

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

HOUSE

House, January 12, 1915.

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

Prayer by the Rev. Mr. Phalan of Augusta.

Journal of previous session read and approved

At this point the Senate came in and a joint convention was formed.

In Convention

(President Hersey in the chair.)

Chairman HERSEY: The convention will be in order. The messenger will clear the floor of all except those who are entitled to be present. Unless there is objection, the secretary will call the roll of the convention.

A call of the roll showed that the following were present:

Albert, Sen. Allen, Kennebec, Allen, Machias, Sen. Ames, Wash'n., Ames, St'kton Sp'gs., Averill, Ballard, Sen. Bartlett, Beal, Benn, Bernier, Besse, Blake, New Glo'ster, Blake, Oakland, Bonney, Bourque, Sen. Boynton, Bradbury, Bragdon, Brann, Brawn, Brown, Auburn, Brown, New Sh'ron, Sen. Burleigh, Sen. Bussey, Sen. Butler, Campbell, Carson, Chadbourne, Chamberlin, Chaplin, Sen. Chatto, Sen. Clark, Clement, Clifford, Cobb, Coffin, Sen. Colby, Colcord, Sen. Cole, Sen. Conant, Connellan, Connors, Corliss, Currier, Daigle, Danforth, Davis, Descoteaux, Dilling, Douglass, Drapeau, Drummond, Sen. Dunton, Durgain, Sen. Durgin, Dutton, Edwards, Ellis, Sen. Emery, Erksine, Evans, Fay, Sen. Flaherty, Ford, Fossett, Sen. Fulton, Gallagher, Sen. Garcelon, Gerrish, Gilmour, Goldthwait Gooding, Goodwin, Gould, Grant, Greateon, Greeley, Greenlaw, Greenleaf, Hanson, Saco, Hanson, Sanford, Haraden, Harper Hart, Haskell, Sen. Hastings, Sen. Herrick, Sen. Hersey, Higgins, Hill, Hobbs, Hodgkins, Holt, Goldsboro; Holt, Skowhegan, Jameson, Sen. Jillson, Jordan, Lawrence, Leader, Sen. Leary, Lewis, Libby, Littlefield, Lombard, Lord, Mansir, Maxwell, McCarty, McCorrisor, McCurdy, McIntire, McKinley, McNally, Meader, Millett, Mitchell, Morrison,

Morse, Sen. Moulton, Mulligan, Mullin, Sen. Murphy, Neilon, Newell, Nicholas, Noyes, O'Connell, Peabbles, Sen. Peacock, Perham, Perkins, Peterson, Picher, Pierce, Farmington, Pierce, Houlton, Plummer, Pollard, Sen. Price, Ranney, Ricker, Roberts, Robinson, Russell, Alfred, Russell, Lewiston, Ryder, St. Clair, Calais, St. Clair, Rockland, Sanborn, Sen. Scammon, Small, Smith, Snow, Sen. Swift, Tabbutt, Tate, Thibodeau, Ft. Kent, Thibodeau, Van Buren, Thombs, Sen. Thurston, Tobey, Towle, Trafton, Turner, Tuttle, Varney, Sen. Walker, Ward, Wasgatt, Washburn Waterhouse Watts, Webb, Welch, Sen. Weld, Wescott, Wheeler, Wilkins, Wilson, Wise, Woodman, Wyman.

Present: 182.

Absent: 0.

Chairman HERSEY: The chair understands that all the members of the convention are present. The Chair lays before the convention the unfinished business in connection with the election of a secretary of State.

Mr. SANBORN of South Portland: Mr. Chairman, I move that the unfinished business of the convention, to wit, the election of secretary of State, be laid upon the table and that the convention now proceed to the election of seven Executive Councillors; and I will say, Mr. Chairman, by way of explanation, that it has seemed to all who have given consideration to the matter that the Constitution contemplates the order of procedure, and that it is by way of obedience to what seems to be a constitutional matter that this motion is made.

Senator Boynton of Lincoln seconded the motion.

The motion was agreed to.

Senator BOYNTON of Lincoln: Mr. Chairman, I move that the mode of procedure in the balloting for seven Executive Councillors be the same as when we voted for secretary of State on Friday last.

Senator COLE of York: Mr. Chairman, it seems to me at this time that we ought to stop a moment and consider that motion, and ponder whether we are carrying out the spirit of our

laws as they are enacted today upon our statute books. There is no question but that the laws of the State of Maine contemplate a secret ballot for every elector in the State of Maine for every office connected with the State. When we go to the polls in our various cities and towns we are circumscribed by a law which regulates our method of voting, and that law contemplates that every man shall vote by a secret ballot.

Now, I want to ask you, gentlemen, every one of you, through the chairman, whether we should make one law unto the people of our State and another law unto ourselves, or whether we should be governed by the same spirit in this body which we expect other people to follow when they go to the various voting places throughout the State. My idea is that each man here is the peer of every other man, and that we have been called here to do the business of the State according to our own ideas of the business, and to do what is right, just and proper, belonging to whatever party we may belong. I care not to what party a man may belong or what vote he may cast. I believe he has a right to cast that vote unwatched, untrammelled and unpunished by any man or any body of men. I know of no reason why any man here should be afraid to cast a ballot in the box that was carried around. I see no reason why this motion should receive a passage here unless it has a sinister purpose behind it. There must be some reason why we should change our method of balloting from the established custom which has been in vogue in this body for many years so that every man who comes to that ballot box must hold up his ballot for inspection before some party leader or boss or group of men who have been designated for that purpose. I don't believe any man here wants to put himself on record for such a vote, nor do I believe any man here wants to go back to his constituents saying that he was not an honest man and that he had to be watched.

Gentlemen, I do not believe this motion should be carried; I do not believe it conforms to the laws of the State of Maine; I do not believe it

conforms to the spirit of the State of Maine, and I believe it is an injustice to the dignity of every member of this body as we are in session here today to do the business of the State, the highest body in the State of Maine circumscribing itself by a law regarding which every man has a moral conviction. If I had my way I would have an Australian ballot here where each man could go into a booth and mark his ballot for every officer and then come out and deposit it in that box, and if he believed the Democratic candidate would make a better officer than the Republican he would have a chance to vote for the Democrat, and if he believed the Progressive ticket was the best ticket there then he, regardless of party affiliations, could vote that ticket untrammelled and unhampered, no matter to what party a man may belong, or for what officer he may be voting. We have taken our oaths to carry out our duties here, and I believe it is wrong and unjust to put any man under suspicion and have it go out all over our State that this body has not independence and manhood enough to stand behind their legal rights and vote as they have the right to do.

Gentlemen, I do not believe this motion should pass. I trust that every man, regardless of his party or his affiliations will stand up and assert his rights. We are not resorting to ward caucus politics; we are the great State of Maine, doing business with all the dignity that should surround us, and doing it openly, honestly and fairly. There is plenty of law upon this subject to show that this thing is not only unworthy of moral support, but it is illegal. And the gentleman from South Portland (Mr. Sanborn) has the law, and I yield to him if he desires to speak at this time. (Applause.)

Mr. SANBORN of South Portland: Mr. Chairman, I sincerely regret the situation which seems to make a discussion of the motion necessary. I, at this time, fully recognize my own inability to discuss it intelligently or in a manner that shall enlighten this body, but the peculiar conditions surrounding us seem to make it desirable that some statement should be made in support of the views of those who oppose the motion

which is now before the convention; and, gentlemen, it may seem necessary to discuss it at some length. I will endeavor, however, not to trespass upon your time further than seems fairly warranted by the nature and seriousness of the question, and before entering upon a discussion of the matter, I want certainly to make perfectly plain to you the standpoint, the view-point from which I approach the matter.

As has been said, we are a co-ordinate branch of the government of the State of Maine, one of the three independent branches, each accountable only to itself, a constitutional body, and we ought always to keep in mind that we are such a body; we ought not to forget that we rank with the executive and with the judicial, and we ought always, if we have a due regard to the obligation of our oaths which we have taken, to approach the discharge of our duties in the same spirit which we expect and demand and invariably receive from our Supreme Court. It has been a matter of great humiliation to me personally, and to many of us who have viewed the situation as I do, that legislatures in times past have forgotten that fact, particularly the legislature of two years ago when they descended from the pedestal on which the constitution had placed them and resorted to practices and passed votes which were the subject of criticism from a source which, it seems to me, ought to make it plain to us that we need a reform.

That ex-jurist than whom no man in Maine stands higher in the esteem of the people as regards a knowledge of law and his motives, that a man who has been so signally honored not only in our State but by the great university in Connecticut, having been called there to lectureship—if you take the trouble to read his Storr's Lectures as they have been published, and are now being read not only by the legal fraternity but very widely by lay readers, you will find there, not from the standpoint of partisanship but from the standpoint of the law itself the criticisms of the acts of legislatures over this country as he has noted them, and among them he has taken occasion to cite instances from our own body, wherein for partisan purposes we have adopted methods which were not contemplated by

the constitution and which were in direct violation of our oaths of office.

Now, remembering that the responsibility is placed upon us, and remembering, too, that we are the sole judges of our own conduct, what higher guaranty should the people of the State have that we will perform our duties in the light of this situation?

I feel strongly, gentlemen, that we should not approach this question from the standpoint of the present issue, but from the standpoint of our duty as legislators charged with the task of performing our work in accordance with the provisions of the constitution and laws of our State. The action that we take here will be judged by the people of the State, and the respect of the people of the State—I don't mean the respect which the people may have for the honorable senator from Lincoln (Mr. Boynton) or for this or that representative, but I mean the respect which the people of the State shall have for this body as a body which can be trusted to perform its duties—that respect if of far more vital importance to us than the mere question of what candidate for office shall be elected or what party or faction shall win a temporary and passing triumph.

Now, having attempted to explain the standpoint from which I approach the discussion I want, subject to the limitations imposed upon me, to make clear, if possible, to you just what, as I apprehend it, is the legal situation before us.

The constitution provides in article five, section two, as follows: "The councilors shall be chosen biennially on the first Wednesday of January by joint ballot of the senators and representatives. So far the constitution goes and no farther, imposing upon us the obligation to elect by joint ballot.

Now we are confronted with the question of what constitutes a ballot, and I suppose if that question were asked off-hand to any one of you you would at once say it was a very simple question to answer, and you might think you knew exactly what a ballot was. Even so, you might fail to catch the real test of the matter. That test has been put, and the real solution has been made not only by lexicographers but by courts, and I was surprised when I asked to have prepared

for me some citations bearing upon the subject, at the extent to which the question has been discussed and at the unanimity of the conclusions which the courts had arrived at.

The definition of the word "ballot" which is given by Webster will disclose the situation and will disclose the real essence of the term, and you will instantly perceive its application to the question before this body. The definition of Webster is as follows: 1st, "Any object, especially a printed or written ticket, used in secret voting;" 2d, "The act of secret voting by balls or by written or printed tickets." Indeed, a printed or written ticket is not necessary. A ballot, as many of us know, may be by the use of balls or other emblems as well as by tickets, the essence of the matter being that it shall be a secret method. The definition as contained in the International Dictionary is as follows: "A method of election or choice by voting with a ticket or ball which are placed in a box or urn in such manner that the voter can conceal his choice if he so desires."

Now, gentlemen, we should not delude ourselves with the idea that we are the first body to have met with this proposition and to have had the question put up to us. The question has been before the courts repeatedly in the several states of this country, and I will ask you to bear with me while I give you some of the opinions or extracts from them elucidating this particular matter.

In the case of *Brisbin vs. Clary*, 26 Minn. 108, the opinion of the court contains these words: "Such an inquiry shows that, as applied to elections of public officers, voting by ballots signifies a mode of designating an elector's choice of a person for office by the deposit of a ticket bearing the name of such person in a receptacle provided for the purpose in such a way as to secure to the elector the privilege of complete and inviolable secrecy in regard to the person voted for. This privilege of secrecy may properly be regarded as the distinguishing feature of ballot voting as compared with open voting, as for instance, voting viva voce. The object of the privilege is the independence of the voter."

The Kansas court which was confronted with the question, said thus:

"It is conceded that the word 'ballot' means a bit of paper having printed or written thereon the designation of an office and the name of the person who wills it and that the person casting it has the right to do so with absolute secrecy."

The Indiana court has gone to greater lengths, deeming the matter one which required not only the laying down of its opinion but the giving of its reasons therefor and because of the special application of the argument there to the case in hand, I will read as follows, in the case of *Williams against Stein* 38 Ind. 89. There the court says:

"The Constitution of Indiana requires that 'all elections by the people shall be by ballot.' A statute was passed by the legislature of that state requiring the inspector of any election in receiving a ballot to have the same numbered with figures on the back to correspond with the number, placed opposite the name of such voter on the poll lists. The Court held that this statute was void as being in conflict with the Constitution which declares that all elections of the people shall be by ballot and further held that by the ballot the Constitution secures to the voter the protection and immunity of secrecy. The ballot implies absolute and inviolable secrecy."

The Court says:

"According to an article in the *New American Encyclopedia*, the 'ballot' did not necessarily imply secrecy in Greece; but in Rome, during the republic, it did.

A very able and instructive paper on the subject of the ballot is found in the *Ency. Britannica*. It may be gathered from that article that in France and Great Britain the term "ballot" implies absolute secrecy.

May, in his excellent work on the *Constitutional History of England*, thus speaks of the ballot, at P. 353, Vol. 1.

"The ballot is another question repeatedly debated in Parliament, and a popular topic at the Hustings, at public meetings, and in the newspaper press. No sooner had the reform act

passed, than complaints were made that the elective franchise, so recently enlarged, could not be freely exercised. It was said that the landlords in the counties, and wealthy custom-ers in towns, coerced the free-will of the electors and forced them to vote against their opinions and consciences. As a protection against such practices, the necessity of secret voting was contended for. To give the franchise without the means of exercising it, was declared to be a mockery."

Then they go on to say: "The common understanding in this country certainly is, that the term "ballot" implies secrecy. I have nowhere found a dictum to the contrary. The Supreme Court of Pennsylvania, in a case involving the validity of an election, held, that an eagle printed on the ticket as a party badge, violated a certain law, "since it deprived a vote of that secrecy to which he was entitled in the exercise of his franchise, so as to avoid the odium and violence of party prejudice."

In the case of *People vs. Pease*, 27 N. Y. 45, which was an action in the nature of a quo warranto, Denio, chief justice, uses the following language: "I have already alluded to the policy of the law providing for a secret ballot. The right to vote in this manner has usually been considered an important and valuable safeguard of the independence of the humble citizen against the influence which wealth and station might be supposed to exercise. This object would be accomplished but very imperfectly if the privacy supposed to be secured was limited to the moment of depositing the ballot. The spirit of the system requires that the elector should be secured them, and at all times thereafter, against reproach or animadversion, or any other prejudice, on account of having voted according to his own unbiased judgment; and that security is made to consist in shutting up within the privacy of his own mind all knowledge of the manner in which he has bestowed his suffrage."

Now, gentlemen, I will not further trespass upon your time to read from the numerous opinions which I have, but will trust you to credit me with stating the fact when I say that they are to the

same point, using the same reasoning and many of them quoting from the same articles in the encyclopedias and from the same opinions of other courts. I will now refer to one case which is of some significance in South Carolina, where the constitution contained two provisions which somewhat contradicted themselves. By the constitution of this state it was provided that all circuit judges must be elected by joint ballots of the General Assembly, the General Assembly being the Legislature. It was also provided in the constitution that in all elections by the General Assembly the members should vote *viva voce*. Now you will observe there was an apparent opportunity for the General Assembly to follow the constitution and yet to vote *viva voce*, but when that dual question was presented to the court the court disposed of it as follows: "The general proposition, that where the manner of voting is fixed by the constitution it must be observed and obeyed, is not controverted. It is reduced, then, to the naked inquiry, is the manner of voting at election of circuit judges fixed by the constitution? and if so, what is that prescribed manner, and has it been complied with in this case? Both sides agree that the mode of assembly of the two houses for the purpose of voting is prescribed by section 13, Article IV, and that the mode is joint assembly. But, in behalf of the state, it is urged that after the two houses have met the vote must be 'by ballot;' whereas the defendant claims that the vote must be '*viva voce*' in obedience to Section 24, Article II of the constitution."

Let us now put together the two sections in which the law of this case lies.

Section 24, Article II, legislative department: "In all elections by the General Assembly, or either house thereof, the members shall vote *viva voce*, and their votes thus given shall be entered upon the journal of the house to which they respectively belong."

Section 13, Article IV, Judicial Department: "And for each circuit a Judge shall be elected by joint ballot of the general assembly."

The learned counsel for the defendant base their construction of the word "ballot" upon two grounds.

1. That the theory of the State Constitution is "that in all elections by the legislature the action of each member should be open to the scrutiny of his constituents, so as to preserve the accountability of the legislator to the people.

2. That the word "ballot" must be taken in its popular sense, and in that sense its meaning is the "act of voting," without any designation of the manner of voting.

However plausible may be the policy of the principle set forth in the first ground,—and strong, had it been argued in the Convention,—it is of no avail now."

And right here let me remind you, gentlemen, of the consonance of that sentiment with my observations at the outset. The court was performing its judicial duty there as a co-ordinate branch of government, and the court there pointed out that the convention, another co-ordinate branch, might possibly have yielded under stress of the situation than before it and have declared a construction of the law in harmony only with its own purposes. The court, however, adheres to its own conception of its judicial duty and says, "Such an argument is of no avail now."

Again, I say, shall be as a co-ordinate branch of this state government further lay ourselves open to such an intimation from any court, or from that greatest of all supreme courts, the judgment of the people? And then the court goes on to say: "When we go to say what is the law of the land, we must take the law as it is and not as it may have been. The rules of interpretation are well stated, as follows: "The way to ascertain..... our obligations as they arise from instituted laws is to collect the meaning and intention of the law maker from some outward signs or marks: the collection of such intention from such signs or marks is called interpretation."

"Words are the common signs that mankind make use of to declare their intention to one another; and when

the words of a man express his meaning plainly, distinctly and perfectly, we have no occasion to have recourse to any other means of interpretation.

And it is only where the words fail to express the meaning plainly, distinctly and perfectly that we can have recourse to conjecture, whether rational or probable. The first ground, therefore, is removed, unless the second is maintainable.

To cast any obscurity over the words "by joint ballot," it must be shown that the word "ballot" has two meanings when used in such connection and may have been employed in either sense by the Convention. And this becomes a question of evidence and authorities. The "popular" meaning of a word must be understood to be its correct meaning until the contrary is shown. Yet stronger is the presumption that in a convention which frames the constitution of a state words are used in their true significance, and they must be so accepted until the error is clearly proven.

What, then, is the true and correct meaning of this word ballot? It is of French origin, and has been adopted into the English language without any change in its meaning, so far as the authorities give us light. In the standard French dictionaries it is defined to mean "the act of voting by balls or tickets by putting the same into a box or urn"; "secret voting by means of ball or ticket." And then go on to give definitions of the term "ballot," as I have already given them, and conclude by quoting the articles from cyclopedia which I have just referred to, and I will say in neither of these articles is there the slightest deviation from the definition above cited, nor is there any other meaning specially attached to the word.

I will conclude this phase of the discussion by giving you the words of the court of this State, taken from the 7th Maine Report, Page 417, an opinion by the justices:

"The word 'ballot' may be considered as opposed to a vote by word or by signs; as, for instance, a vote by

yeas and nays, or the common mode of voting by holding up the hand, or by rising and standing till counted. It may well be supposed that the mode prescribed was preferred on account of its vast superiority, in point of convenience and certainty, to any other mode, and also because it secures a greater degree of independence than any other in the exercise of the elective franchise, by enabling every elector to express and give operation to his opinion, without subjecting that opinion to the control, influence, or knowledge of any other person. This view of the subject is presumed to be a correct one."

I believe I have offered enough to satisfy you that the question does present itself in a legal aspect. I was prepared to discuss this question the other day when the motion was made with reference to balloting for secretary of State. I refrained from so doing at that time for this reason: The terms of the question did not themselves disclose any purpose to violate the spirit of the ballot, and I felt that it would be unjustifiable to presume that there was any such intent; but I am satisfied that we have seen enough since that method has been employed to satisfy us that, whether or not it was intended when the vote was taken, it has been made possible to so violate the spirit of the ballot, and that that spirit has been violated. When I saw the depositing upon that desk and I know not the source that they came, nor do I know the name that was on them—When I saw lying there the other day a set of ballots of an entirely different size and an entirely different tint, it then became plain to me that some person or some organization had scented the opportunity to violate the secrecy of the ballot which was made possible by that change in the method of voting; and it now seems to me that if the purpose to continue the present method is to be pressed, it is not only entirely proper but it is the duty of some one to protest against its continuance.

The question resolves itself into simply this: Shall we with a full knowledge of the nature and consequences of our acts,—shall we persist

in following out a method which is clearly contrary to the spirit of the Constitution and thus expose ourselves to two things, first, to which I have already reverted, the condemnation of the right thinking men of the State of Maine; secondly, the possibility, nay, far more than a possibility, that an officer declared elected by this method shall find that the courts are called upon to determine whether or not he was elected by ballot as contemplated by the Constitution or not, with the result that the courts shall find that the secret ballot was not compiled with, and that it was an opportunity for intimidation and coercion which nullifies the term "ballot," and consequently shall declare the official not to have been legally elected, a situation that would certainly not win for us the commendation of the good people of the State of Maine.

Now, let me once more in closing urge upon you all to vote upon this question not from the standpoint of the immediate result, but having in mind your duty as legislators, having in mind the fact that you are an independent, co-ordinate branch of the government charged with the duty of exercising your judgment in the light of the law and of the precedents. (Applause)

Mr. BOYNTON of Lincoln: Mr. President and gentlemen of this convention: I sincerely regret that I am not able to present to this convention in the eloquent language of the two gentlemen who have preceded me my views of this ballot. I do want to say that to the eloquent remarks of the representative from South Portland I heartily agree with every word he has said, and I thank him for the able argument he has made in favor of our present method of balloting. And the senator from York, Senator Cole, I want to agree with 50 per cent. of everything he has said. I do want to take issue with him in two places; one when he says the box was placed here and the vote of every member was carefully watched. Now, by whom? The committee, comprised of men of both parties, or of three parties, found their seats around this box. The chairman, Senator Hastings, and the gentleman from South

Portland, who has addressed you, sat next in the seat there. Did any of us see that he or the chairman was watching the votes of the members who voted here, except to see that the voting was done in a dignified and correct manner? I think not.

They tell us this is not a dignified way of voting and savors of ward caucuses. Was ever a more dignified, a more just method made to vote than to have every man have his name called, walk down, and without any interruption of any kind deposit his vote in that box? Is it a dignified way to pass around a ballot box when evil-minded persons, if there be any, may drop in two ballots, and when there is a possibility that ballots may be thrown out? This is absolutely correct, and it is dignified. And I certainly hope the motion will prevail.

Mr. COLE: Mr. President, we are acting here today not, as we believe, from a party standpoint, for the party good, but we are acting here as representatives, the sovereign body of the State of Maine. I want each one of you to dig into the innermost recesses of your minds and find out, if you can, what motives prompted the motion whereby we changed our method of voting; if it was not to find some member who had strayed away, perhaps from the party fold. What other motive could there have been, when we started to ballot in one manner and then changed to some other method?

I do not accuse any member here of having any individual sinister motive, and I believe that no member would do such a thing. I say that we every one of us, individually are standing here to be judged by the people of the State, and if we resort to certain methods which may be questioned and whereby the independence of any member may be looked into and circumscribed, and perhaps punished for what he has done, then we are not doing our duty by him or by ourselves. Simply because there may be certain members here who do not care to vote for certain officials; because you or I may have an idea that one man may be a better official than another, should not hinder us from voting as we wish to.

We should be free to vote and if

that ballot box can be placed behind a screen where a member can place his ballot free from interruption or observation, I will vote in favor of that ballot box or any other. The only thing that I argue for is that you and I, regardless of party machine, may vote as we please and for the men we please, and shall not be subjected to punishment or criticism. Is there a man here who desires to vote for anything but an honest ballot? I do not believe there is.

They say someone may drop in two ballots. There was no one did that before; no one put in two ballots. And it is to give everyone a chance to vote honestly that I oppose this motion.

Gentlemen, I hope this motion will not prevail. (Applause)

Mr. PRICE of Sagadahoc: Mr. President, I appreciate very much the remarks made by my friend, Mr. Sanborn of South Portland. They were indeed eloquent, but I fail to see where he showed under all the circumstances, that there was any difference in the degree of secrecy between this and the other method, and as that seems to be the only question involved, to that part of the question we should confine our arguments, and be governed in voting. And for that part I wish to say that in my opinion I believe the method now in vogue to be more secret than that of passing the ballot. And I sincerely hope that will be the method adopted by the joint assembly here, and that we proceed along those lines. (Applause)

Mr. PERKINS of Augusta: Mr. President: I believe our constitution provides, and there have been no cases cited here against our right to call a man's name and then have him deposit his ballot.

The other day when we were voting one of our men forgot to vote. He was confused by some one talking with him and he forgot to vote. This method makes for accuracy, and that is the reason we called for it. Secondly, it is more business-like. Then I think it is a proper method of voting and I wish to second the motion of Senator Boynton.

Mr. WALKER of Somerset: Mr. President, the question has been very well

discussed on both sides. I move that we proceed to vote.

Chairman HERSEY: The Chair wishes to admonish those who are not members of the Legislature that all acts of approval or disapproval are out of place here, and we shall require no more of it. Is the convention ready for the question? All those in favor of the motion of Senator Boyinton, that the mode of procedure in balloting for our executive councillors be the same as when the convention voted for secretary of State on Friday, last, will say yes; those opposed will say no.

A vive voce vote being doubted, Mr. Perkins of Augusta called for a division of the convention.

The motion was agreed to.

A division being had, 88 voted in the affirmative and 82 against.

So the motion prevailed. (Applause.)

Senator Cole of York, moved that a committee of seven members be appointed to receive, sort and count votes for seven executive councillors.

The motion was agreed to.

The chairman thereupon appointed as such committee Senator Cole of York and Flaherty of Cumberland and Messrs. Dilling of Easton, Lord of Ellsworth, Ward of Augusta, Bonney of Bowdoinham, and Perham of Woodstock.

Senator COLE of York: If I may be permitted to offer a suggestion, it so long a time since we held our party caucuses that it is barely possible some of the members here may have lost the names of the various councillors, and it is easy to see how the names may be overlooked owing to the length of time that has elapsed, and I would suggest for the convenience of members present that the secretary of the convention read the list of the councillors of the different parties.

The secretary of the convention then read the list of nominations as follows:

Republican Nominations

First District, York county, Horace Mitchell of Kittery.

Second District, Cumberland county, Edward W. Wheeler, Brunswick.

Third District, Franklin county, Dr. D. F. Field of Phillips.

Fourth District, Somerset county, Frank W. Briggs of Skowhegan.

Fifth District, Hancock county, Orlando W. Foss of Hancock.

Sixth District, Piscataquis county, Fred H. Heath of Guilford.

Seventh District, Washington county, John R. Trimble of Calais.

Democratic Nominations

First District, York county, Dr. C. M. Sleeper, So. Berwick.

Second District, Cumberland county, John Clark Scates, Westbrook.

Third District, Franklin county, O. W. Simmons, Kingfield.

Fourth District, Somerset county, Silas T. Lawry, Fairfield.

Fifth District, Hancock county, J. A. Cunningham of Ellsworth.

Sixth District, Piscataquis county, Micajah Hudson, Guilford.

Seventh District, Washington county, F. W. Burnham, Milbridge.

Progressive Nominations

First District, York county, Kenneth W. Sutherland, Saco.

Second District, Cumberland county, George F. West, Portland.

Third District, Franklin county, Ernest L. Libby, Farmington.

Fourth District, Somerset county, Allison P. Howes, Palmyra.

Fifth District, Hancock county, Charles L. Morang, Ellsworth.

Sixth District, Piscataquis county, E. Delmont Merrill, Foxcroft.

Seventh District, Washington county, Stanley Q. Grady, Eastport.

Chairman HERSEY: Without objection, it is understood that the seven executive councillors are voted for upon one ticket and not separately. The chair wishes to announce before the vote is taken that perhaps the chair is responsible for the participation of some argument this morning. Inadvertently the Speaker of the House and the Chairman of the Convention who are very good friends, agreed to pair on last Friday. The Chair thinks it was wrong, and that we were violating the spirit of the constitution and thereby not making it a secret ballot. From now on the Speaker of the House and the Chairman of the Convention are not paired; we shall vote for whom we please. In the voting the Chair will suggest that it is very easy for those who do not wish

to expose their ballot not to expose it, and the Chair sincerely hopes that there will be no occasion during this balloting for criticism of the acts of this legislature. The Chair wishes to have the ballot perfectly fair. With this explanation the vote will proceed, and the committee will attend to the discharge of their duties in distributing the ballots.

During the call of the roll and when the name of Mr. Campbell of Island Falls was reached,

MR. CAMPBELL: Mr. Chairman, I am not voting.

Chairman HERSEY: The Chair rules that every member must vote.

The committee having attended to the duty assigned it, Senator York from the committee reported as follows:

Whole number of votes cast,	181
Necessary for a choice,	91
Dr. C. M. Sleeper of South Berwick had	91
John Clark scates of Westbrook had	91
O. W. Simmons of Kingfield had	91
Silas T. Lawry of Fairfield had	91
J. A. Cunningham of Ellsworth had	91
Micajah Hudson of Guilford had	91
F. W. Burnham of Milbridge had	91
Horace Mitchell of Kittery had	87
Edward W. Wheeler of Brunswick had	87
Dr. D. F. Field of Phillips had	87
Frank W. Briggs of Skowhegan had	87
Orlando W. Foss of Hancock had	87
Fred H. Heath of Guilford had	87
John R. Trimble of Calais had	87
Kenneth W. Sutherland of Saco had	3
George F. West of Portland had	3
Ernest W. Libby of Farmington had	3
Allison P. Howes of Palmyra had	3
Charles L. Morang of Ellsworth had	3
E. Delmont Merrill of Foxcroft had	3
Stanley Q. Grady of Eastport had	3

The report was accepted.

The Chair thereupon declared Dr. C. M. Sleeper of South Berwick, John Clark Scates of Westbrook, O. W. Simmons of Kingfield, Silas T. Lawry of Fairfield, J. A. Cunningham of Ellsworth, Micajah Hudson of Guilford and F. W. Burnham of Milbridge duly elected councillors for the State of Maine for the political years of 1915 and 1916.

On motion by Mr. Sanborn of South

Portland the secretary of the convention was directed to inform the Hons. Dr. C. M. Sleeper, John Clark Scates, O. W. Simmons, Silas T. Lawry, J. A. Cunningham, Micajah Hudson and F. W. Burnham of their election as executive councillors for the current political years of 1915 and 1916.

Subsequently the secretary of the convention reported that he had performed the duty assigned him and had notified the Hons. John Clark Scates, Micajah Hudson and F. W. Burnham, who were present at this time, of their election.

Senator Boynton of Lincoln moved that the rules be suspended by unanimous consent and a message be sent to the executive councillors-elect informing them that the two branches of the Legislature are in convention assembled ready to administer to them the oaths required by the constitution to qualify them to enter thereupon the discharge of their official duties.

The motion was agreed to.

The chairman of the convention thereupon appointed Senator Boynton of Lincoln to convey the message.

Subsequently Senator Boynton reported that he had performed the duty assigned him and that the executive councillors-elect were pleased to say that they would forthwith attend upon the convention and subscribe the oaths necessary for them to enter upon the discharge of their official duties.

Thereupon the Hons. John Clark Scates, Micajah Hudson and F. W. Burnham came in and took the subscribed oaths necessary to qualify them to enter upon the discharge of their official duties.

Senator Walker of Somerset moved that a message be conveyed to the Governor informing him of the election of the Hons. C. M. Sleeper, John Clark Scates, O. W. Simmons, Silas T. Lawry, J. E. Cunningham, Micajah Hudson and F. W. Burnham as Executive Councillors for the political years of 1915 and 1916.

The motion was agreed to.

The chairman thereupon appointed the secretary of the convention to convey the message to the Governor.

The secretary subsequently report-

ed that he had performed the duty assigned him.

Senator Walker of Somerset moved that the convention do now proceed to the election of a commissioner of agriculture.

Senator BOYNTON of Lincoln: Mr. Chairman, I can certainly see no good reason why this convention at this time should see fit to skip over the list that has been on our constitution for years and leave the head of it that we have been working upon for several days and take up the last man appointed. Of course, the motive for that is plain to be seen; I hope, however, that this convention will at this time vote down this motion.

The question being on the motion of Senator Walker of Somerset, that the convention proceed to vote for commissioner of agriculture,

A viva voce vote being doubted,

Mr. Descoteaux of Biddeford called for a division.

Chairman HERSEY: The Chair will appoint the monitors of the House as the monitors of the convention. The pending question is on the motion of Senator Walker of Somerset, that the convention proceed to ballot for a commissioner of agriculture. Those in favor of the motion will rise and stand in their places until counted.

A division being had, 89 voted in the affirmative and 91 against.

So the motion was lost.

Senator Boynton of Lincoln moved that the convention now take from the table unfinished business, that of the election of a secretary of State.

The motion was agreed to.

Chairman HERSEY: The Chair will lay before the convention the matter of unfinished business, the election of a secretary of State. The committee appointed to receive, sort and count votes will now attend to the distribution of ballots.

11th ballot: Having attended to the duty assigned it, Senator Boynton from the committee, reported as follows:

Whole number of votes cast, 180

Necessary for a choice,	91
John E. Bunker had	31
Joseph E. Alexander had	87
Roland E. Clark had	2

The report was accepted.

The Chair thereupon declared John E. Bunker duly elected secretary of State for the current political years 1915 and 1916.

Senator Boynton of Lincoln moved that the convention do now proceed to the election of a State treasurer.

The motion was agreed to.

On motion by Mr. Higgins of Brewer, Mr. Higgins of Brewer, Senator Moulton of Cumberland, Messrs. Maxwell of Boothbay Harbor, Morrison of Eden, Perkins of Augusta, Libby of Merrill and Thombs of Lincoln were appointed a committee to receive, sort and count votes for State treasurer.

First ballot: Having attended to the duty it, Senator Moulton from the committee reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	92
Elmer E. Newbert had	90
Joseph W. Simpson had,	87
Merrill N. Drew had,	5

The report was accepted.

The CHAIRMAN: The Chair declares that there is no election for State treasurer.

Chairman HERSEY: The Chair wishes to state to the convention that the Chair is informed that Mr. Lawry, councillor-elect, is present and would like to qualify, and with your kind permission the Chair will qualify him at this time. I appoint Senator Walker to present the councillor-elect to the Convention to be qualified.

Thereupon Councillor-elect Lawry came in and subscribed to the oaths necessary to qualify him to enter upon the discharge of his official duties.

On motion by Mr. Boynton of Lincoln, a recess was taken until three o'clock this afternoon.

The Senate retired to its chamber.

In The House

(The Speaker in the Chair.)

The Speaker announced the following joint standing committees:

ON AGRICULTURE

Conant of Waldo.
 Moulton of Cumberland.
 Bartlett of Kennebec. —of the Senate.
 McIntire of Waterford.
 Wilkins of Jay.
 Hobbs of South Berwick.
 Blake of New Gloucester.
 Peterson of New Sweden.
 Averill of Prentiss.
 Washburn of Perry. —of the House.

ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Emery of York.
 Boynton of Lincoln.
 Peacock of Washington. —of the Senate.
 Higgins of Brewer.
 Haskell of Portland.
 Russell of Lewiston.
 Maxwell of Boothbay Harbor.
 Holt of Skowhegan.
 Lord of Ellsworth.
 Nicholas of Eastport. —of the House.

ON BANKS AND BANKING

Dunton of Penobscot.
 Swift of Kennebec.
 Moulton of Cumberland. —of the Senate.
 Ward of Augusta.
 Morse of Rumford.
 Newell of Turner.
 Tate of Topsham.
 Fay of Dexter.
 Bradbury of Hollis.
 Thibodeau of Van Buren. —of the House

ON CLAIMS

Murphy of Cumberland.
 Leary of Penobscot.
 Emery of York. —of the Senate.
 Woodman of Auburn.
 Noyes of Falmouth.
 Neilon of Biddeford.
 Peabbles of Cape Elizabeth.
 Carson of Mount Vernon.
 Benn of Hodgdon.
 Erskine of Alna. —of the House.

ON COMMERCE

Scammon of Hancock.
 Moulton of Cumberland.
 Leary of Penobscot. —of the Senate.
 McCarrison of Appleton.
 Bourque of Waterville.
 Leader of Lewiston.
 Benn of Hodgdon.

Hanson of Saco.
 Lombard of Old Orchard.
 Brann of Winthrop. —of the House.

ON COUNTIES

Ames of Washington.
 Thurston of Oxford.
 Weld of Penobscot. —of the Senate.
 Russell of Lewiston.
 Noyes of Falmouth.
 Tate of Topsham.
 St. Clair of Rockland.
 Greenlaw of Presque Isle.
 Ford of Whitefield.
 Lawrence of Fairfield.—of the House.

ON EDUCATION

Walker of Somerset.
 Murphy of Cumberland.
 Ames of Washington.—of the Senate.
 Gallagher of Bangor.
 Woodman of Auburn.
 Pierce of Farmington.
 Gerrish of Greenville.
 Ricker of Castine.
 Perham of Woodstock.
 Snow of Mars Hill. —of the House.

ON FEDERAL RELATIONS

Garcelon of Androscoggin.
 Butler of Knox.
 Burleigh of Aroostook. —of the Senate.
 Mullin of Lincolnville.
 Jameson of Friendship.
 Gould of Leeds.
 Ricker of Castine.
 Allen of Machias.
 Harper of Gorham.
 Ryder of Brownville. —of the House.

ON INDIAN AFFAIRS

Weld of Penobscot.
 Murphy of Cumberland.
 Ames of Washington.—of the Senate.
 Newell of Turner.
 Davis of Old Town.
 Bourque of Waterville.
 Washburn of Perry.
 Jordan of Baileyville.
 Clement of Montville.
 Albert of Madawaska.—of the House.

ON INLAND FISHERIES AND GAME

Allen of Kennebec.
 Hastings of Androscoggin.
 Herrick of Franklin. —of the Senate.
 Goodwin of Mexico.
 Wheeler of Brunswick.

Gerrish of Greenville.
 Wyman of Kingfield.
 McNally of Ashland.
 Greateon of Starks.
 Drummond of Winslow.
 —of the House.

ON INSANE HOSPITALS

Fulton of Aroostook.
 Cole of York.
 Garcelon of Androscoggin.
 —of the Senate.

Perkins of Augusta.
 Plummer of Lisbon.
 Wasgatt of Deer Isle.
 Durgain of Bangor.
 Harper of Gorham.
 Libby of Merrill.
 Grant of St. Albans. —of the House.

ON INTERIOR WATERS

Clark of York.
 Hastings of Androscoggin.
 Weld of Penobscot. —of the Senate.
 Davis of Old Town.
 Webb of Cherryfield.
 Edwards of Bethel.
 Pollard of Solon.
 Gilmour of Westbrook.
 Wise of Guilford.
 Blake of Oakland. —of the House.

ON THE JUDICIARY

Cole of York.
 Durgin of Piscataquis.
 Butler of Knox. —of the Senate.
 Connors of Bangor.
 Connellan of Portland.
 McCarty of Lewiston.
 Pierce of Houlton.
 Sanborn of South Portland.
 Waterhouse of Kennebunk.
 Campbell of Island Falls.
 —of the House.

ON LABOR

Burleigh of Aroostook.
 Flaherty of Cumberland.
 Swift of Kennebec. —of the Senate.
 Descoteaux of Biddeford.
 Clifford of Lewiston.
 Goodwin of Mexico.
 Webb of Cherryfield.
 Jordan of Baileyville.
 O'Connell of Millinocket.
 Wescott of Bluehill. —of the House.

ON LEGAL AFFAIRS

Walker of Somerset.
 Bartlett of Kennebec.
 Garcelon of Androscoggin.
 —of the Senate.

Greenleaf of Portland.
 Clifford of Lewiston.
 Perkins of Augusta.
 Hill of Corinth.
 Lewis of North Haven.
 Thombs of Lincoln.
 Hanson of Sanford. —of the House.

ON LIBRARY

Price of Sagadahoc.
 Hastings of Androscoggin.
 Burleigh of Aroostook.
 —of the Senate.
 Hill of Corinth.
 Roberts of Portland.
 Gilmour of Westbrook.
 Thibodeau of Fort Kent.
 Bonney of Bowdoinham.
 Lombard of Old Orchard.
 Gould of Leeds. —of the House.

ON MANUFACTURES

Flaherty of Cumberland.
 Hastings of Androscoggin.
 Emery of York. —of the Senate.
 Neilon of Biddeford.
 Tabbutt of Columbia.
 Ward of Augusta.
 Averill of Prentiss.
 Towle of West Gardiner.
 Littlefield of Wells.
 Albert of Madawaska.—of the House.

ON MERCANTILE AFFAIRS AND INSURANCE

Herrick of Franklin.
 Dunton of Penobscot.
 Scammon of Hancock.—of the Senate.
 Millett of Belfast.
 Gallagher of Bangor.
 Thibodeau of Fort Kent.
 Hobbs of South Berwick.
 Bonney of Bowdoinham.
 Hanson of Saco.
 McKinley of Jackson.—of the House.

ON MILITARY AFFAIRS

Boynton of Lincoln.
 Emery of York.
 Flaherty of Cumberland.
 —of the Senate.
 McCarty of Lewiston.
 Pierce of Houlton.
 Colcord of Portland.
 Pierce of Farmington.
 Holt of Skowhegan.
 St. Clair of Calais.
 Coffin of Freeport. —of the House.

ON MINES AND MINING

Butler of Knox.

Thurston of Oxford.

Jillson of Cumberland.

—of the Senate.

Brown of New Sharon.

Douglass of Webster.

Descoteaux of Biddeford.

Towle of West Gardiner.

McKinley of Jackson.

Littlefield of Wells.

Beale of Cornville. —of the House.

ON PENSIONS

Leary of Penobscot.

Flaherty of Cumberland.

Burleigh of Aroostook.

—of the Senate.

Bernier of Lewiston.

Tabbutt of Columbia.

Small of Mt. Desert.

Chaplin of South Portland.

Lawrence of Fairfield.

Chamberlain of Lebanon.

Clement of Montville.—of the House.

ON PUBLIC BUILDINGS AND GROUNDS

Burleigh of Aroostook.

Clark of York.

Swift of Kennebec. —of the Senate.

Currier of Camden.

Gooding of Yarmouth.

Haraden of Bath.

Chadbourne of Baldwin.

Mansir of Pittston.

Mitchell of Newfield.

Holt of Gouldsboro. —of the House.

ON PUBLIC HEALTH

Moulton of Cumberland.

Weld of Penobscot.

Fulton of Aroostook.—of the Senate.

Libby of Merrill.

Picher of Waterville.

Greenleaf of Portland.

Turner of Hartford.

Thibodeau of Van Buren.

Russell of Alfred.

Mansir of Pittston. —of the House.

ON RAILROADS AND EXPRESSES

Swift of Kennebec.

Price of Sagadahoc.

Fulton of Aroostook. —of the Senate.

Robinson of Bangor.

Haraden of Bath.

Currier of Camden.

Corliss of Bath.

Morse of Rumford.

Ryder of Brownville.

Bussey of Dixmont. —of the House.

ON SALARIES AND FEES

Boynton of Lincoln.

Conant of Waldo.

Durgin of Piscataquis.

—of the Senate.

Sanborn of South Portland.

Drapeau of Brunswick.

Welch of Machiasport.

McIntire of Waterford.

Wilson of Levant.

Holt of Gouldsborough.

Ford of Whitefield. —of the House.

ON SCHOOL FOR FEEBLE MINDED

Thurston of Oxford.

Jillson of Cumberland.

Garcelon of Androscoggin.

—of the Senate.

Blake of New Gloucester.

Ballard of Auburn.

Douglass of Webster.

Evans of Bridgton.

Varney of Windham.

Danforth of Foxcroft.

Dilling of Easton. —of the House.

ON SEA AND SHORE FISHERIES

Peacock of Washington.

Chatto of Hancock.

Scammon of Hancock.—of the Senate.

Mulligan of Nobleboro.

Small of Mt. Desert.

Jameson of Friendship.

Goldthwaite of Biddeford.

McCurdy of Lubec.

Hodgkins of Harpswell.

Ames of Stockton Springs.

—of the House.

ON STATE LANDS AND FOREST PRESERVATION

Colby of Somerset.

Thurston of Oxford.

Ames of Washington.—of the Senate.

Robinson of Bangor.

Turner of Hartford.

Wyman of Kingfield.

Lawrence of Fairfield.

Daigle of New Canada.

Ranney of Winn.

Beale of Cornville. —of the House.

ON STATE PRISON

Chatto of Hancock.

Fulton of Aroostook.

Dunton of Penobscot.—of the Senate.

Leader of Lewiston.

Watts of South Thomaston.

Fossett of Portland.

Lord of Ellsworth.

Brown of New Sharon.
 Ellis of Gardiner.
 Tobey of Eliot. —of the House.

STATE SCHOOL FOR BOYS AND INDUSTRIAL SCHOOL FOR GIRLS

Allen of Kennebec.
 Clark of York.
 Murphy of Cumberland.
 —of the Senate.

Greeley of Portland.
 Smith of Hampden.
 Bernier of Lewiston.
 Peabbles of Cape Elizabeth.
 Tuttle of Caribou.
 Morrison of Eden.
 Meader of Chelsea. —of the House.

ON TAXATION

Bartlett of Kennebec.
 Colby of Somerset.
 Swift of Kennebec. —of the Senate.
 Plummer of Lisbon.
 Edwards of Bethel.
 Wasgatt of Deer Isle.
 Brawn of Bradley.
 Gooding of Yarmouth.
 Fay of Dexter.
 Greenlaw of Presque Isle.
 —of the House.

ON TELEGRAPHS AND TELEPHONES

Jillson of Cumberland.
 Leary of Penobscot.
 Allen of Kennebec. —of the Senate.
 Roberts of Portland.
 Drapeau of Brunswick.
 Brown of Auburn.
 Mullin of Lincolnville.
 Chadbourne of Baldwin.
 Hart of Holden.
 Chamberlain of Lebanon.
 —of the House.

ON TEMPERANCE

Boynton of Lincoln.
 Thurston of Oxford.
 Herrick of Franklin. —of the Senate.
 Brown of Auburn.
 Fossett of Portland.
 Brawn of Bradley.
 St. Clair of Calais.
 Bragdon of Westbrook.
 Russell of Alfred.
 Allen of Machias. —of the House.

ON TOWNS

Durgin of Piscataquis.
 Peacock of Washington.

Price of Sagadahoc. —of the Senate.
 Wheeler of Brunswick.
 Ballard of Auburn.
 Smith of Hampden.
 McCorrison of Appleton.
 Greeley of Portland.
 Danforth of Foxcroft.
 Chaplin of South Portland.
 —of the House.

ON WAYS AND BRIDGES

Conant of Waldo.
 Burleigh of Aroostook.
 Colby of Somerset. —of the Senate.
 Wilkins of Jay.
 Pollard of Solon.
 Colcord of Portland.
 Durgain of Bangor.
 Perham of Woodstock.
 Besse of Clinton.
 Cobb of Denmark. —of the House.

The SPEAKER: In the announcement of the committee on county estimates which was made in the House a few days ago, the name of the gentleman from Bath, Mr. Haraden, was inadvertently omitted. His name should have been included in the list of the committee on county estimates.

Mr. Roberts of Portland moved that the House adjourn until three o'clock this afternoon.

The motion was agreed to.

Afternoon Session

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

At this point the Senate came in.

In Convention

(President Hersey in the chair.)

Chairman HERSEY: The Chair lays before the convention the unfinished business, which is the election of state treasurer. The committee which was appointed to receive, sort and count votes will now distribute ballots.

2nd. Ballot: Having attended to the duty assigned to it, Senator Moulton, from the committee, reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	32
Elmer E. Newbert had,	90
Joseph W. Simpson had,	38
Morrill N. Drew had,	4

The report of the committee was accepted.

Chairman HERSEY: The Chair declares no election. The convention will proceed to another ballot.

3rd. ballot: Having attended to the duty assigned to it, Senator Moulton, from the committee, reported as follows:

Whole number of votes cast,	181
Necessary for a choice,	91
Elmer E. Newbert had,	90
Joseph W. Simpson had,	88
Morrill N. Drew had,	3

The report was accepted:

Chairman HERSEY: The Chair declares no election. The convention will proceed to another ballot.

4th ballot: Having attended to the duty assigned to it, Senator Moulton, from the committee, reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	92
Joseph W. Simpson had	91
Elmer E. Newbert had	90
Morrill N. Drew had	1

The report of the committee was accepted.

Chairman HERSEY: The Chair declares no election. The convention will proceed to another ballot.

5th ballot: Having attended to the duty assigned to it, Senator Moulton, from the committee, reported as follows:

Whole number of votes cast,	182
Necessary for a choice,	92
Elmer E. Newbert had	90
Joseph W. Simpson had	87
Morrill N. Drew had	5

The report of the committee was accepted.

Chairman HERSEY: The Chair declares no election.

Senator BOYNTON of Lincoln: Mr. Chairman, I move that this convention now adjourn to meet at 10 o'clock tomorrow morning.

Mr. COLE of York: Mr. Chairman, I second the motion.

The motion prevailed.

The Senate retired to its chamber.

In The House

On motion by Mr. Tabbutt of Columbia, Adjourned until tomorrow morning at 10 o'clock.