen:

It is with some degree of embarrassment that I rise to speak upon this Resolve. My purpose is a sober one, and the statement I shall make is reduced to its simplest terms.

Well do I know that my attitude will be construed as opposition to woman, the denial to her of right and justice. To listen to the agitator for equal suffrage one would think that our Maine women were asking us to break off the shackles of slavery and grant them freedom. A stranger to our planet would gather the idea that sometime in the prehistoric ages brutal man had enslaved a fair race called Woman, that this race is just coming out of an awful bondage, and that the great liberator is the ballot.

This hour calls for sober thinking and the calmer judgment. This House should proceed in this matter with deliberation, and consider well the step we are asked to take. The issue is one of grave moment to this generation and to all future generations that follow us. Having gone her woman's way since human time began, woman now may well wait upon sober reflection nor seek to hasten legislation destined to set in motion forces in society beyond the power of either men or women to forecast or recall.

When I am done it will be said that I have advanced no argument why the ballot should be withheld from women. You will tell me that my ground of objection is sentiment or the age old prejudice of man. In this I anticipate your criticism. I present no argument. Possibly there is none. I am satisfied to lodge a protest in the name of woman and on behalf of the thousands of women in this State who neither want to vote nor have this agitation longer continued. In these matters argument counts for little. I confess that my chief ground of objection to this Resolve is sentiment. And I further confess to the ancient and modern prejudice of man against the breaking down of the barriers protecting woman from the heavier

burdens of the world, wherein man clashes with man and together battle with dumb forces of nature whose inexorable law is the survival of the strong. This prejudice is ages old and world wide and has ever been woman's surest safeguard. It has kept her woman and conserved her place in creation ordained in the divine wisdom from the foundation of the world. Logic breaks down before sentiment. Barren indeed were human life without its dreams, its hopes and memories. It is said Napoleon once silenced a denial deity by pointing to the stars. Argument may dispose of religion, yet a deep peace makes religion real. Logic may bury its dead without hope, yet one look into the gateway of a sunset and logic loses to the world's hope for immortality. This great question of woman's place in the world cannot be faced apart from sentiment. Woman herself has been the guardian of sentiment. Sentiment has spoken in charity; it has expressed itself in the flag; it has flowered in chivalry; it has voiced itself in hero worship, ripened in love and founded the homes scattered over the wide world. When woman takes refuge in logic and argument in such a cause as this, she overthrows the cumulative spiritual forces of the centuries which have brought her to the high place she today occupies and made her both woman and mother.

This question should not be discussed here as an abstract proposition of woman's right or her fitness to exercise suffrage apart from woman herself.

In opposing this Resolve I plead today the cause of woman, and, were I able, would leave with you a picture of womanhood, itself an answer to every argument advanced in favor of equal suffrage. Especially do I speak for the old fashioned woman. She needs a champion at this hour lest she be forgotten. Who is she? Someone answers, a myth or a fading memory. I tell you the old fashioned woman is more than a myth, nor has she yet become a memory. She lives and thinks and does her woman's work,

and in her is still revealed the glory, the wonder, the beauty of womanhood. She still treasures the ancient traditions of her sex, continues to make the heart beat faster, and inspires the finer chivalry of modern man. The old fashioned woman neither pleads her cause nor asks an advocate. She shuns publicity and keeps out of the spot light. The press does not exploit her; the agitator offends her and is offended by her seeming indifference. Yet she knows her woman's life, and lives it. She sees the nearby duty in the day's routine, and performs it. She perceives the well worn paths of the simple life, and therein chooses to walk.

The old fashioned woman is not asking for the ballot. She does not want it, and shrinks from the new burdens and grave responsibilities that go with it. The old fashioned woman is our typical Maine woman. Would you find her? Then go into the one hundred thousand homes of Maine. Ask from door to door who are the women of the country side? Or go into our villages and our cities and seek out the women who make the homes, who send children to school and teach them the primary lessons in virtue. Ask of those who keep the churches open, who support charities, and, from the multitude of woman's duties, think of the life of their communities and give to all moral causes their quick support. You will find the old fashioned woman when you find the mothers, wives, sisters and daughters of Maine today. The woman agitator for equal suffrage or the woman who wants the ballot is the exception and not the rule among the women of this State.

Could the ballot be given to those women who ask for it, while leaving the vast majority of our Maine women free to live their lives apart from the conflict and the turmoil of politics, thus protecting our homes against the further agitation of this question, few men or women in this State would oppose any objection. Or were it possible to refer this Resolve for equal suffrage to the women of Maine, I would raise no voice against its pas-

sage. A question which means so much to woman should be passed upon by women, not men. I oppose the reference of this momentous issue, so radically affecting woman and so destructive of our finest traditions and our future well being, to the men of Maine, thus forcing upon the women of this State an issue not of their making, a seeming right not of their asking, a campaign of contention and conflict brought to their doors, and from which they shrink.

It may be argued that the mere submission of this Resolve to the people is not a radical step and does not commit this House to equal suffrage. Yet the step is radical. It is revolutionary. In its consequence it is more momentous than any legislation enacted into law in this State since Maine became a state. No member of this House can justify his vote for the passage of this Resolve by saying 'it does not count,' the question is merely submitted to the people. I repeat, the question will not be referred to the people, namely the women of this State, most concerned and whose well-being is in the balance. No member of this House can give his vote to the passage of this Resolve unless he is willing and ready to lay this new and unsought burden upon the women of Maine and is prepared to revolutionize the social order in this State.

If we pass this Resolve, we do more than submit this question, so deeply touching woman, to the men of Maine. By our votes here and now in favor of this Resolve we open up a campaign of agitation and division and bitterness such as this State has not seen. The short haired women and the long haired men from other states and other countries will be here. The woman reformer, the noisy suffragette and the kimono politician will turn this State upside down, invading your home and mine and the home of every man, seeking to arouse our wives and mothers and daughters from what they believe to be a sleep of indifference and the slumber of social and economic death.

I deny the right of men alone to pass upon this great issue so vitally affect-

ing women, or to force by their votes here or at the polls a duty upon women neither sought nor desired; or to create for women a responsibility in citizenship unnecessary, burdensome and of no avail.

Good authority has it that out of the 2,000,000 women in New England 21 years of age and older, not more than 8 per cent ask for the ballot or desire it. In point of womanhood, culture, intelligence and love of home, I make no mistake in setting the women of New England over against the women of the newer West. And yet taken country wide, I ask sensible men, how many women of 21 years of age and older out of the total of 24,000,000 in this country really are asking for the ballot? In the State there are about 226,000 women of 21 years of age and over. How many of this number are asking for equal suffrage? How many have come here in person? How many have truly been represented here? How many are here on petition? Indeed, how many of our Maine women are here asking this at our hands?

Our Maine women are not unlike the women of Massachusetts or the women of New England. Our New England women come from common stock and are the bearers of common traditions. They think alike and have a common purpose in their work. If it is true that only 8 per cent of the women of New England ask for the ballot, it is also true that no more than 8 per cent of the women of Maine either ask for the ballot or want it. Eight per cent of the 2,000,000 women of New England would be 160,000. Eight per cent of the women of Maine would figure about 21,000, nor do I doubt that this number comprises all the women in this State who want the ballot or care to assume the new responsibility of government inseparable from equal suffrage. If there are that number among our Maine women who want the ballot, and I believe the estimate to be large, shall these 21,000 force more than two hundred thousand other women, satisfied with the rights and privileges and honors they now have, and already burdened with family and community duties, to leave their fire-

side and their employment in woman's world for this new responsibility of citizenship? These two hundred thousand women of Maine have rights, not less than the 21,000, which this Legislature is bound to respect.

We are not asked to change an existing law or to amend a statute to remedy some wrong or to improve certain social conditions. We are not asked to enact a law giving additional rights and protection to women. We are asked rather to take a step not only looking to the most radical change in the organic law of this State, but we are urged to approve by our votes a purpose to break down the social barriers of the centuries, to overthrow the splendid traditions surrounding woman, to take from her that respect, that reverence, that honor and that distinctive protection which, especially among the Anglo Saxon people of the earth, has even been and is the richest and most valuable inheritance of our women.

We deny to woman no right or privilege or place or honor nor limit her influence in the world when we withhold from her the ballot. The ballot is not a right either in law, in equity or in nature. It is not a right inherent in the social order. It is not a right which man abrogates to himself. Nor is the ballot a cure-all for the many ills in the world. The votes of women would accomplish just about what is accomplished or may be accomplished by the votes of men.

The enfranchisement of the negro and the illiterate vote of our great cities are pointed to as a reason why women should have the ballot. But all this is beside the question at issue. It has no relation to the objection which I raise today to equal suffrage. Jack Johnson with the ballot is still the ignorant black. His vote can neither build up nor destroy. His exercise of suffrage is as useless as he himself is worthless. I set over against him the personality of Jane Addams. Without the ballot, her woman's soul and her woman's work neutralize and overcome and confound the votes of 10,000 Jack Johnsons. We have but to turn

to the verdict of the centuries, have only to know the history of the race, need but to review the thrilling story of the ascendancy of man in nature, need but to remember the influences upon civilization that have made for its splendor and its power, to be sure that woman's part in it all has been immeasurably greater than could it have been had she had the ballot. The great paintings in the world of mother and child have had far greater influence upon the course of human history than any part that woman might have had in the control of government and in the questions of State.

The great names among women stand out in history not because these women were great in war, not because they conquered empires, not because they established or overthrew governments, not because they fomented revolution and precipitated riots, nor because they usurped man's place and did the work of men. These women's names are household words and sources of highest inspiration because those who bore them took a woman's part, filled a woman's place and did a woman's great and particular work. These women could have done no more and would be less well known and affectionately remembered had they sat a throne or led armies or established governments or fought with men for political supremacy.

Woman, unarmed with the ballot, has yet won justice for the race, though without the power to dispense justice. In a great sense she has been law giver in times of moral crisis or social stress, yet has made no laws. She has determined the issues of war as affecting herself, her children and her men, yet has unsheathed no sword, neither led soldiers in battle. Woman has had her well recognized part in the great moral movements of the world. The right of suffrage could have added nothing to the influence of Harriet Beacher Stowe. She could not vote, she did not kill, she made no law, yet she wrote Uncle Tom; and who shall measure her influence upon her time or later times, or portray her part in the emancipation of the slave?

The position of woman, especially in Anglo-Saxon lands and under existing



laws, is higher than ever before. No right or privilege or protection is denied her. No door of opportunity is shut. The field of the higher education and of the broadest culture, the world of literature, music, art and science awaits her. Great moral issues still confront the world. Social ills await solution.

The ballot is not the remedy. This world cannot be made righteous by law.

Men are not reformed by force. Virtue is better taught by example and precept. Prohibition has failed since the age of the Commandments. Personality and high endeavor work reforms. Love and sympathy lead men who will not be driven. Not the ballot, but organization for moral betterment and social justice is the agency propelling the world towards the millennium.

Woman's peculiar genius is best applied, not at the polls, not at political caucuses and primaries, nor in official position. The genius of woman is best applied in the charities of the world, in the field of education, in the spread of a practical Christianity, in the work to save both men and women from their own waste and folly, in the building and endowment of hospitals and reformatories, in the moral support of wise legislation, in the training of children, in the restraining of men intent on wrong doing, in the keeping of the home.

When both men and women are too busy and too much engrossed with the affairs of the world to keep the home, to make it warm and light and sweet a resting place, a shelter, a family retreat and fortress, then God pity the American child, or in his probable absence, the childless parents.

Some genius is needed at this hour to portray womanhood. An artist should sketch for us a picture of the American family surrounding the mother and child. Did we have such portrayal and such picture, the answer would be ready, an eloquent answer to every argument advanced or to be advanced in favor of the passage of this Resolve.

Again, in the name of woman and on behalf of 200,000 women in Maine who seek no additional rights and have no part in this agitation, I lodge my protest against the submission of this question to the legal voters of this State.

If this Legislature is to take this radical step, and by this Resolve is to bury forever the old-fashioned woman, I ask the privilege to write a simple epitaph for her tomb stone. Once gone, she will return never. At least she is worthy a monument and this epitaph.

#### AN EPITAPH

The Old Fashioned Woman.

Her name was Woman; her chiefest glory motherhood; her sphere a woman's kingdom.

Her record is made up both in earth and heaven. The angels know her name, and all human institutions reflect the glory of her moral genius. She helped bear the burdens of the world, nor faltered in duty. She gave soul to civilization, while in her keeping has ever been the destiny of the race.

In love she begat children; gave them birth in patient suffering; and, unashamed, fed them at her breasts. Around the cradle of infancy, as about an altar, she built the home, a shelter from the storm, and kept a fire burning on the hearth. Babyhood lisped her name and clung about her knees; boys and girls called her mother, told to her their joys and brought to her their childish disappointments. She sent sons into the world to do men's work; gave her daughters to be the wives of other men; and kept her home against the encroachments of the riot of events, even as a queen her castle.

She chose the better part, and walked in woman's paths. She gave her men to the wars for freedom, and offered up her sons in sacrifice to country. Yet she left to men the soldier's duty, the building of empire, the strife of politics, content to be the power of love behind the throne.

Even as she was proud of man's superior strength, and leaned upon him, so was she assured of his protection. She walked beside him, heartened him for his daily task, prayed for his safety and success, set a light in the window, beacon on his homeward way, and built from human hearts and hopes and dreams a kingdom of domestic peace and happiness.

Having made this statement, I shall give my vote against the Resolve, justified by the facts as they appear to me.

Mr. COOK of Vassalboro: Mr. Speaker, I am very grateful to the gentleman from Augusta (Mr. Newbert) for his eloquent tribute to women. What he said is all true, and is it not a pity that such people as those whom he has spent half an hour in describing cannot vote. (Applause.) I wish to assure the gentleman that if this carries and is submitted to the people there will be no riot around his dwelling, no one will invade his home or disturb his mother. If this question could be rid of the thousands of years of prejudice that have come down to us, and if we could view this question without prejudice it would not take a minute for us to decide it. If this could be presented to us for the first time, that we are going to have ballots and to whom shall we give them, without any history or knowledge of what has been done in the past, could any one doubt but that this would be just as likely to be given to women as to men? There can be no doubt about that. If you wish to restrict the ballot then restrict it on sensible lines.

Now, gentlemen, as I say, supposing it should come up for the first time in building a Constitution what restriction shall we place upon the ballot. Would you make it a physical test, would you make the prohibition like this, that all black-eyed people may vote and none others? Or, would you make any other physical test of voting? It would be as absurd, any physical test that you could make, as it would be to make only those who wore No. 7 boots eligible to the right of suffrage.

Voting is a mental act, and does not require physical qualification. A man may vote even if he has no eyes; a man may vote if he is without hands. The physical frame has nothing to do and it is a mental act and should have a mental test; and if you can make any test that is reasonable, a mental test that a person shall read and write and shall be able to understand our system of government, or anything else then anybody may be able to pass such a test as that. But when you make sex a test you put before half

of the people that are born into the world a barrier that they cannot get over in self-government.

Oh, how we like to say as did the great Lincoln, "Government of the people, for the people and by the people," but it is not a government of the people; it is a government by one-half of the people. How many women there are in this country who have all the inherent rights and yet who can have no voice in the government of themselves; they can have no voice in the question of the taxation of their own property. Here in the city of Augusta is one of the richest women in the State, and she cannot vote as to the taxing of her property, which amounts to thousands of dollars a year. She has no husband to have any voice in it, but her coachman or her gardener, an Italian, who has only been in this country a little while, can vote away her property without knowing one thing about the method of government. Why, talk of these people who have come over here from Southern Europe, half of them do not know any more about political economy or the running of a state government, and they could not tell it from the business of embalming oysters. (Laughter and applause.)

As I say, this act of voting is a mental act, and it requires almost no time. In a pamphlet that was laid upon my desk, yesterday it was said that women would have to give up some of their present duties if they were allowed to vote. How much time does it take you, gentlemen, in the run of a year, to do your voting? Does it seriously interfere with your business? If women cannot have the time from their business of washing dishes and washing your dirty linen and all those things, occupations of the household—if they cannot have time enough to go and cast their ballot, then, God help us, nobody else can. (Applause.)

An old farmer said of his wife who had gone crazy, "I don't know what made Mary crazy, she hasn't been out of the kitchen for 39 years." I say, let them out of the kitchen once or twice a year to go and vote; it will keep them from going crazy. Now, since this is a mental act, the act of voting,

and it does not take time enough to be worth considering, the only question as to allowing women to vote would be whether they were intelligent enough to vote. That is a question upon which we are all satisfied, as to the intelligence of women, that they are equal in intelligence to men.

You look up the records of scholarship in our schools and colleges, and you will find that the average rank of women is ahead of the rank of men; not because they have more ability but because they are more conscientious in the pursuit of their studies and are not sky-larking around nights as much as the boys. (Laughter.)

The mind then does the voting, and it should be a moral mind to vote at best. I think the men have no advantage over the women on that ground, and that the morality of women is as great as that of men; I believe it is much greater. There are more women unselfishly devoted to service in this world than there are men. What a large class of women there are in the church who minister to the lowest forms of humanity, women who give their whole life to the uplift of humanity and without a dollar of pay. Thousands of these women devote their lives to the uplift of humanity. This large class of women in the Holy Catholic church, cultured, educated and refined women in the most disagreeable business in the world so that they can help a fellow being. Where among men can you find a class like that. Then you take the Protestant churches, and here we find as much morality in the churches as anywhere, and there the women are the whole head and front, and without them the church would die almost in a day. It is by them that the money is raised and the congregation is furnished.

I think, gentlemen, it cannot be denied that women are intelligent enough, as intelligent as men. Why do you have that word "male" in the Constitution. Don't you suppose that woman loves her life, her liberty and her pursuit of happiness just as much as man, and don't you sup-

pose that women are just as much interested in the laws that are made as are the men, just as much interested in the government of her children and in matters of peace and war and arbitration and schooling and education of the children? Haven't they just as much interest as men, and then why in Heaven's name, since they are intelligent human beings, why shouldn't they have the right to vote, to determine these things which affect them just as much as they affect the men?

At one time this country went to war because of taxation without representation. Women are taxed without representation. Some of the wealthiest people of this land are women who have no husbands, and yet they have nothing to say in regard to the taxation of their property. That is taxation without representation, the same principle exactly as induced the farmers of this country to fire that shot which was heard around the world.

This is a question which is greater than any other political question in the world, today. It is occupying the attention of the minds of people all over the world. Since the war in the Balkan States the women there are asking for the right to vote, and the men are saying to the women, "You cannot vote; you help us in this way wonderfully; we could not have succeeded without you but you cannot vote, but we will tell you what we will do; we won't make you pull so hard when we put you up side of the ox to plow the next time."

A few years ago Russia started out to Russianize Finland. The people of Finland objected and there was a tremendous contest there between Russia and the colony of Finland as to whether these laws should prevail.

Before that struggle the women of Finland had asked for the ballot and had been refused, but after that struggle Finland gave the ballot to women without their asking for it. The women had struggled through that war side by side with the men, and the men came out of that struggle with a different temper from what they had when they went in.

It has been said that this is not a political question and that there is

going to be no political lineup. I am very glad that is so, but it seems to me that the gentleman protested almost too much. This movement is bound to come. You cannot find more than one man in ten who will not admit that women's suffrage is going to come. It certainly will come, and nothing can hinder it.

The civilized world are watching us, today. There is a tremendous interest in this question, as you all know. What we do here, today, will be flashed across this country and across the ocean. Millions of people will read it with interest. Then why not settle this question by submitting it to the voters of this State. Don't you dare to submit this to the people who elected you? This is a progressive question, and I don't mean by that term to indicate any political party. The man who is to be inaugurated on the fourth of March next is a progressive, as has been proved by the progressive laws that he has fore-  
 ed through the Legislature of New Jersey. And this progressive man claims that he is going to call around him progressive people to form his official family. This is a progressive measure.

The gentleman says there are only 8 per cent. of the women of this State who want the ballot. You all know that is not so. He has put the per centage too low. In the states where they have the ballot they vote in just as large per centage as the men. In Massachusetts last fall the women in a good many of the large cities registered and got every woman in those cities that they could get to register a vote on the school question, just the same as we had here. Not all the women want to vote, and neither do all the men want to vote; and there are thousands of men in our Presidential elections who do not vote. There are thousands of men in the city of Boston alone who never vote, and who boast that they do not vote, and if you pass a law to shut off those very men who have not voted for years, and they will fight it in a minute.

Why in Heaven's name shouldn't women want to vote? Why shouldn't they be interested in the laws that govern

this great State in which they live? This is not the question, and all that has been said so far, is not to the question at all. The question is, shall we submit this to the people of our State? These women have demanded and asked for the ballot almost since you were born, gentlemen; year after year, or session after session of the Legislature they have come here and asked for this right, and it has taken several days at each session of the Legislature, and isn't it about time to settle this matter by referring it to the people who are the judges of whether they want to vote?

That Constitution of ours was made by the people of Maine, it was not made by a Legislature, it was made by all the people of Maine, every word of it. And now don't you dare to trust the people of Maine to change one word in that Constitution, if they want to?

All the civilized world is watching us, today. We are to prove by our acts whether we are free from prejudice, whether we are able to get out of our whims or whether it takes a broad-axe to get an idea into our heads. Then let us give this to the people and let them settle it for all time. Let us by our acts at this time prove that "through all the ages one increasing purpose runs, and the thoughts of men are widened with the process of the suns." (Applause.)

Mr. BOWLER of Bethel: Mr. Speaker, I did not intend to say anything upon the question, and I assure you that I will take but a moment. We have listened, this morning, to one of the most eloquent addresses that we have heard during the session, that of the gentleman from Augusta (Mr. Newbert). And he has, as it occurs to me, provided but very little argument why we should not give the ballot to women. He says it is a question of sentiment, and he has drawn for us a nice picture of the old-fashioned mother. Now I have nothing to say against the old-fashioned mother. But, gentlemen of this House, we are facing conditions which are important, and I submit to you that not all of the ladies of America were ever

destined to be those old-fashioned mothers; the conditions are such that they cannot be, today. We are placing different responsibilities upon the women of our country, today, and it is a different proposition.

We have, today, in the State of Maine thousands and thousands of women who may never make those old-fashioned mothers because of the occupations that they are obliged to pursue. We have, today, thousands of teachers in the State of Maine into whose care you and I have entrusted all that is dear to us, and those same teachers are called upon to tell your boy and my boy something about governments. New ambitions rise up the hearts of our ladies under the conditions which exist, today, and it seems to me it is hardly a fair proposition for us to come up here and say that we shall not give to the ladies who are asking the privilege of the ballot, that we shall withhold it from them. This question is in the air, it started in the West and is coming East. Ninety-two years ago we spiked "Dirigo" upon our masthead, and I do not want to see us go back upon that motto. This has got to come sometime, you will have to face it sooner or later, the women of Maine some day will have the ballot, and let us not be backward in saying to our Western friends that we are going to live true to our "Dirigo." Let us not be too far in the rear.

Mr. IRVING of Caribou: Mr. Speaker, I am not going to inflict myself upon you, today, with any half-hour speech. As a matter of fact there is very little left to be said upon the matter under discussion. The gentleman from Vassalboro, (Mr. Cook) as is his custom invariably, has covered the entire ground. Much of the argument made here, today, is beside the question. The women of this State are not asking that you grant to them the right of suffrage, but they are merely asking to permit the voters of the State of Maine to decide whether or not they shall give them the right o vote, and it seems to me that the closing remark of the gentle-

man from Vassalboro is really the meat of the cocoanut.

I am very glad indeed that such a tribute has been paid to women by the gentleman from Augusta (Mr. Newbert) and by the other speakers. I will just simply say because think it is applicable to the subject, to discuss this phase of the matter, to whom should the responsibility of enacting the laws and forming governments for the children, for the protection of the children, as the mother of the epitaph of the gentleman from Augusta. That is all I am going to say in regard to the qualification of women to vote upon this question.

Members of the House will remember that in the past years repeated arguments and discussions have been made in the Legislature upon the question of the submission to the people, and the right of the people to have such measures submitted to them; and in the language of that old Captain of the hosts of temperance, the exclusive representative of his party in the Senate of this Legislature, when pleading for the rights of the people to have submitted to them State-wide matters, he declared in this way: "Nothing is settled until it is settled right, and this great question will never be settled until it is settled by the people. Why are you afraid to submit it to them? I am willing to trust the people upon this question, and you ought to be."

The able lieutenant of that old man, the advocate for submitting matters of great importance to the people in the other branch of the Legislature at the time he uttered those words was the gentleman from Augusta (Mr. Newbert) from whose eloquent lips there flowed forth volumes in favor of submitting the question to the people. And, gentlemen, I am surprised, today, to find the same silvery eloquence pouring forth in this House against the people's rights. (Applause). What has caused the change of face on the part of the eloquent gentleman? Have the people proved unfaithful to the trust he imposed upon them? I

leave that to you, gentlemen, and will not attempt to answer it.

I will simply drop this matter by simply summing it up. The last analysis of the question before you is a question of submitting a matter to the votes of the people of this State, and not a question of whether we shall give to them a franchise. A vote for this measure places no obligation upon any member of this House to vote in the next September election when the matter is submitted to the people. I am willing to wager that there is not a member of this House who has the courage to stand before any men who voted to send him to this Legislature unless he is a very much abler man, and charge him with inability to decide this matter for his women friends.

You dare not stand face to face with them and hurl this insult in their faces. You do not dare to wrap about you the coat of mail to protect you from them because you are here and they cannot respond. I am not announcing here, today, that I am going to vote to grant suffrage to women, if it is submitted, next September; but I am here to announce that I unqualifiedly stand for the submission of this question to the people, for submitting the question to every man in the State of Maine as to whether or not he will permit his wife, his mother or his sister to have the benefit of equal suffrage with men. (Applause).

Mr. PLUMMER of Lisbon: Mr. Speaker, I would not rise to speak upon this question but that it might be inferred that no member of the Democratic party in this House cared or dared to stand up and say anything. I presume that every man, when it comes to voting, will vote as he sees fit. I have no doubt that probably every man in this House has at this time made up his mind how he will vote; but I desire that every Democrat in this House in finally considering how he will vote upon this matter, will raise the question of whether he wants to change the old doctrine of Thomas Jefferson of "equal rights to all and special privileges to none." Do you want to change it so that it shall read, "equal right to all, except women, and

special privileges to all, except men." That is practically what you are doing.

There is one point which, it seems to me, has not been sufficiently touched upon in this discussion. There are, as you might say, two points at issue, the merits of the question itself and the merits of the question of submission. Both these questions have been pretty well covered, and I shall say nothing on the merits of the question of submission, which has been so ably presented by my friend, the gentleman from Caribou (Mr. Irving). But on the merits of the question itself, of the suffrage for women, I desire to direct the attention of members of the House to one consideration, and it is this: "Where did you get the right to vote?" If you gave it to yourself, you did it because you had the power, and that was all that any tyrant ever did.

I wish sometimes, Mr. Speaker, that I possessed the knowledge and the ability to look into the future that appears to be possessed by some of the members of this Legislature. In coming to a conclusion on this question I tried to get back to some fundamental principle, some bed-rock upon which I could rest, and when I had once found that rock bottom that I did not have to change my tactics very time some new question came up. I don't have to state that I don't want to submit the rum question to the people because I think we ought to have rum—that I don't want to submit the women's suffrage question to the people because I don't think we ought to have women's suffrage.

As I say, I have considerable difficulty at times in deciding what I ought to do myself. I presume there are some members of the House who never have any trouble of that kind; that every action they take is just such as they would take again in the same circumstances. Now the application of that to this question, if I clearly see it, is this: That whether women ought to vote or not, I don't know. I don't consider that I am competent to decide; and while my ability may not be up to that of some members of the House, I trust that it is on an average with the rest of you. I don't know whether women ought to vote or not, and I don't believe there is any man on the floor of this House who is competent to know whether they ought to vote or

not. All that I know is that I ought not to prevent them from voting, so far as my own action is concerned. If they don't want to vote, they won't vote; if they do want to vote, what right have I to object.

I have only one more statement to make in this connection, and I don't know as I want to say that—but I will say that I would not try to place any blame upon the women for endeavoring to obtain suffrage; and then supposing they got in a sufficient majority in this State, that they will say to us, "Now, gentlemen, you kept us from voting because you had the power, and now we will stop you from voting because we have got the power." (Laughter and applause.)

Mr. KEHOE of Portland: Mr. Speaker, like all the other speakers, I did not intend to speak upon this question when I came here this morning. I have in my hand a remonstrance signed by over 200 ladies of the city of Portland, and another one signed by 40 or 50 from the town of Gorham; and that is the particular reason why I rise at this time, because I have been asked to read this remonstrance. We have had more or less talk, and the gentleman from Lisbon (Mr. Plummer) said he didn't know whether women should vote or not. It strikes me that the best answer to that is to ask the women.

The discussion here seems to have gone along the line that the women do not know what they want, and that they should have no say in the matter. They all laud the women, and the gentleman from Vassalboro (Mr. Cook) says the women are fine and that they are educated, but he does not recommend a referendum to the women. I have in my pocket a copy of a bill that was introduced in the Massachusetts Legislature leaving this matter to a referendum of the women. The suffragists opposed it, and they oppose it here. When the proposition was made to the women suffragists to let the women vote upon this question, they said, "No; we want the men to vote upon it." Why do they do that? It is because they know that 90 per cent. of the women of the State do not want it.

Now this remonstrance which I have is signed by lady taxpayers of the city of Portland, and also by 100 working women,

women who work in stores there, and who signed with intelligence and who gave their reasons when they signed it. The reasons which they gave are stated in this remonstrance as follows:

"The undersigned women of Portland, at an informal meeting held this 22nd day of February, 1913, remonstrate against the passage of the Resolution now pending before you, relative to extending suffrage to women, and we herewith beg leave to briefly record some reasons for our abiding convictions in the matter:

The claim made that our laws are unjust to the laboring woman and if she had the vote would lead to better treatment, is not substantiated by the facts. In 44 states the laws for safeguarding woman—wage earning women—are more comprehensive than the laws safeguarding wage earning men, and a comparison of the labor laws of the various states prove that there are more and better laws for women wage earners in the non-suffrage states than in the states where the women have the vote, the inference being that the woman who works must stand on the same plane with the male worker, asks no favors and give as many hours of toil as he, although no increase in physical vitality will respond to this demand for equal privilege.

It is asserted that women should vote because it is for the purification of politics and the uplifting of society. Women have voted in Colorado for 19 years and it is a proven fact that there has been no law enacted in that state through the efforts of the women for the betterment of the working woman and for child labor. Women vote and take bribes for their votes just as men do and the woman political boss is not an object of feminine charm and politics in Colorado, by unprejudiced observers, have been declared neither purified nor elevated. The average woman is just about the same as the average man, no better and no worse. Women have voted in Utah 43 years. Has polygamy been stopped by the efforts of the women voters? The woman voter in Utah has

done nothing to prevent or abolish polygamy. Does this mean social uplifting and purification? Massachusetts and New York are trying to secure equal guardianship of the husband and wife over their children. In Wyoming, Utah, Colorado and Idaho, where women have voted for many years, no measures has ever been presented, and in Idaho the wife has no control over her wages or property of any kind.

We regard the ballot as a duty, a responsibility, and not to be undertaken carelessly or unthinkingly. If the vote was an individual question (the giving of it), we would say to the suffragists, take it as an individual and let it go at that, but the suffragists cannot get the vote without thrusting it upon all the women of America and unrestricted suffrage for women means for the college girl, the immigrant woman who cannot read, the negro woman in the cotton field, the society leader and the drunken woman in the court. In order to be an intelligent voter—and she must be that—the woman must have a personal knowledge of current politics in every detail. If not, she must take from her husband, or brother, the knowledge she does not possess, and then that means two votes for the man. None of the leaders of the suffrage movement have given their views on the great political questions of the day, such as national defense, the control and fortification of the Panama canal, ship subsidies, direct primaries, currency and banking, etc. But no man attempting political leadership, could do so without knowledge and convictions on these leading political questions. Today, without a vote, an intelligent woman can interest herself in public affairs and use her ability and influence to bring about good measures, and the indifferent woman and the unscrupulous woman does not matter. The State gets all the benefit from its good women and none of the dangers from its bad women.

Our Revolutionary Fathers in framing the Constitution and form of gov-

ernment proposed by the convention of the state of Massachusetts, excluded women from elections in these words: "Women—whatever age they are—are also, as not having a sufficiently acquired discretion,—but not from a deficiency in their mental powers, but from the natural tenderness and delicacy of their minds, their retired modes of life and various domestic duties. These concurring, prevent that promiscuous intercourse with the world which is necessary to qualify them for electors." Our Forefathers recognized an equality of woman's "mental powers" with those of man, but they based their action on "Woman's distinctive constructive constitution, retired modes of life, place in family, these concurring, preventing promiscuous intercourse with the world necessary to qualify them for electors."

We, the undersigned women of Portland, are serenely content with the position given to us by our wise Forefathers, and desire to remain as we are, feeling well assured that the laws framed by men, are made and will continue to be made, to protect and safeguard the women of today, just as they framed two hundred years ago for the protection and safety of our Foremothers."

Mr. Speaker, this matter should not be treated with any spirit of levity, and no man, unless he is a believer and unless he intends to vote for women's suffrage at the polls, should stand up here, today, and argue towards making this first step. If any man does not believe in women's suffrage he should vote against it here. Are men asking for it in large numbers? I fail to see them. Are the different religious bodies coming here, the people who were mentioned by the gentleman from Vassalboro (Mr. Cook)? The gentleman from Lisbon (Mr. Plummer) said that Thomas Jefferson believed in equal rights for all men. What was good enough for Thos. Jefferson ought to be good enough for us. (Applause.)

The SPEAKER (pro tem): Is the House ready for the question. I will say for the information of the House



that the question comes up on the acceptance of the report of the committee on judiciary, which is that this resolve "ought to pass." The resolve was reported to the Senate by a unanimous report of the committee on judiciary, passed by the Senate and sent down for concurrence. The gentleman from Augusta, Mr. Newbert, moves that this report be indefinitely postponed.

Mr. SMITH of Presque Isle: Mr. Speaker, on the question of voting, as a constitutional question is involved, I ask that the vote be taken by the yeas and nays.

The SPEAKER (pro tem): The gentleman from Presque Isle, Mr. Smith, asks that when the vote is taken it be taken by the yeas and nays. Those in favor of demanding the yeas and nays will manifest it by rising in their places.

A sufficient number having arisen,

The yeas and nays were ordered.

The SPEAKER (pro tem): The members of the House will understand that the acceptance or rejection of this report will not take two-thirds of the House, but simply a majority. The question before the House is on the motion of the gentleman from Augusta, Mr. Newbert, that the report be indefinitely postponed. Those in favor of the indefinite postponement of this report, when their names are called, will say yes; those opposed will say no. The clerk will call the roll.

YEA:—Boland, Brennan, Chadbourne, Chick, Clark of Portland, Clark of New Portland, Crowell, Currier, Cyr, Davis, Doherty, Donovan, Dresser, Dunbar, Eaton, Eldridge, Elliott, Gallagher, Ga-

mache, Gardner, Goodwin, Hancock, Hariman, Haskell, Hogan, Jennings, Kehoe, Kelleher of Portland, Kelleher of Waterville, Lawry, Leader, LeBel, Libby, Mason, Mildon, Morgan, Morneau, Newbert, Packard, Price, Quinn, Reynolds, Robinson, Scates, Sherman, Snow, Sprague, Stetson, Swett, Yeaton—50.

NAY:—Allen, Austin, Bass, Benn, Benton, Bither, Boman, Bowler, Bragdon of York, Brown, Bucklin, Butler, Churchill, Cochran, Connors, Cook, Descoteaux, Dunton, Durgin, Eastman, Emerson, Estes, Farnham, Farrar, Folsom, Franck, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Harman, Harper, Higgins, Hodsdon, Hutchins, Irving, Jenkins, Johnson, Jones, Kimball, Leary, Leveille, Marston, Mathieson, Maybury, McBride, McFadden, Metcalf, Mitchell of Kittery, Mitchell of Newport, Mooers, Morrison, Nute, O'Connell, Peacock, Peaks, Peterson, Pitcher, Plummer, Richardson, Ricker, Rolfe, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Skilton, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Spencer, Stanley, Stuart, Sturgis, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Violette, Washburn, Waterhouse, Wheeler, Winchenbaugh—88.

ABSENT:—Bragdon of Sullivan, Maxwell, Merrill, Morse, Pendleton, Putnam, Ramsay, Roberts, Stevens, Swift, Umphrey, Wise—12.

The SPEAKER (pro tem): Fifty having voted in the affirmative and 88 in the negative, the motion of the gentleman from Augusta, Mr. Newbert, is lost. (Applause.)

Mr. Smith of Presque Isle moved that the report of the committee be accepted in concurrence.

The motion was agreed to, and the report of the committee was accepted.

The resolve then received its first reading and was assigned for tomorrow morning for its second reading.

On motion by Mr. Emerson of Island Falls,

Adjourned.