

WHAT HAPPENED TO

Mr. Joseph Beach.

Stone in the kidney expelled after using Dr. David Kennedy's "Favorite Remedy" for About Two Weeks.

One of the most remarkable cases that has ever been brought to the notice of the public is that of Mr. J. S. Beach, of Stone Bridge, Utah Co., N. Y. Mr. Beach had suffered since October 18, 1874, from the presence of Calculi or Stone in the right kidney. No less than seven physicians were employed at different times, to whom Mr. Beach paid hundreds of dollars for medical treatment, with only temporary relief from his agony.

Dr. CLARK JOHNSON'S Indian Blood Syrup.

CURES FEVER AND AGUE, CURES SCURF AND ALL SKIN DISEASES.

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Love.

She stood in the field where the daisies were blowing.

The face was sunburned, but wondrous fair, over her shoulders her tresses were flowing.

Her dress was faded, her feet were bare.

"My rustic lassie!" at length I told her—"If she would shine like a precious star."

She tossed her head by way of answer, And laughed aloud in childish glee.

"You must show me a way with silks if you can, sir."

"But this old gown will do for me."

"I am rich in lands and money;—I can make a baronet out of you."

"I have gathered the treasures of ages 'round me, And you shall go with me and be my queen."

"Then keep your knowledge," said she, replying— "Your wealth and title, and college lore; But the daylight from the sky is dying, And I should have been at home before."

And then with a nod she turned to leave me, But caught her hand and told her "no!"

"For I want you to answer me, Will you come with me—for I love you so!"

She laid on my shoulder her curly tresses, And I smoothed the ringlets of her hair; While she murmured between her soft sighs, "You might have told me of that, before."

Gems of Thought.

Men fear old age without being sure of reaching it.

Let us not be ever driving on. The machinery, physical and mental, will stand it.

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A Description of Sam Cary.

In reply to an inquiry concerning Sam Cary, who was engaged in addressing Fusion meetings in Maine, an exchange reprints the description of him given by an Ohio Democrat—Don Platt.

"I trouble with Samuel Fenton Cary is that his very existence is a casualty. He never was designed for any known purpose, and in consequence appears among us as a very unnecessary man. I was requested in Columbia to answer a speech in which he was making fifty years ago."

Sometimes it is thrown out in favor of temperance, sometimes in behalf of the late war, sometimes in support of *monies multitudines*, sometimes in favor of a monarch to a democracy, sometimes for one thing and sometimes for another, but always the same agonizing howl, and always paid for. I respectfully declined, for that speech cannot be answered.

I might as well be asked to reply to a stonewall, to a Chinese goat, or a bad smell. (Loud laughter and cries of "That's so.") I think Samuel Fenton Cary might be used to swell a procession, to act as a fire-alarm or a fog-horn (laughter), but he is a future candidate of a story told by the late candidate, who said that a farmer could always tell the number of the coming litter by counting the tests provided by kind nature for its approaching family of swine. The witty Sidney said that was generally a test for each pig. But sometimes, through an eccentricity of nature, one more pig appeared than had been provided for. In this case the poor little piggy went flailing from test to test.

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How to get Sick.

Expose yourself day and night; eat too much without exercise; work too hard without rest; for all the time, take all the vile medicines advertised, and then you will know how to get well.

Which is answered in three words—Take Hop Bitters. See another column.

A little boy said he would rather have the earache than the toothache, because he wasn't compelled to have his ear pulled.

Mental depression, weakness of the muscular system, general ill-health, benefited by using Brown's Iron Bitters.

"Two heads are better than one," remarked the chap, as he licked the second postage stamp on a heavy letter.

Found at Last.

An agreeable dressing for the hair, that will stop its falling, has been long sought for. Parker's Hair Balm, distinguished for its purity, fully supplies the want.

A Denver alderman spills water with two's. He doubtless thinks it better to have too much "it" in his water than too much water in his "it."

Wm. McCartney, ex-Lloyd street, Buffalo, N. Y., told and sprained his ankle. His employer, H. A. Benson, of Main street, procured some THOMAS' ELECTRIC OIL, and he says that a few applications relieved him of his pain as usual. For sale by R. H. Moody, Belfast.

Stiggins says that at his boarding house in a country, a real, old-fashioned farm house, by the way, they have all the seasonable vegetables fresh from the can.

Despises.—There is probably no disease which is more common than Despises. The most moderate forms of this disease have been known to Congressmen and other public men.

Congressman Harbison, of New Jersey, fell out of bed last night, and was so badly hurt that he could not get up.

Improvement on Mind and Body.

There is more strength-restoring power in a loaf of Parker's ginger bread than in a barrel of malt or a gallon of milk. As an appetizer, blood-purifier and kidney corrector, there is nothing like it, and it is available everywhere. It is a wonderful tonic for mind and body.

Have all the PLAIN TRUTHS.

The blood is the foundation of life, it circulates through every part of the body, and unless it is pure and rich, good health is impossible.

If disease has entered the system, the only sure and quick way to drive it out is to purify and enrich the blood.

These simple facts are well known to the highest medical authorities agree that nothing but natural medicine will restore the blood to its normal condition; and also that all the iron preparations of the day will not restore the blood to its normal condition.

Dr. H. H. Moody, Belfast.

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DO YOU KNOW

That you can buy FURNITURE at No. 70 Main St., CHAS. COOMES, who has just received a NEW SUPPLY OF

Parlor and Chamber Sets of all kinds, Extension and Centre Tables, Fancy Chairs of every kind, Sofas, Lounges, &c., in fact everything ever kept in a first-class furniture store.

(PHOTOGRAPHY, DRAPERY AND CURTAIN WORK DONE IN THE VERY BEST MANNER, at low prices. CORNICES & POLES OF ALL KINDS.

Certain Goods of all kinds at bargain. Lumber, Patterns and any information in regard to drapery work, etc. T. H. US.

CASKETS AND ROBES. Of all kinds constantly on hand.

MR. G. DEBOUX will do everything he can to please those who favor us with a call. Any calls in this department will be promptly answered. DAY OR NIGHT.

Business conducted WITHOUT THE USE OF ICE. Sunday or night orders promptly answered.

Having had so large experience for a number of years, we feel confident that our cheapness and prices will suit customers. Will also take orders for anything of the kind of FURNITURE, when desired, FREE OF CHARGE.

CALL ON US AT 70 Main Street, Belfast 70 R. H. COOMES. CHAS. COOMES.

VESTMAKERS!

I want all the GOOD VESTMAKERS and the wicked also. I mean all who can make a GOOD VEST, or rather all who can make a VEST GOOD, that's what I want. The season will be short, and all desiring work should send in immediately.

W. O. COLBY, 13 High St., Belfast, July 12, 1882.

NEW GOODS!

W. O. COLBY, 13 High St., Dealer in Foreign & Domestic Fruits, Nuts, CANNED GOODS.

SOAPS—HAVE THE BEST SHAVING. CIGARS & TOBACCO.

Smokers' articles of all kinds. Have the best assortment of CIGARS & TOBACCO in the city.

W. O. COLBY, 13 High St., Belfast, June 14, 1882.

New Marble Shop!

In Langworthy Building. W. T. HOWARD, Manufacturer of and dealer in MONUMENTS, TABLES, GRAVESTONES, &c.

Of the best Italian and American Marble. Also, Brass, Bronze, and other materials. Prices, Cash or Time.

Republican Journal

SUPPLEMENT.

TO THE FARMERS OF MAINE.

Your Great Staple Product Threatened!

REPUBLICAN EFFORTS TO PROTECT YOUR HAY CROPS FROM CANADIAN COMPETITION,

Frustrated by Democratic Opposition.

Nothing could bring the importance of the Republican policy of Protection for our Agricultural as well as Manufacturing interests, more directly and clearly home to the minds of the farmers of Maine, than the recent action of the two political parties on the question of restoring the protective tariff duty on imported foreign hay, which has been reduced FROM 20 DOWN TO 10 PER CENT *ad valorem*, by a decision in a United States Court in New York, a few weeks ago, upon technical construction of the law.

This important change in the rate of duty that had been maintained for years, to protect our great staple product, was not generally known, and when in July it came to the knowledge of Capt. C. A. Boutelle of the *Bangor Whig*, and one of the Republican candidates for Congress, he at once addressed the following letter to our United States Senators, asking them to unite with our Representatives in securing a restoration of the duty before the close of the season:

THE WHIG AND COURIER, }
Editorial Rooms, }
Bangor, July 19, 1882. }

HON. EUGENE HALE and HON. WM. P. FRYE, U. S. Senate, Washington, D. C.

My Dear Senators:

I have recently learned with considerable surprise that the duty upon hay imported into the United States, has been reduced one-half, by a circular issued by the Secretary of the Treasury "to Collectors of Customs and others," under date of March 23, 1882.

In the circular referred to Secretary Folger says that by the decision of the Treasury Department of April 8, 1868, it was "held that hay imported into the United States was to be classified as a non-enumerated manufactured article, dutiable at the rate of twenty per cent. *ad valorem*," but that "the United States Circuit Court for the Northern District of New York, in the case of Frazee et al. vs. Moffitt, has decided that hay is dutiable only at ten per cent. *ad valorem*, as a non-enumerated unmanufactured article, under Section 2,516 of the Revised Statutes, and the Attorney General has advised an acquiescence in such ruling. I yield to this opinion, and officers of the customs will govern their action accordingly."

The Secretary then proceeds to authorize applications for a return of duties exacted in excess of ten per cent., where the requisite steps have been taken.

It is unnecessary for me to state to you the serious importance of this sweeping change in the tariff upon a great staple product, effected in a manner that failed to attract the notice of the country, and which apparently escaped the attention of Congress, as I perceive that Hon. J. T. Updegraff of Ohio, in his speech on the tariff in the House of Representatives, April 12th, 1882, cited the duty on hay as twenty per cent. when it had in reality been reduced one-half by the Treasury Circular sent out some weeks before.

The matter is an important one for the whole country, but it especially affects a great agricultural interest of our own State, and I write you in the hope that, upon consultation with our Representatives in the House, measures may be taken to secure a restoration of the former rate of duty, before the adjournment of Congress, which has already been fixed for an early day.

By the figures of the latest census I learn that for the decade ending with 1880, the aggregate hay product of the United States

was 292,668,029 tons, or an average of 29,266,803 tons per annum. In the year 1880 the hay product of the country was 31,925,233 tons, which, at the average market price of to-day, say \$14, would be worth \$446,953,262, or more than the value of the entire cotton crop of 1880, which is reported at 3,199,822,682 pounds, worth at the present average price say 13 cents, giving a total value of \$415,976,948.

The same statistics show that the annual hay crop of the United States, during the decade, has been equal to one-third of the value of the total cereal productions of the country; that it has been more than four times as valuable as the potato crop, and nearly eight times as valuable as the tobacco crop.

I regret that at the moment of writing I am unable to place my hand upon the statistics of the hay crop of Maine by the last Census, but in 1870 the product in this State was reported at 1,053,415, and it is entirely safe to assume an increase of twenty-five per cent. which would put the present crop at 1,300,000 or 1,400,000 tons, with a value of \$18,000,000 to \$20,000,000.

The location of our State, with its extended frontier bordering upon the British Provinces, renders the protection afforded by the tariff of prime importance to the owners and tillers of farm lands lying adjacent to those of a foreign people, against whose competition in our own markets the hay farmers of Maine have hitherto been protected by the *ad valorem* duty of twenty per cent.

The Republican party justly boasts that it favors the protection of American labor and the encouragement of home industries, and in asking for the restoration of the duty on hay as it stood for fourteen years prior to last March, we only request that the farms of Maine shall have the protection that we cheerfully concede to the manufacturers of Massachusetts and the iron furnaces of Pennsylvania.

Hoping that it may not be too late to secure the re-establishment of the former rate of duty at this session, I am,

Yours, very sincerely, C. A. BOUTELLE.

In reply he received the following letter from Senators Hale and Frye, expressing their earnest desire to aid in obtaining a restoration of the twenty per cent. duty.

United States Senate,
Washington, D. C., July 22, 1882.

C. A. BOUTELLE, Esq., Bangor.

Dear Sir:—Your letter of the 19th inst. is received. In reply, allow us to say, that the duty clearly intended by the tariff law on hay was 20 per cent. *ad valorem*; that it has been collected at that rate up to the present time; that the recent decision of the United States Circuit Court in New York, determining hay to be an "unmanufactured" rather than a "manufactured" article, and the forced acquiescence of the Secretary of the Treasury in the same, reduce the duty to ten per cent. The only remedy left is by an act of Congress, and while the Republican majority in both Houses would undoubtedly support such a measure, you can readily see that its enactment into a law during the last week or ten days of a session, with a determined Democratic opposition, is almost an absolute impossibility. One of the duties of the "Tariff Commission" is the correction of such errors as this, and unquestionably their report, with the legislation upon it, will restore the duty on hay to 20 per cent. at the next session.

We will do what we can—present the subject at the earliest day possible, and urge the restoration of the duty, so clearly in the interest of our farmers.

Very truly yours, &c., WM. P. FRYE,
EUGENE HALE.

Immediately upon the reception of Mr. Boutelle's letter, Hon. Nelson Dingley, Jr., the vigilant and able Representative from the Second Congressional District, introduced the following bill in the House, to restore the duty to its former rate, and on the following day, assisted by his Republican colleagues, made a convincing argument in its favor before the Committee on Ways and Means:

A Bill to Adjust the Duty on Imported Hay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That from and after the passage of this act the duty on imported hay shall be twenty per centum ad valorem being the same rate as was collected on imported hay from April eighth, eighteen hundred and sixty-eight, to March twenty-third, eighteen hundred and eighty-two.

The committee promptly voted to report the bill favorably to the House, but in doing so the committee divided equally upon party lines, the six Republicans voting *in favor of*, and the four Democratic members voting *against* this act of justice to the farmers to New England. On July 27th, Mr. Dingley's bill was reported to the House by order of the Republican majority of the Ways and Means Committee with the following indorsement of its justice and desirability:

The Committee's Report.

Mr. Kasson, from the Committee on Ways and Means, submitted the following report:

[To accompany bill H. R. 6809.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 6809) to adjust the duty on hay, report the same back, with the recommendation that the same do pass.

Under section 2516 of the Revised Statutes, which provides that there shall be levied a duty of ten per cent. ad valorem on all raw or unmanufactured articles not enumerated in the tariff schedules, and 20 per cent. on all manufactured articles, when imported into the United States, the Treasury Department, by a decision of April 8, 1868, held that hay was a manufactured article, and, as such, subject to an import duty of 20 per cent. This rate of duty was imposed and collected on hay, without question, from that date until the 23d of March, 1882, when the Secretary of the Treasury issued a circular stating that the United States Circuit Court for the northern district of New York, in the case *Frazee et al. vs. Moffit*, had decided that hay is an unmanufactured article, and, as such, subject to a duty of only 10 per cent.; and that by the advice of the Attorney-General the department had acquiesced in the ruling, and, therefore, instructed officers of customs to thereafter impose a duty of only 10 per cent. on hay imported from Canada or elsewhere.

It was obviously the intention of the customs laws to impose the same duty on imported hay as on imported timber and wood, animals, wheat, oats, and other agricultural products, which averages 20 per cent. This was regarded as only a just and proper protection to the farmers of the States bordering on Canada, and of the States which could be easily reached by vessels from Nova Scotia and New Brunswick. To suddenly reduce the tariff on so important an agricultural product as hay, while all other duties remain the same, is regarded as an improper discrimination. It can be regarded only as simple justice to promptly correct the effect of this judicial decision which changes the habitual construction of a statute. And it is all the more important that this correction should be made at once, otherwise it will subject the farmers of a large number of States to the injurious competition of the Canadian hay crop which will soon be harvested. Your committee therefore report back the accompanying bill with a favorable recommendation. Received and placed on calendar.

At that late period of the session it required a two-thirds vote to suspend the rules to take up and pass this bill, though with unanimous consent it could have been done in five minutes. The bill went on the calendar, and owing to Democratic opposition Mr. Dingley was unable to get any action upon it, and that the farmers of Maine are to-day exposed to the competitions of foreign hay, with only half the protection they have hitherto enjoyed, they owe solely to the refusal of our political opponents to permit the Republicans to succeed in their efforts to restore the tariff to the old rate of 20 per cent. In order to avail of every possible chance of obtaining favorable legislation, Senator Hale also introduced in the Senate, July 24th, the following amendment to the pending Revenue Tax Bill restoring the rate of duty on hay.

At the end of section 5, add the following:

That hereafter the duty levied and paid upon imported hay shall be twenty per centum ad valorem.

But this, too, Democratic obstruction prevented, and by their fight to take the tax off whiskey and tobacco, the Democrats prevented the passage of the Senate tax reduction bill; and thus deprived the farmers of just protection for their hay.

In this connection, special interest attaches to the following letter from the United States Commissioner of Agriculture, in reply to a letter from Mr. Boutelle, earnestly requesting the Commissioner to use his influence in behalf of the farmers toward securing a restoration of the twenty per cent. duty on hay:

Letter from the Commissioner of Agriculture.

United States Department of Agriculture,

Washington, D. C., Aug. 19, 1882.

My dear Mr. Boutelle:

In reply to your communication relating to the reduction of the duty on hay, allow me to say that you are undoubtedly correct in your views of the importance of the hay crop to the farmers of Maine, and of the effect of the recent construction of the tariff law, by which the duty has been reduced one-half. This reduction is especially injurious to New England, increasing, as it does, the competition which has already had quite an impetus in recent years. Notice the increase even while the twenty per cent. duty was in force, as follows:

	Tons.	Value.	Duties.
1879.....	10,336	\$ 80,828	\$ 16,165
1880.....	66,260	493,934	98,786
1881.....	165,352	1,965,632	393,120

Large as this item has become, one-sixth of a million tons, such a reduction of the duties may swell immensely the future importation which is to compete with domestic hay in the supply of more than thirty million tons now required for our annual consumption. Coming as it does, from the Dominion, and gravitating naturally to a district in which the highest prices prevail, New England is threatened with a deluge of importation and her farmers with loss in larger proportion than any other section of the country.

The farmers of Maine well know the comparative importance of this crop. The records of the Department of Agriculture show that for every acre in arable crops in that State there are between four and five in grass to be cut for hay. For ten years the average estimate for the United States was as follows:

Tons.....	29,266,803
Acres.....	23,743,056
Value.....	\$327,220,132

Most of this product is grown in the Northern States, a very large proportion of it north of 40°. In 1880 the estimated product was 31,924,233 tons, valued at \$371,811,084. This is a sum greater than that produced by the cotton crop, or by any other, corn and wheat alone excepted. The grass crop, including pasturage, is by far the most valuable grown in the United States; and being especially a northern product, grown in great abundance and at little cost in a foreign country which stretches as a continental belt of three thousand miles along our northern border, there is no native agricultural product exposed to such strong and dangerous competition as is the hay crop of the United States.

The effort of Representative Dingley, so promptly taken in Congress, for defining the duty and restoring the rate heretofore collected, is worthy of all praise, and is entitled to all the sympathy and aid you are evidently inclined to give it.

Truly yours, etc.,

GEO. B. LORING,

Commissioner.

Hon. C. A. Boutelle, Bangor, Me.

The intelligent farmers of Maine will not fail to observe that while the entire Republican delegation from this State, in both branches of Congress, were exhausting every effort to secure protection for our most important agricultural product, the Fusionist Representative Murch, had no word in its favor, and his Fusionist colleague Ladd, instead of being in his place in Congress, laboring for the great interest of the people of Maine, was at home delivering political harangues and pulling wires to get elected on a Free Trade platform, to go back and remove all the tariff duties which the Republican party has established to American products of field or factory, from the competition of cheap foreign labor. The other two Fusion candidates for Congress are equally indifferent and hostile to the efforts made in behalf of the farming interests of our State. Joseph W. Dane is a life-long opponent of Protection, and Daniel H. Thing is on the stump championing the doctrines of Free Trade, and justifying the Democrats of Congress for depriving our farmers of just protection for their hay.

The refusal of the Democrats and Fusionists to permit the restoration of the twenty per cent. duty on foreign hay, will stimulate an importation from the British Provinces that will reduce by thousands and thousands of dollars the price our farmers will receive for their great surplus hay crop this year. They should bear these facts in mind when they cast their ballots for Representatives in Congress on the 11th day of September.

SUPPLEMENT TO THE REPUBLICAN JOURNAL.

Answer of the Executive Council to the Public Attacks of Governor Plaisted.

To the People of Maine:

The two State Conventions which have recently put Governor Plaisted in nomination for a re-election, have each seen fit to put in their respective platforms a resolution approving his action and condemning that of the Executive Council, in their official relations with each other.

His Excellency, in his recent letter of acceptance of his nomination by the Democratic Convention has seen fit to follow up this attack with specific charges against his Council.

When Governor Plaisted was inaugurated the various offices in the State were filled; mostly by Republicans, but some by members of other political parties. Their commissions generally run for "four years unless sooner removed by the Governor and Council for the time being." The Constitution and statutes so fixed their tenure. The concurrent action of both the Governor and the Council would be, therefore, necessary to make a removal. He represented one political party at least, the Council another. It was instantly seen that no removals could be made on political grounds unless the Governor would consent to strike down his friends or the Council theirs. That could not be expected of either. Hence the Council adopted a rule of action, that no removals should be made on political grounds merely. If other reasons were assigned they would hear and act on them. It was so stated at their board, and in the papers of the State. It was so well understood by the Governor.

Entering upon official life together, in their new relations, with this field thus open before them, the Governor at once commenced making nominations to remove Republicans from office, by putting his political friends in, occasionally, however, nominating one Republican to remove another. A nomination is first written by the Governor upon a nomination book, and after having been made seven days, is submitted by him to the Council, for their vote, by yeas and nays, the Secretary of State, who is made by the Constitution the Secretary of the Governor and Council, calling the roll and recording the vote. A nomination so made and acted upon is finally disposed of, unless, under the Rules and Orders of the Executive Department, a reconsideration is moved within the first three days of their next session. If rejected by the Council, and no reconsideration is moved, it would be difficult to conceive of any proper motive, looking to the public interest or a desire to preserve respectful relations with the Council, for removing the same nomination, or of one for removing the same officer. And yet the Governor adopted this rule of action. In making some thirty or forty nominations, to remove men from office whose commissions were in full force, the following facts, as collected from the records of the Department, will show the course of the Governor of a State toward a co-ordinate branch of the Executive Department, entitled to the same courtesy at his hands that he is at theirs.

To remove Charles A. Bailey, as Agent of the Penobscot tribe of Indians, he nominated Feb. 2, 1881, Henry A. Pratt; March 2, 1881, Ira S. Pease, Dec. 20, 1881, Edwin C. Brown.

To remove Henry S. Osgood as inspector of the State Prison, he nominated, Feb. 2, 1881, Edward Cushing, Mar. 2, Spencer Rogers, Mar. 19, Edward Cushing, Dudley G. Bean, withdrawn, Dec. 20, J. K. Mason, Feb. 2, 1882, same.

To remove J. H. Manley, as a Trustee of the Insane Hospital, he nominated Feb. 2, 1881, Nathaniel Butler, Feb. 16, M. V. B. Chase, Mar. 3, Nelson Dingley, Jr. withdrawn April 12, Israel T. Dana, June 2, same.

To remove J. W. Porter, as one of the Inspectors of the State Prison, he nominated Feb. 2, 1881, Edward Cushing, March 2, Spencer Rogers, Mar. 19, same.

To remove J. W. Spaulding, as Reporter of decisions of the Supreme Judicial Court, he nominated Feb. 16, 1881, D. R. Hastings, Mar. 19, Bertram L. Smith, Sept. 2, D. R. Hastings.

In effect to remove H. O. Stanley, as Fish Commissioner, the law provided for one or two commissioners, as the Governor and Council should determine, and no determination of that question having been asked for or had, he nominated Feb. 2, 1881, Everett W. Smith, Feb. 16, E. M. Stilwell, Feb. 16, Everett W. Smith, Mar. 2, same, June 2, same.

To remove R. L. Grindle, Trustee of the Reform School, he nominated June 2, 1881, William E. Gould, Jan. 5, 1882, Albion Little.

To remove E. A. Thompson, as Trustee of the Reform School, just elected Treasurer of the Board, and whose official bond had just been approved by the Governor and Council he nominated June 2, 1881, Albion Little, making two nominations of Mr. Little to remove other men, while to fill Mr. Little's own vacancy, he nominated May 4, 1881, Daniel W. True, June 2, 1881, same, Sept. 2, 1881, same, Nov. 16, 1881, same, Jan. 5, 1882, same.

One could hardly refrain from asking if Mr. Little was so well qualified to fill other men's places in the board, why he could not be re-appointed to fill his own. Now at the date of his first nomination, submitted for purposes of removal, whatever the political character of the man nominated, he knew, as all the people of the State knew, the Council stood committed to the rule that no removals should be made but for cause. And no charge of any kind was ever suggested against any of these officers sought to be removed. Every subsequent nomination, original or repeated, was made with that full knowledge on the part of the Governor. Why were they made and repeated and repeated in this manner? Waiving all questions of courtesy it is difficult to conceive of any possible motive, except to force an antagonism with the Council for political purposes, and magnify its proportions by the constant repetitions of these nominations in order to have them rejected. So much for the field of removal, as between him and the

Council, but not as between him and the Supreme Judicial Court of the State.

Finding the Council unwilling to aid him in this work of removal, he attempted it alone. He claimed to remove, by his own act, and served official notices of removal upon the Hon. J. W. Spaulding, Reporter of Decisions, and upon Col. Henry S. Osgood and the Hon. J. W. Porter, as Inspectors of the State Prison, whose several commissions made them only removable by the Governor and Council. The statutes creating these offices, in fixing their terms, had used the term "Executive" instead of "Governor and Council," as more commonly used at the time of their enactment. The terms had been held to mean the same thing by every Governor of the State preceding him. Governor Plaisted, however, set up the claim that the Council was no part of the Executive. The Council, desirous of doing right in the premises, and not trenching upon his power, caused the question to be submitted to the Court for decision, as will be more fully detailed hereafter, and the decision was against the Governor's interpretation. From that time to this his quarrel has been with the Court and not with the Council. He has refused to recognize this decision, and has signed no warrants for the salaries of these officers for fifteen months, although voted quarterly by the Council, and although these men still continue to discharge the duties of their respective offices. The Court say they are in office. The Governor says they are not. Which shall yield—he to the Court and the law, or the law and the Court to him? That question is not to be answered by the Executive Council.

FILLING VACANCIES.

In the other field of appointment, that of filling vacancies occurring during his term, and of making new appointments, in all the various grades of office in the State, but little collision has arisen. While by the provisions of the Constitution the right of nomination is conferred upon the Governor, it is also made the solemn duty of the Council to take part in the appointment of civil officers. Such right of nomination by the Governor has never been doubted or denied by the Council. In this field the Governor has made over one thousand nominations, all but five of which, calling the second fish commissioner one, have been promptly confirmed by the Council. As to the rejection of Mr. Smith for that place, while claiming the same right to allow political considerations to affect their action as the Governor has to shape his, the Council need only to state that they were all in the Council of ex-Gov. Davis, and helped hold Mr. Smith, the appointee of ex-Governor Garcelon, in his place during the whole year of that administration, until, in December, he was removed by the appointment of Mr. Stanley in his place. Almost the entire work of the fishery department is done east of the Kennebec valley, and principally on the Penobscot and its tributaries. The term of Mr. Stillwell of Bangor expired in February, 1881, leaving Mr. Stanley, living in the extreme West, sole commissioner, under the rule adopted by the Council.

Mr. Stanley could not be removed except on charges. Yet the Governor nominated Mr. Smith to remove him, and Mr. Stillwell to his old place, but when the Council rejected Mr. Smith he instantly withdrew the nomi-

nation of Mr. Stillwell, then presented him again for the removal of Mr. Stanley, against the protest of Mr. Stillwell, who, in a written communication to the Council, declined taking the place on such terms, and has ever since been repeating the nomination of Mr. Smith for Mr. Stillwell's place. It is enough to say that by retaining Mr. Stanley, the invaluable services of Mr. Stillwell, the loss of which would have been a public misfortune, have been secured to the State by arrangement between him and Mr. Stanley, he consenting to serve in a subordinate capacity. The necessity of this vast enterprise of restocking the waters of our State with fish demanded an eastern man, instead of two in the extreme west, and the action of the Council has never for a moment been affected by any other consideration than the best interests of the State. It will be remembered there is no vacancy here, as no office exists by law until created by the joint act of the Governor and Council. This leaves four. Two are cases of police judgeships, where nominations were made and both rejected for cause. In one case the outgoing judge, now acting as trial justice, and in the other by provision of law, the court recorder, are discharging all the duties of the respective offices, and the people suffer no detriment and make no complaint.

Out of the ten or eleven hundred nominations in this field, this leaves but two, that of Judge Libbey of the Supreme Bench, and Mr. Little of the Reform School. Their places are vacant.

Public discussion has so fully invited attention to these two cases, and to the principles underlying them, that of protecting an independent judiciary from Executive assault, and the sanctity of the ballot in the hands of those to whom its count is entrusted, their discussion here is deemed unnecessary. The strong arm of the people should be thrown around the spotless judge, who has been guilty of no offence, except that he has conscientiously discharged his official duty, and maintained the purity of the judicial ermine, and the ballot of the citizen should be protected from every attack of violence or fraud, and should everywhere be held as sacred as a soldier's grave.

COUNTY NOMINATIONS.

When we come to the list of county nominations, it is proper to say that the people from time to time have been taking the appointing power from the Executive and making officers elective by the people. In the earlier history of the State, sheriffs, clerks of courts, county commissioners, county attorneys, judges and registers of probate, were appointed by the Executive. About forty years ago, however, the people amended the Constitution, shearing the Executive of the greater part of its appointing power, and provided that the people of the several counties in the State should elect these officers themselves, merely providing, in case of vacancy, how the duties of the officers should be performed, so that no inconvenience might arise to the public. In case of vacancy in the office of sheriff, unless filled by the Governor and Council, its duties should be performed by the coroners of the county until an election. Clerks of courts and county attorneys were to be appointed by the court. The duties of register of deeds were to devolve on the clerk of the courts. The aim has been toward giving

the right of local self-government to the people of each county, and thus let no Executive override the popular will. The people have so exercised this power all these years, instead of entrusting it to any Governor and Council.

But two years ago, in the change from annual to biennial sessions of the Legislature, the term of State officers was extended a year but no such extension in case of County officers. It therefore followed that on the first day of January last, one County commissioner for each County, sixteen in all, several Clerks of Courts, Sheriffs, and County Attorneys went out of office. There could be no election by the people until September. Hence here were vacancies to be filled, either by the Courts or the Governor and Council, or other provisions of law were to be followed. This was an emergency such as had never arisen in the State, and will probably never arise again. Looking the situation in the face, in the light of the past history of our legislation, any fair minded man, of any party, would say, let the known will of the people of each County be regarded by the Governor and Council, and these vacancies filled accordingly. The Council so desired.

In the sixteen counties the outgoing officers were Republican in ten, and of opposite politics in six. The State officers had had their terms extended. It was fair, in harmony with the popular will of each county, with the full spirit of this Constitutional Amendment prolonging the official tenure, and certainly all correct ideas of Civil Service Reform, that the outgoing officers have their terms extended by appointment until the people could pass upon the question of who they wanted for those places at the coming election. The Council has been severely criticized as partisan by the Governor in his public arraignment, and in all his political organs, and one of the Conventions putting him in nomination in one of its resolutions gravely charged that by the action of the Council "Democrats had no rights to office which Republicans were bound to respect." And yet, when the Governor made nominations for these sixteen counties, instead of regarding the people's will, he nominated his own political friends, except in a single instance, to fill all these vacancies. The Council at once confirmed all his nominations of his own men in Fusion counties, but rejected those in Republican counties. By an immediate nomination of the same men over again, or of others of his party friends, for those places, he showed a determined partisanship that must end in forcing officers upon the people of ten counties, against their will, or holding vacancies in all these offices for a year, to the serious inconvenience of the people. When that alternative was presented to the Council, without a moment's hesitation they subordinated every other consideration to that of public necessity and confirmed all these partisan nominations, except in the eight following cases, where no detriment could come to the public good: They rejected his nominations for clerks of courts in Cumberland, Oxford and Androscoggin counties, and for county attorneys in York and Franklin, and the Court at once filled the vacancies by appointment of sheriffs in Androscoggin and Hancock, where all the duties of those offices are being satisfactorily performed by the coroners; and of register of deeds in Sagadahoc, made vacant by resignation, where the duties by law devolve upon the clerk of the courts.

As a result, then, of the action of the Council upon these county nominations, whatever may be said of theoretical vacancies, the various offices are all filled in pursuance of law, the duties are all being satisfactorily performed by qualified officers, and no public inconvenience has arisen such as must have followed in ten counties, had the Council shown the same partisanship in rejecting as the Governor in making and renewing his nominations. No word of complaint has ever reached the ear of the Council from the people of either county, touching their action in this whole matter.

Outside the field of appointment no collision has arisen between the Governor and Council except as to the power of the Council to hold an adjourned session of their own body for the transaction of their own business. That question first arose, however, within his own favorite field of appointment, as heretofore stated in part, in speaking of the field of removal.

On the 31st day of March, 1881, the Governor, having claimed that he had removed Col. Spaulding from his office of reporter of decisions, without the concurrence of the Council, and having submitted the nomination of his own law partner, Mr. Smith, as a successor to fill the vacancy, then claimed by him to exist, the Council proposed to submit the question to the court for its decision by the following respectful order:

STATE OF MAINE.

IN COUNCIL, March 31, 1881.

Ordered, That the opinion of the Justices of the Supreme Judicial Court be respectfully asked by the Governor and Council upon the following statement: April 24, 1880, J. W. Spaulding was appointed by the Governor, with advice and consent of Council, as reporter of the decisions of the Law Court of Maine, and commissioned to hold his office "four years, unless sooner removed by the Governor and Council for the time being" and has been discharging the duties of that office ever since. On the 29th instant the Governor, without advice or consent of Council, claimed to remove said Spaulding from said office, by causing the Secretary of State to serve upon him a notice, a copy of which, with a copy of the commission is herewith annexed.

Question—Has the Governor the power of removal without the concurrence of the Council in manner as claimed by him?

IN COUNCIL, March 31, 1881.

Read and passed by the Council, but the Governor withheld his approval.

JOSEPH O. SMITH, *Secretary of State*.

The Council passed the above order, the Governor in the chair and putting the motion, but he declined to approve the order, refusing to join in any application to the Court for a solution of the difficulty. Whereupon the following order was passed:

STATE OF MAINE.

IN COUNCIL, March 31, 1881.

Inasmuch as the Governor has withheld his approval of an order this day passed by the Council inviting a concurrent application by the Governor and Council, to the Justices of the Supreme Judicial Court, for their opinion upon the question of the power of the Governor, without the advice and consent of the Council, to remove the Honorable J. W. Spaulding, as reporter of decisions of the Law Court of Maine, and inasmuch as the Council deem it an important question of law, coming within the provisions of Art. vi, § iii of the Constitution of this State, whether by the action of the Governor, a vacancy exists in said office, therefore,

Ordered, That this Council most respectfully ask the opinion of said Justices upon the question and facts submitted in said order, and that the Secretary of State be directed to forthwith forward to the Honorable Chief Justices of said Court, certified copies of both orders, and the papers thereunto annexed.

IN COUNCIL, March 31, 1881.

Read and passed by the Council.

JOSEPH O. SMITH, *Secretary of State*.

The Governor refused to even put the motion, declared the Council adjourned, without vote, the Council respectfully protesting against the adjournment in that manner, and he left the chamber. The senior Councillor, under the rules and orders of the Executive department, which requires that officer to preside in the absence of the Governor, took the chair, the Council passed the order, and the question went to the court with a full certificate of all the proceedings. The Court entertained the question, thus judicially recognizing the right of the Council, as a constitutional body, to hold its own meetings, for the discharge of its own duties in the executive department, and answering the question, in a learned and elaborate opinion, published in the 72d volume of our Maine Reports, decided against the Governor's construction upon the questions in issue.

The latter question being ordinarily, and practically one of mere convenience in the executive department, as the governor has the right to convene the Council in any emergency, is of little moment, unless pressed in the manner the Governor has seen fit to press it to the public detriment.

At a regular session in July, 1881, upon the Governor's presentment of a nomination for action, Councillor Bowers made the motion that it lay on the table for further advisement until the next meeting of the Council; the Governor, insisting upon his right to immediate action by the Council, refused to put the motion, or allow it to be put by the President, Councillor Robie, and once more, without vote, and against the protest of Councillors that their part of the business of the session was unfinished, declared the Council adjourned without day, and left the chamber. President Robie at once took the chair; the Council on that and the day following completed its business and adjourned to a day when \$50,000 of the State debt would mature and the Treasurer would need an Executive warrant to meet it. Meeting on that day, the Council voted the warrant for the \$50,000, and one of \$3,000 for the State Reform School, upon application of its Treasurer. The Governor was not present at that meeting. The Council performed its whole duty, going as far as it could have gone, had the Governor been present and no farther. Their action in all such matters ends in a report from a committee accepted by the Council and is without effect until approved by the Governor. To avoid any further collision the Council then adjourned to the day when the law required a meeting of the Governor and Council to count the Congressional vote, subject of course to the undisputed authority of the Governor to call them together whenever the public convenience might require. These two reports were subsequently submitted to the Governor by the Secretary of State, in the usual manner. His signature was only needed to the warrants to draw the money. He has never signed them. The reports have never been returned by him, as disapproved, either to the Council or the Secretary of State, although called for by him, or placed on the files of the department. Until so returned no new warrants could be voted by the Council without authorizing the drawing of two warrants for the same purpose. The pay roll of the Council for that session has never received his approval. And so by his refusal to abide the decision of the court on both points, \$53,000 have lapsed back in the Treasury, the State Treas-

urer is unprotected as to the \$50,000, whether advanced himself or appropriated without Executive warrant, to save the credit of the State, the Reform School deprived of \$3,000 of its appropriation for 1881, Col. Spaulding, the court reporter, deprived of seven quarters of salary, the State prison inspectors stand unpaid for all their fifteen months' service, warrants for each and all, as voted by the Council, together with the pay roll, lying upon his table unsigned to-day. It is submitted that here again the issue in this unnecessary quarrel is between him and the law, and not with the Executive Council. In the foregoing statements the Council has confined itself to the charges preferred in his Excellency's letter of acceptance.

IN CONCLUSION.

With no aggressive act or intentional discourtesy on the part of the Council, or any of its members, in all their official intercourse with the Governor, the Council has sought peace and harmony, and not contention. In minor matters, not affecting the public interest, such as the employment of messenger they have made unusual, if not unwarrantable, concessions, to avoid the public scandal of so petty a collision so distasteful to every Councillor at the board. This entire controversy, so discreditable to the fair fame of our State, has been persistently, continuously and untiringly forced upon them by the Governor, with a purpose which must be apparent to every intelligent person.

From the time of the first establishment of popular government on the shores of New England, based upon the Pilgrim compact that the will of the majority should be the law for all. A Council has been one distinctive feature of every succeeding form of government, whether Colonial, Provincial, or State, maintained by the people upon Massachusetts soil. It has ever represented them in the executive department of government, and has been their protection against encroachments of a one man power. From the landing of the Pilgrims to the Declaration of Independence our fathers tenaciously held to it as a defence against any aggressions of the crown. It had its voice in the appointment and removal of civil officers. The first blow ever struck at it was, when immediately after the news reached England of the destruction of the tea in Boston harbor, Lord North rose in his place in the British Parliament, and offering a bill said, "I propose in this bill to take the executive power from the hands of the Democratic part of the government of Massachusetts Bay."

That bill among other things, provided that the Governor should have the power of appointment and removal of civil officers without the concurrence of the Council. It was thought to be the hardest blow that the British government could strike at the power of the people of the Colonies. In the Revolutionary struggle that followed the people won, and upon the formation of the Massachusetts State constitution, the Executive Council was restored to its place and power in the government, which it yet holds. When our fathers framed the Constitution of our own State, they were careful to preserve the same check upon the possible usurpations of any ambitious Governor. If the people desire to change their government, in this essential feature, they know how to do it. The Council has simply felt it to be its duty to preserve its proper position in the government of the State, as the fathers fixed it, until that change shall be made by constitutional amendment, and not by the unwarranted assumption of power by any chief Executive.

Conceding to him every right, referring disputed questions of authority to our highest legal tribunal, the Council see but one issue, and that is simply whether the Governor and the governed shall alike bow in respectful submission to the supreme majesty of the law.

FREDERICK ROBIE,
LEWIS BARKER,
J. T. HINCKLEY,
S. N. CAMPBELL,
WM. WILSON,
ROSCOE L. BOWERS,
JAMES G. PENDLETON.

Executive Councillors of Maine.