

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Tuesday March 11, 1913.

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

Prayer by the Rev. Mr. Smith of Hollowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend the Act which constitutes the police court for the city of Rockland.

In the House this bill was passed to be engrossed, and came from the Senate recommitted to the committee on judiciary in non-concurrence.

On motion by Mr. Durgin of Milo, under a suspension of the rules the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Durgin the House voted to concur with the Senate in recommitting the bill to the committee on judiciary.

From the Senate: An Act to amend section one of chapter 313 of the Private Laws of 1864 entitled "An Act to incorporate the Baskahegan Dam Company."

In the House this bill was passed to be engrossed, and came from the Senate recommitted to the committee on legal affairs in non-concurrence.

On motion by Mr. Benn of Hodgdon, under a suspension of the rules the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Benn the House voted to concur with the Senate in recommitting the bill to the committee on legal affairs.

Senate Bills on First Reading.

An Act to amend sections 74 and 78 of chapter 15 of the Revised Statutes relating to free high schools.

An Act to amend section 16 of chapter 54 of the Revised Statutes, in relation to the sale of unclaimed merchandise.

An Act to amend section eight of chapter 195 of the Public Laws of 1911, relating to disposition of cattle react-

ing to the tuberculin test. (Tabled pending the acceptance of the report of the committee in concurrence on motion by Mr. Richardson of Canton.)

An Act to amend sections two, nine and twelve of chapter 195 of the Public Laws of 1911, in relation to the control of contagious diseases among cattle, sheep and swine. (Tabled pending the acceptance of the report of the committee in concurrence on motion by Mr. Kimball of Bridgton.)

Resolve authorizing the State treasurer to procure a temporary loan for the year 1913.

Resolve authorizing the State treasurer to procure a temporary loan for the year 1914.

Resolve providing for an appropriation for the control of contagious diseases among domestic animals. (Tabled pending its first reading on motion by Mr. Cook of Vassalboro.)

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

Judiciary.

By Mr. McFadden of Lubec: An Act to provide for appeals in the case of location of wharves or fish wiers.

Education.

By Mr. Richardson of Canton: Petition of H. R. Robinson of Peru and 13 others in favor of the distribution of the State school fund according to the aggregate attendance in common schools.

By Mr. Morse of Rumford: Petition of Y. A. Thurston and 40 others against Senate Bill No. 386.

Agriculture.

By Mr. Farrar of Ripley: An Act relating to foreign dealers in dairy products. (Tabled for printing pending reference to the committee on motion by Mr. Farrar.)

Taxation.

By Mr. McBride of Mount Desert: An Act to amend section 13, paragraph two, of chapter nine of the Revised Statutes, relating to the taxation of personal property, as amended by chapter 80 of the Public Laws of 1909.

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

An Act to amend the charter of the

Central Maine Power Company.

An Act to incorporate the Sullivan and Sorrento Electric Light and Power Company.

An Act to extend and amend the charter of the Brewer Water Company.

An Act to regulate the practise of the profession of public accounting.

An Act to extend the rights, powers and privileges of the Barrows Falls Light and Power Company.

An Act to authorize the extension of a wharf in tide waters of the town of Lubec, Washington county.

An Act to amend chapter 173 of the Private and Special Laws of 1887, relating to the Cornish Village Improvement Society, to make valid the organization of said society incorporated under said chapter.

An Act to incorporate the Kingman Telephone Company.

An Act to extend the charter of the Lubec, East Machias and Machias Railway Company.

An Act to amend chapter 220 of the Private and Special Laws of 1867 entitled "An Act to unite the Maine Baptist Convention and the Maine Baptist Missionary Society."

An Act to amend chapter five of the Revised Statutes, relating to boards of registration.

An Act to renew and extend the charter of the Androscoggin Valley Railroad Company.

An Act relating to rebating and twisting of life, personal, accident and health insurance.

Resolve in favor of aid in constructing bridge in the town of Milo. (Tabled pending its first reading on motion by Mr. Quinn of Millinocket.)

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

Resolve in favor of a survey for bridge between Madawaska, Maine, and Edmunston, New Brunswick.

Passed to Be Engrossed.

An Act authorizing the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain a wharf at South Casco in the county of Cumberland.

An Act additional to Chapter one hundred eighty-one of the Laws of nineteen hundred eleven, entitled "An

Act to establish in Cumberland County a County Farm."

An Act to amend Section nine of Special Laws of eighteen hundred and sixty-three, relating to the City of Portland.

An Act to extend the provisions of Chapter three hundred and fifteen of the Private and Special Laws of nineteen hundred and nine, being "An Act to incorporate the Penobscot Bay Water Company," as extended and amended by Chapter two hundred fifty-five of the Private and Special Laws of nineteen hundred and eleven, to March twenty-sixth, nineteen hundred and fifteen.

An Act relating to the compulsory assignment of real estate mortgages under certain circumstances.

An Act to amend the Primary Election Law and reduce the number of ballots required to be printed.

An Act additional to Chapter seventy-nine of the Revised Statutes, relating to transfer of actions and other matters to the Law Court in case of death of presiding justice.

Resolve in aid of Navigation on Sebago Lake.

Resolve, in favor of aid in reconstructing a bridge in the Town of Verona.

Resolve in favor of aid in repairing the Lake Road in Oxford County.

Resolve providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of the gypsy moths for the year nineteen hundred and fourteen.

Resolve in favor of Repairing Highway in town of Somerville.

Resolve for further Public Instruction in Forestry. (Tabled pending second reading on motion by Mr. Cook of Vassalboro.)

Resolve to determine the ownership, location and value of islands along the coast of Maine.

Orders of the Day.

On motion by Mr. Connors of Bangor, under a suspension of the rules, the vote was reconsidered whereby bill, An Act additional to chapter 28 of the Revised Statutes, for prevention of false fire alarms, was passed to be engrossed, and on further motion by Mr. Connors the bill was

recommitted to the committee on legal affairs.

On motion by Mr. Descoteaux of Biddeford, Senate, Document No. 229, bill, An Act to authorize the York Light & Heat Company to furnish electricity to the inhabitants of Pine Point and Grand Beach, was taken from the table, and on further motion by Mr. Descoteaux the bill received its first and second readings and was assigned for to-morrow morning for its third reading.

The SPEAKER: Specially assigned for to-day is bill, An Act to amend chapter six of the Revised Statutes, relating to the regulation and conduct of elections. The pending question is the first reading of the bill.

Mr. SMITH of Presque Isle: Mr. Speaker, I do not intend to detain the House very long in this matter; but for the purposes of this discussion I move that that bill be indefinitely postponed. The proposition before the House, as I understand it, will change the ballot system in the State of Maine and make it over into what is known as the Massachusetts system. Under the Massachusetts system, as I understand it, it is necessary for a cross to be placed opposite the name of every candidate for whom you vote. The names are arranged alphabetically and then the voter is required to place a cross opposite the name of every candidate for whom he desires to vote. There is no provision whereby a voter can vote a straight ticket. Under the Maine system every voter that wants to vote a straight ticket makes one cross. Under the Massachusetts system he cannot vote a straight ticket by making one cross. Now I submit this is a solemn principle, that parties are organized for the purpose of sustaining and advocating certain principles. The Democratic party has certain principles to which it adheres; the Progressive party has certain principles to which it adheres, and the Republican party has principles to which it adheres and which it advocates. Now Republican candidates are enumerated from Governor down, and the average voter wants to vote his party ticket straight, and does it by making a cross in the

square at the head of the column. The idea of the average voter is that his party having nominated certain gentlemen as candidates that those candidates they have elected will carry out the principles of the party. It is so with our Democratic friends, and it is so with our Republican friends. Now the trouble, if any, with the Maine ballot is in voting a split ticket. That is, when a voter does not care to vote for some particular candidate that is found in the column of the party to which he belongs he undertakes to insert some other name, either writing it in or using a sticker. I have discovered that the bill drawn by my friend Hersey for the adoption of the Massachusetts system makes the same kind of provision, that names may be inserted just the same as we insert them now, either by stickers or writing them in. Now tell me, some of you gentlemen who have studied the question more than I have, what improvement is that going to be over our present ballot? If names are to be written in and stickers to be used, if we adopt the Massachusetts ballot, we are going to have precisely the same trouble we have at the present time. I would like for some gentleman to explain to me what improvement it is going to be. I am one of those creatures from Missouri,—I want to be shown; have it explained. Now, then, take it where you have got to mark the name of every candidate. Here is a specimen Massachusetts ballot rigged up for Ward 5, precinct 9, in the city of Salem, Massachusetts. Look at the large list of names on that ballot, and imagine a voter in Maine going into one of these dark booths and hunting around on that ballot to find those little sections in which to make a square opposite the name of each and every candidate for whom he will vote. Now you are going to have a good time. My friend Hersey, who is skillful as well as artful, has rigged up a specimen ballot as it would have applied at the last election in the city of Augusta. It has 48 candidates' names on it, and a voter would have had to vote each and every name if he had had that ballot two years ago. It begins, for Governor, James H. Ames of Bowdoinham, Prohi-

bitionist; Bert M. Fernald of Poland, Republican; Robert D. Hunter, Freeport, Socialist; Frederick W. Plaisted, Democratic; and so on down through the whole list; names alphabetically arranged. Well, now, voters where they make one mistake under our present system are going to make ten under this system. The great bulk of our voters are not skilled in the use of a pencil. A man may be well versed in politics, well grounded in the theories of his party, and understand the principles of his party—understand well all questions involved—and yet when it comes to the use of the lead pencil it troubles him. Now we lawyers who have to do with blanks, and use a great many blanks, I find that every once in a while we get all balled up. Now what do you think of men who work in a mill, in a factory, or on a farm, and once in two years come into a booth to vote? Can you wonder they get bothered. Why it troubles some of us when we get into that booth, and get kind of confused, to know just what to do. Now we have today a simple system of voting. If you want to vote straight you can vote straight. If you do not want to vote straight then there is a provision whereby you can insert other names or use stickers. Now I have discovered that a gentleman who wants to split a ticket can do it fairly well, and the most of them do not make very many mistakes; most of them get their ballot so it counts. Now our present ballot law under the recent decisions of the court has been broadened out so that the old technical rules of counting or prescribing what constitutes a defective ballot no longer applies. Gentlemen, I have not any great interest in this matter, because by taking time for it I will probably be able to get sufficient votes in the town of Presque Isle; but I am just old-fashioned enough to believe that this is not going to be any advantage to us at all. I believe it is going to be productive of more errors, more mistakes, than we now have. I do not propose that I am very much of a Progressive, although I am aware of the fact that last November I voted for Theodore Roosevelt. Now, gentlemen, do as you

please. Every man has a right to his own views; but I am one of the last of the Mohawks,—the old-fashioned tribe,—and protest against this proposed change in the present ballot law. (Applause.)

Mr. MAYBURY of Saco: Mr. Speaker, I wish to second the motion of my friend from Missouri—I mean, from Presque Isle, in regard to the indefinite postponement of this bill proposing a change in our ballot law. I do it from the fact that it has been my privilege at three elections to be mixed up more or less with the Massachusetts ballot law. It is a fact that we have a ballot now where we do not lose more than eight or ten per cent. through mistakes; but with the Massachusetts law, so-called, where they have to go through a list of names, and where sometimes the ballot is four feet and a half long, there would be a large number who will vote for the candidate of Governor; there will be about 15,000 less who will vote for Lieutenant Governor, about 15,000 or 20,000 less will vote for congressmen, and so on down. It simply goes to show that the majority of the voters only vote for the first two or three names on the list, and when it gets down to the minor officers the votes are scattered. It seems to me that our ballot law now is sufficiently plain so that if a man wants to vote a split ticket he can do so; and as I say, it is sufficiently clear so that there is only about eight or ten per cent. of the ballots spoiled. For that reason, I wish to second the motion of the gentleman from Presque (Mr. Smith.)

Mr. MATHIESON of Rangeley: Mr. Speaker, I move that the motion to indefinitely postpone be tabled.

Mr. SMITH of Presque Isle: Mr. Speaker, I would like to ask through the Chair of the gentleman from Rangeley, Mr. Mathieson, what particular reason he urges for his motion.

The SPEAKER: The gentleman from Presque Isle, Mr. Smith, asks the gentleman from Rangeley, Mr. Mathieson, through the Chair his reason for suggesting that the motion to indefinitely postpone be laid upon the table.

Mr. MATHIESON: Mr. Speaker, this is the first time this matter has come before the House, and I think there are quite a number of us who would like to have an opportunity to look into it a little. The gentleman on my left (Mr. Maybury of Saco) has made some remarks in regard to the length of ballot, etc. I have seen samples of the Massachusetts ballot and they are not, as I remember it, as he has described.

The SPEAKER: Of course debate proceeds, if at all, upon this motion by unanimous consent. The Chair assumes that unanimous consent is given, unless some objection is made. The question is upon the motion of the gentleman from Rangeley, Mr. Mathieson, that the motion of the gentleman from Presque Isle, Mr. Smith, to indefinitely postpone, be laid upon the table. Is the House ready for the question. Those in favor of the motion will say yes; those opposed will say no.

A viva voce vote being taken,

The motion was lost.

The SPEAKER: The question recurs upon the motion of the gentleman from Presque Isle, Mr. Smith, that this bill be indefinitely postponed.

Mr. COOK of Vassalboro: Mr. Speaker, I won't occupy the attention of this House but a moment, but I wish to call attention to the fact that this Massachusetts ballot form is used in the primary elections, and now if we adopt it in the regular elections it seems to me that will be a consistent act. The fellow who has got used to the primary ballot would take hold of the election ballot all right. There is one other feature of this matter that I wish to mention. The man who marks a straight ticket really doesn't more than half vote.

I notice that measures that go through the House here frequently go through without any voting really; and it seems to me that the man who voted for the various officers should be compelled to show a little attention to the whole business, and that he should take interest enough in the various officers to be voted for to make a cross oppo-

site the names of the men for whom he wishes to vote. One gentleman has said, if I understood him correctly, that there were so many names on this ballot, and that you had got to vote for them all. Well, I don't vote for more than half of them when I vote. Voting for all of them would be like the fellow who signed all the petitions that came to him for the purpose of helping to select a post master, when one petition in favor of one man came to him he would sign that, and if some one else brought another petition in favor of the other fellow he would just as readily sign that, and it seems to me that voting for all those names would be acting on the same principle.

I believe this is a progressive measure, and that it makes a man distinguish between the people who are candidates for office, and that it will be more difficult to buy votes under this new method than under the old method. This feature of the matter will not have much weight perhaps, because they never buy votes in Maine; they do in Ohio some times, and the people of New York hold up their hands in holy horror at the idea of their buying votes in Ohio, and they went into the matter with a great deal of scientific research to find out what race of people they were in Ohio who sold their votes. New York journals, like the Outlook, speculated a good deal as to where that particular class of people came from who sold their votes.

I have always been a Republican, but I understand that Republicans in New York have to have \$10 to go to the ballot box; you cannot buy them to vote the Democratic ticket, but they have to have \$10 to vote, and that is what defeated Stimson and elected the other fellow. An analysis of the returns shows that, the Democratic Governor was elected and did not get as many votes as the Democratic Governor who was defeated in the term before. They didn't at that time have the ten dollar bills to induce the Republicans to go to the ballot box and vote. With this ballot it is a little more difficult to keep track of your man if you buy him, if he has to mark all these separate names in these bal-

lots. A distinguished man was making a political speech at one time in the town where I live, and before he got through he referred in a way to a man who was supposed to be an objectionable candidate in our party, and he advised us to vote for him even though we had to hold our noses while we did so. We are getting by that period, and the tendency of this ballot is in that direction; it is like the primary ballot, and let us have them both alike.

Mr. DURGIN of Milo: Mr. Speaker, I have only a few words to say in relation to my position in this matter; and I reserved that right in the committee to take the position I do with relation to this question. I am one of those old-fashioned voters who believe that it is no offense to vote a straight ticket; and I believe it is better to have a ballot that makes it easy to vote straight rather than easy to vote crooked, if you have got to have one or the other. If I have learned anything it is that we have always had at least two parties, and party organizations; and I believe in parties; I believe in party organizations, and therefore I do not believe in a ballot which will tend to disintegrate parties, but rather one which will tend to amalgamate them and weld them together. It is true, as the gentleman from Vassalboro has said, that we have a primary ballot where we go in and vote for candidates; but we have only our own party candidates to vote for when we go into the booths; we do not have a mixed ballot or a ballot with the names of the candidates of the different parties; and there we have our first struggle. The candidates advertise themselves, the people are notified, and the voters come out and have an opportunity to make their choice of whom they will nominate among the candidates that are presented. I say that when we have had our struggle there, and when we have taken part in the primary election, and the candidates are nominated, we are in honor bound to support them. I do not believe that I have a right to go into a primary election and struggle for the nomination of a certain candidate, and then, because I do not happen to win out

there, turn around and go into the booth and stab him in the back. I believe that when the primary elections close, and the candidates are nominated, it is our duty then to vote for our party candidates; and I believe that it is the duty of the Republican, Democrat or Progressive to support his party nominations after he has had a chance to go in and make a struggle to see who is nominated; and so I oppose this change. I remember in the last election in my town that an aged gentleman came in, and he could not see in the booth, it was so dark; he sat down on a seat and the proper officers marked his ballot. It was done easily, simply, because he had an opportunity—the old gentleman did—to make one cross and vote the straight Democratic ticket. Now if we had had the Massachusetts ballot the old man would have been there now marking his ballot, if his pencil, patience or perseverance had held out. Men who come out from the farms and shops desire to vote expeditiously and go home about their business, and they are not skilled, as the gentleman from Presque Isle says, in the manipulation of pencils; and if they are obliged to go into a booth, as the booths are now constructed, and mark a ballot as the Massachusetts ballot is made up, there would be ten times the mistakes made that are made now.

Why should we make a change? We have got used to this ballot. It is perfectly simple for a man to go in there and mark his ballot one cross, and he can vote a straight ticket—a straight Republican ticket or a straight Democratic ticket, or a straight Progressive ticket, or any other straight ticket that appears on the ballot. He has a perfect right, if he wants to vote other than a straight ticket, to make his cross there, and he can go in there with a vest pocket full of stickers, if he desires, and he can put them over the names of any candidate he desires not to vote for, or he can write in the name. It is easy; it is simple. But under this Massachusetts system, as I understand it, a man is barred from voting a straight ticket. In the first instance

our booths were constructed so a man could go in and mark his ballot back-to; and that was not secret enough; then the booths were constructed so he went in on the back side and you could not see anything but his feet; you could not tell whether they were Republican feet or Democratic feet; that was not enough; and now they must go in and have the door fastened behind them so that no one can see them or any light get in there, and the man may make his cross in any place he sees fit. I expect by and by they will want this ballot so secret that we will have to go down cellar to vote. Now I am opposed to this particular ballot because, as I stated in the first instance, it makes it much more difficult for a man to vote a straight party ticket, and makes it easier for him to vote a crooked ticket; makes it easier for him to go in the booth and there help the disintegration of a party; and for that reason I oppose this change, and support the motion of the gentleman from Presque Isle. (Applause.)

Mr. KEHOE of Portland: **Mr. Speaker,** this is one of the most important measures in my judgment which we shall be called upon to pass at this session of the Legislature. I am very sorry to be obliged to differ with my friend, the gentleman from Presque Isle (Mr. Smith). I have the highest regard for his ability as a lawyer and for his capacity as a statesman, but this is one of those cases where we have to sink our personal views in the matter and represent the interests of the people. I am a party man, I believe that the old-fashioned ballot is good enough for me, the open ballot that they used to have, where a man took his ballot and marked it and dropped it into the box; but, gentlemen, if we are going to have a secret ballot, let us have a really secret ballot; let us have a ballot such as was intended to carry out the purposes of the secret ballot.

There is one thing that has not been touched upon, this morning, and that is in regard to what the people of the State of Maine want. What did they say in their party platforms and in their conventions? Every party in the

State of Maine has declared in favor of the Massachusetts ballot. That is the ballot they are considering, today, and no matter what our ideas may be or what we would like to have personally, we are sent here to carry out the wishes of the people. We would have had the Massachusetts ballot years ago if it had not been that those who were sent here to carry out the wishes of the people came here and misrepresented the wishes of the people in both parties. I am glad to have the opportunity, today, to speak a word in behalf of a really secret ballot.

Now, gentlemen, I have had some experience in connection with the primaries at the last election. After the election I found that in a great many of the small towns, like the towns of Windham, New Gloucester and Gray, the voters were being misled by the primary system under which you have to mark every name on the ballot; they went in and in some of the towns they followed the primary system and marked every name on the ballot, and didn't put any cross at the top, showing that they were mystified. You will either have to change your primary system of voting and make one cross, or else change your election system to make it conform with the primary system, because there were as many votes lost by the mixing up of the two systems as there were before by corruption.

But as I say, I believe the people of the State have settled this question in their minds some time ago. We are sent down here to represent the people in all parts of the State, the people of all parties, and I am glad to have an opportunity to stand here and carry out my party platform. I understand and I believe it was in the Republican platform and in the Progressive platform to give a pure secret ballot, a ballot which, while you can express your party preference, it forces the parties to nominate their very best men. We are all party men, but we want the best men in our party to be nominated, and any man who cannot stand on his own individual merit should be defeated. I do not believe in carrying along a lot of deadwood be-

cause there may be some good men on the ticket. I believe this ballot will force all parties to nominate their best men. This ballot is in the interest of good government, and I trust that it will pass. (Applause)

Mr. SANBORN of South Portland: Mr. Speaker, I confess to having some pronounced convictions upon the subject under discussion at the present time. My short observation here has led me to wonder whether in any event anything that is said on the floor of this House really influences a single vote. I think it is proper to discuss this question from two standpoints, both of them having been to some extent touched upon already, this morning.

The first standpoint to which I refer is the political standpoint. I plead guilty at the outset to having a party alliance, an alliance to a party in whose principles I thoroughly believe; it is the party in which I was born, and it is the party which I hope to see conducted so that I can continue with it, and I am going to say that up to the present time I have not seen anything that leads me to feel at all shaky about staying with it. Therefore, I think, having declared by unhesitating allegiance to the party, I can, with some propriety, speak of shortcomings on the part of that party.

It has been charged so freely as to have led me to wonder whether or not the charge was not more or less just, that the Republican party did for many years adhere to its standard system, the Australian ballot, on account of some supposed advantage. I have had doubts for a long time whether that advantage really existed. We witnessed, two years ago, the triumph of the opposite party, and it was freely talked about this State that now that the Democratic party had come into power they would correct the wrong, they would see to it that the Republican party no longer had that supposed advantage. The outcome was somewhat different, and it was charged—and I don't know why we cannot suppose it was charged with equal propriety, that the Democratic party somehow or other came to the view that perhaps after

all the old method of the Australian ballot might be to its advantage; and it has been talked about more or less in the State that that sort of consideration had something to do with the attitude of the last Legislature upon this question. I don't know whether that is true or not, but it certainly seems to me that whether we look at it from the party standpoint or the political standpoint, it is as broad as it is long, and those considerations may be as they always should have been utterly disregarded.

If we have disposed of the matter in its political aspect, let us now get at it on its own merits. I think the mistake has been made in the past, in more than one instance, of failing too long to heed what was a popular demand, when that popular demand was for a right and for a reasonable thing. I think we should not hesitate here to do something if we are inclined to support the motion that is before the House. We had better hesitate and consider whether or not in voting to indefinitely postpone this matter we are repeating the error and not yielding to what the people want. None of us can deny but what the spirit of Progressive-ism is abroad. We do not need to ally ourselves with a party of that name in order to espouse progressive principles or to recognize progressive demands. And right here, it seems to me, if we good Republicans or if we good Democrats believe in our respective parties, right here is an opportunity to demonstrate that we, as Republicans or we as Democrats can be progressive, and that we can recognize and heed a popular call.

Now, gentlemen, is there any reason for that call, is there a reason for that demand? It is not necessary to inquire whether there is a reason or not; if it exists and is well recognized, that should be sufficient. But I submit that there is every reason for the demand; there is every reason in good principle, in good honesty and in good citizenship for the demand and for asking a change in our system of voting.

It has been intimated that the conclusion is only a legitimate one from

the arguments which have been adduced here on the other side that the real reason for retaining our present system is that the party organization plans shall be supreme, it is to deprive the individual voter of expressing to the full his individual preference. Now, however much we may desire party organization, however proper it may be for us during a campaign by our efforts in speaking and by our publications to win to our respective parties the opinions and votes of the people, have we the right to so legislate that when those people having heard all the arguments and having read all the campaign literature, when they come to vote, have we a right to legislate so that they cannot freely and fully and completely express their opinions and the conclusions which they have arrived at? It may be said that they can at the present time. You and I know that they can. You and I know that we may go into the booth, if we wish to split a ticket we can mark our Democratic square, which takes only an instant,—we know that we can go in there, the laboring man who is conscious that people are watching him and that tabs are being kept on what he is doing,—he can go in there and he has the alternative presented to him of making a cross in his column and coming out, thereby giving the opinion to those who have talked with him that he has done what they wanted him to do, voted a straight ticket,—he can do that or else he can do the other thing. He can take a sticker, one, two or three as he may wish, and take his chance of getting them in the wrong place, although that chance as has been said is now largely eliminated, but in any event demonstrating to those who are waiting outside that the party has split his ticket. He knows that it is going to be known that he split his ticket and that it is known just about who he voted for and how he voted.

Now, it is true that many people who would desire to split their ticket do not split it for that very reason. You may say it is not a worthy reason. You may say that a man with the courage of his convictions ought not to care, but the fact is that many

people do care, and many people are deterred from splitting their ticket and voting in accordance with their own opinion from that very consideration.

It has been said to change to the Massachusetts ballot would deprive somebody of voting a straight ticket. That I fail to see. If any man is intelligent enough and is willing to devote the 30 seconds necessary to complete the act, I fail to see how he can be deprived from voting a straight ticket. All that he has to know is the name of the candidate for whom he wishes to vote and the nominees of his own party, to pick them out on the ballot and go right straight down through and make a cross and mark as he wants to vote for them. If there is any simpler method of voting a straight ticket than that, I would like to know what it is; and the only chance of failure is through his own ignorance and stupidity whereby he may not know who are the people nominated by his own party.

You have every advantage in the way of voting a straight ticket that you have had before, and you have the additional advantage of allowing every man to vote as he honestly wishes, and as he honestly pleases, without disclosing whether he is voting a straight ticket or a split ticket. That is the sum and substance of it.

As to the argument that has been adduced that under the Massachusetts form of ballot there is a tendency only to vote for two or three of the leading nominations, it seems to me that is an argument for the Massachusetts ballot. There is no reason for requiring any man to go to the polls at all if he does not want to. If I for any reason do not desire to vote it is my privilege and should be my right to stay away; if I want to go to the polls and vote only for Governor it ought to be my privilege to vote for Governor and for nobody else. It is true there are many people who are extremely interested in the matter of the candidate for the office of Governor, for the candidate for congressman or for the sheriff in their county, who do not care so much about the matter of the register of probate

and some other officers. If that is true, why should a man be obliged against his will to vote with your party or my party on those minor offices? The whole argument is in favor of the change, and there is no argument against it on account of the great laboriousness or mental exertions or skill required; it requires only the average ordinary degree of intelligence which every man is supposed to possess. Let me close by cautioning this House once more against refusal, as we have already done once at this session, to answer the popular wish. What is the popular wish, what is the wish of the people? Let us not put ourselves on record again as saying that we as a Legislature know more about the matter than do the people of the State of Maine. That seems to me to be the meat of the matter in a nut shell. (Applause.)

Mr. AUSTIN of Phillips: Mr. Speaker, it seems to me we are discussing here, this morning, a question which had its settlement at the convention of the two major parties in this State, last spring. I am sure that every man who sits in this House, who is a Republican, comes here instructed by the Republican platform, as promulgated at our State Convention in Bangor the tenth day of last April—we come instructed by the Republican voters of Maine, through our convention, to support the Massachusetts ballot. Now while I do not claim to be an expert in Democratic platforms, it is my impression that the Democratic members of this House are pledged to the same action. If I am wrong I know I will be corrected; but that is the impression I have of it; so it seems to me that at least the Republican members, or all those holding their seats by the sufferance of the Republican voters of this State last fall, are necessarily committed to the Massachusetts ballot. (Applause.)

Mr. SMITH of Presque Isle: As stated by the gentleman from Milo the primary ballot law differs materially from the proposed ballot or from the ballot that we used in the last election, or used in any election. As

stated by the gentleman from Milo, under the primary ballot law each party has its own ballot, and when a voter comes up to the polls to vote his party ballot—Republican, Democratic, or whatever is given to him—there are but comparatively few names on it; and I want to say that the Secretary of State so arranged the primary ballot of last year that it was very plain, very clear, and very easily understood; it is materially different from the ballot, as we find it, in an election under this Massachusetts law. Now, my friend Kehoe talked a good deal about a secret ballot. Well, I do not suppose, Mr. Speaker, there is such a thing as a secret ballot—a strictly secret ballot. I do not suppose that this bill, drafted with the skill and ingenuity of my brother Hersey, will be a strictly secret ballot, because it authorizes the insertion of names in the blank spaces; and I suppose even my friend Sanborn will not deny that when a man is authorized to write in the name of a candidate on his ballot his handwriting is just as much of a distinguishing mark as any mark, thereby the secrecy of the ballot is destroyed. I am speaking of the secrecy in its legal sense. I do not believe a strictly secret legal ballot can be had. Now I inferred from my friend from South Portland (Mr. Sanborn) that they had a system over there whereby when a voter went into the booth they knew whether he was splitting his vote or not. They may have a different system over in South Portland than we have in the woods of the North. Now, Mr. Speaker, we all want to get on record in this matter—even the gentleman from Phillips—and when the vote is taken let us go on record under the yeas and nays; and I ask for the yeas and nays.

Mr. DUNTON of Belfast: This report was considered by the judiciary committee in all its stages, and a unanimous report was made in favor of its passage, with the reservation on the part of the two who have spoken to contest the passage in the House. One of the reasons spoken of here, and

also denied, is that the Massachusetts ballot is similar to the primary ballot we now have; and I contend that, notwithstanding the remarks of the gentleman from Presque Isle, they are similar, because it may be that the party candidates are arranged in the same line; nevertheless the marking is the same, and whoever votes at the primary election comes down to that column. Now, he does just the same thing in the Massachusetts ballot; he goes down through the column and selects the name of the candidate he wishes to vote for; he can make his mark so there is no need of making any mistake; so that it is in line with the ballots that we are now following, and less liable to cause spoiled ballots. But I do not rise to speak of that. I wanted to say this, that there are people, outside of the Legislature and outside of the officeholders of the State of Maine, who recognize that their real interests are the same. Now the representatives in this Legislature may, or may not, feel that they are here to represent a part of the people; simply that part of the people who voted for them; but if they do feel that truly, and with knowledge of the facts, they represent the people who sent them here, they will also best represent the people who voted against them, for the interests of the voters are alike; they are all common people and have the same interests, in so far as they are interested in what this Legislature may do. They are all affected in the same way. Now it is a fact, I think, that the people are coming more and more to recognize that community of interest, and it is more and more believed, and advocated this State over, that it should be made easier for a man to exercise his individual preference than it has been; and, regardless of the bonds put upon them, or endeavored to be put upon them by their party leaders, the people are voting their individual convictions; and so there has arisen a party of voters over the State which might be said to hold the balance of power, and these people have got to be reckoned with. It is a good sign for the future of this State, and of this nation, that there is such a

party whose wishes, while they are silent in the convention, have got to be considered in the convention; and these people have come to realize, gentlemen, I believe, that the law is not automatic; that the law does not enforce itself, and that back of every institution there must be men of integrity and wisdom in order that that institution may do the work for which it was designed; and so it is an important consideration—this matter of the men who are upon the ticket, and whom the people elect. Political parties are necessary—some think a necessary evil—but nevertheless necessary; but when a political party sets itself up as ahead of the people themselves, when military standards come ahead of patriotic standards, it seems to me the time has come to call a halt, and the people are calling a halt in this direction. I believe that the people are not satisfied simply to belong to a party made up of its leaders governed by bosses whose names never appear on the ticket, and whose purpose is to win in order that there may be spoils. I say that the people want a chance to express their individual convictions in these matters. Now the lengths to which the party has gone is well expressed by the gentleman from Presque Isle when he says that he believes that the ballot should be made easy for them to vote straight instead of to vote crooked, and when he uses that epithet "crooked" as applied to the independent voters of this State—as applied to the man who has the courage—

Mr. SMITH of Presque Isle: Mr. Speaker, I did not use the expression "vote crooked." The gentleman is mixed.

Mr. DUNTON of Belfast: I beg the gentleman's pardon. It was the gentleman from Milo who used that expression. I say that when we publicly parade before this Legislature elected by the people, and before the State of Maine in the Legislative Record, such expressions as that, and approve them, it is time that not only the people of this State, but the men of this Legislature rise and condemn it by their votes.

I second the motion of the gentleman

from Presque Isle that this vote be taken by yeas and nays.

Mr. DURGIN of Milo: Mr. Speaker, I hope the House will pardon me for just another word. I suppose that every member of this House who possessed three grains of ordinary Missouri horse-sense understood what I meant by the word "crooked." I simply meant a split ticket. I have no doubt but what the gentleman from Belfast (Mr. Dunton) knew what I meant, but has seen fit to play upon an expression. He is welcome to the benefit he gets out of it. There has been a suggestion from some of the gentlemen who have spoken here upon the other side that we who were taking this position were not following the dictates of the people who sent us here. I don't know how it is with others, but I will say that I have made some inquiry in my section of the State as to whether they desire this change or not, and, with some few exceptions, I find no clamoring for the Massachusetts ballot.

Mr. ROLFE of Portland: Mr. Speaker, after I received my nomination in the direct primaries I received pamphlets from different sources asking if I would vote so and so. The reply I made to each and every one of those questions, and among the questions was the question in regard to the matter which is now before you, and to all inquiries I replied that if I was elected I would be elected alone and upon my own merits, and I would make no promises whatever upon any one of the questions that were submitted to me. Since that time I have taken particular pains to determine as best I could what the people demanded in the section which I represent; and while I may say it is not unanimous, nevertheless I believe that the people of Cumberland county today are demanding a ballot similar to the Massachusetts ballot; and for that reason, Mr. Speaker, I want to go on record in support of that ballot law.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Smith, that this bill be indefinitely postponed. Upon that question the gentleman has demanded the yeas and nays. As many as are in favor of that demand will rise and stand until counted.

A sufficient number having arisen,

The yeas and nays were ordered,

The SPEAKER: All those in favor of the motion of the gentleman from Presque Isle, Mr. Smith, that the bill be indefinitely postponed, when their names are called will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Benton, Brennan, Brown, Churchill, Clark of Portland, Crowell, Currier, Davis, Donovan, Dresser, Durgin, Eastman, Eaton, Elliott, Estes, Farnham, Gallagher, Gamache, Gardner, Goodwin, Gordon, Harman, Harriman, Hutchins, Jenkins, Jennings, Kelleher of Portland, Kelleher of Waterville, Lawry, Leary, LeBel, Libby, Mason, Maxwell, Maybury, Merrill, Mildon, Mitchell of Kittery, Mitchell of Newport, Mooers, Morneau, Morrison, Newbert, Packard, Pendleton, Pitcher, Price, Quinn, Reynolds, Roberts, Robinson, Sherman, Smith of Presque Isle, Sprague, Stetson, Stevens, Umphrey, Violette, Yeaton—59.

NAY:—Allen, Austin, Bass, Benn, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Bucklin, Butler, Chick, Cochran, Connors, Cook, Cyr, Desco-teaux, Doherty, Dunton, Eldridge, Emerson, Farrar, Franck, Greenleaf of Auburn, Greenleaf of Otisfield, Harper, Higgins, Hodsdon, Irving, Johnson, Jones, Kehoe, Kimball, Leader, Marston, Mathieson, McBride, Metcalf, Morgan, Morse, O'Connell, Peacock, Peters, Peterson, Plummer, Putnam, Richardson, Ricker, Rolfe, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Snow, Stuart, Sturgis, Swift, Swift, Thombs, Tobey, Trimble, Tryon, Twombly, Washburn, Waterhouse, Winchenbaugh, Wise—71.

ABSENT:—Boland, Boman, Chadbourne, Clark of North Portland, Dunbar, Folsom, Haines, Hancock, Haskell, Hogan, Leveille, McFadden, Nute, Peaks, Ramsay, Seates, Spencer, Stanley, Thompson, Wheeler—21.

The SPEAKER: Fifty-nine having voted in the affirmative and 71 in the negative, the motion is lost.

On motion by Mr. Sanborn of South Portland, the bill then received its first and second readings and was assigned for tomorrow morning for its third reading.

On motion by Mr. Sturgis of Auburn, the rules were suspended and that gentleman introduced out of order remonstrance of R. T. Johannott, M. D., and 242 others against the passage of House Bill No. 306 entitled "An Act in relation to observance of the Lord's day," and on further motion by Mr. Sturgis the remonstrance was referred to the committee on legal affairs.

On motion by Mr. Harriman of Cherryfield,

Adjourned.