

LEGISLATURES OF THE PAST

How They Dispatched Their Business Expeditiously

BY JAMES O. LYFORD

IT is too early at this day, some three weeks before the final adjournment, to summarize the work and accomplishments of this legislature. It may be of interest, however, to your readers to know some of the reasons why the biennial sessions of the New Hampshire legislature are more than twice as long as the annual sessions used to be.

A few people remember the former annual sessions of the legislature, meeting in June and adjourning after a session of from four to five weeks. The pay of the members was three dollars a day for every day, including Sundays, that the legislature was in session. The members were allowed ten cents a mile mileage for one trip from their homes to the capital and return. It was before the days of free passes on railroads for legislators, and the state allowed no transportation of members beyond the one-round-trip mileage. Except those members, who could reach the capital on early morning trains and return on late afternoon trains, the legislators came to the capital at the beginning of the session and remained until its close, a few of them making week-end visits to their homes. There were plenty of private houses in Concord where members could obtain rooms, and some where both rooms and board were furnished. Hotel rates were cheaper than now and more nearly fitted the pay of the members. The member who broke even on his salary of twenty-one dollars a week was satisfied; and many of them accomplished this result.

After the first week, which was given up to organization and the inauguration of the Governor, the legislature settled down to an actual session of four days a week, working Friday as it now does Thursday, and later in the session having a more than formal session Monday

evening. Public expectation was that the legislature would adjourn before July 4th to allow the farmers to begin haying; and if for any reason the session was delayed beyond this date, the press of opposition to the majority party of the legislature accused that body of extravagance. A session of only four weeks did not materially interfere with the every-day activities of lawyers and business men who might be elected to the legislature. Then again, election to the house was regarded by ambitious men, lawyers and others, as a stepping-stone to further political preferment.

The rules of the house were framed for the dispatch of business and not for the convenience of members. The committees began work as soon as they were appointed. If a member desired a hearing on a bill he had introduced, he was expected to arrange with the committee to which it was referred for that hearing. The active committees, like the judiciary, proceeded to weed out the bills referred to them that were without merit and report them immediately to the house as inexpedient. These reports were acted upon by the house at the same session that they were reported; and if the member had any pride in the bills he had introduced, he had to be on hand to defend them before the house. Before the second week of the session was over, the old chestnuts that appeared session after session were again laid away in the legislative graveyard.

As soon as the business warranted, the house met at ten o'clock in the morning and frequently sat until five or six o'clock in the afternoon, while the last week of the session evening sessions were held which were largely attended. Debates on important measures continued for two or three days before a vote

was taken. The previous question was seldom moved and seldom ordered. Full discussion was practical because of the longer daily sessions.

There was no journal of the house, the newspapers giving in full the routine work of that body. The house subscribed for three or four of the leading newspapers of the state for each of its members; and these newspapers arranged through their legislative reporters to give the proceedings in detail. The expense was less than the cost of a daily journal, even when the legislature voted \$100 each at the close of the session to the legislative reporters of these newspapers. There was a public advantage in the practice of having the newspapers publish the routine proceedings that does not pertain to the daily journal of the legislature. The people of the state were fully informed through the newspapers of all bills before the legislature, as they are not at present. Several cases have occurred this session where committees have reported upon bills before them and then consented to a recommitment of the measure for further hearing, because the public that had interest therein had only a late notice that the matter was before the legislature.

All the daily newspapers of the state had weekly editions of large circulation, so that, while New Hampshire had no morning daily, as now, with state-wide circulation, these weekly newspapers reached a large majority of the people. If the member returned home at the week-end, his constituents in the country towns were sufficiently informed of legislative transactions to discuss with him the work of the legislature. In addition to the routine proceedings given in the newspapers, the representatives of the legislative newspapers gave a semi-editorial comment in their correspondence of the transactions of the general court and of the aptitude on public questions of its active members. Some of these, like the letters of Henry M.

Putney to the *Manchester Mirror*, and the reports of Major Manson for several sessions in the old *People* newspaper, were most entertaining and facetious. Editor O. C. Moore of the *Nashua Telegraph* wrote in a more serious vein; but L. B. Brown and John W. Odlin gave spice in the *Patriot* to all unusual incidents of the legislative proceedings. These men had a large knowledge of state affairs, and they wrote understandingly of subjects before the legislature. It was with such men that I served my apprenticeship in newspaper work.

Looking back with knowledge upon the days of annual sessions, it is easy to understand why the sessions were short—the debates fuller, the membership more representative, and the work as well done as now, if not better. It is not so easy to see how we could return to the customs and procedure of half a century ago. We suffer to-day primarily from the unwillingness of well equipped men to give service to the state; for service in the legislature over a period of three months is a service without adequate compensation. So long as the house is of its present numerical membership, no increase of compensation will be voted by the people. But public service of any kind is very largely a matter of individual sacrifice. A reduction of the size of the house and an increase of pay for the members would little affect the character of the membership. Public spirit must be stimulated among members of the bar and business men, if the New Hampshire legislature is to be manned as it was fifty years ago, or even thirty years ago. In the session of 1881 were at least three ex-members of congress who sat in the house, one future secretary of the navy and United States Senator, besides some of the most eminent lawyers of the state.

Railway service to-day, especially in the winter season, is detrimental to long daily sessions. Seldom is there a quo-

rum of the house present until half-past eleven, and a considerable number of members leave on early afternoon trains for home. Out of this time comes the lunch hour. A vote must frequently be hastened so that members can go home.

In a house the size of ours, nearly all the work must be done by committees, and their conclusions accepted or rejected with only a limited debate. Much of the important work falls to a few committees. There are not enough lawyers to equip more than one legal committee, the judiciary; and in all ordinary sessions the bulk of the bills have to be referred to this committee. Since the rules were changed a few years ago by which all bills appropriating money have to go to the appropriation committee for revision after other committees act upon them, this committee has become one of the leading committees. This session, the ways and means committee, which has charge of revenue bills, has attained especial importance. The majority of the members, however, are upon committees having little to do. As we do not under the present rules and procedure do much business in the legislative hall before the fourth or fifth week, it is small surprise that the session in its early days becomes irksome

to a very large number of members.

One defect of all legislative bodies is the scarcity of members who are willing to do the drudgery of the sessions, which is never spectacular. This drudgery consists in patiently investigating the effect of bills introduced, comparing the proposed law with existing law, watching the bills reported by all committees to see that no unwise legislation is enacted. This work falls largely upon the chairman of the judiciary committee and those of his immediate associates who have had experience in legislation. Because of a lack of this vigilance the new Hampshire legislature has enacted some crude legislation.

Perhaps I cannot better close this hastily written and incomplete article than to pay tribute to the present chairman of the judiciary committee, Nathaniel E. Martin, who at great personal sacrifice has not only worked legislative days but also over week ends in patient investigation of not only the bills before that committee, but many of the bills before other committees, bringing to his work all the ability of a leader of the New Hampshire bar. His is an example of public service that leading lawyers of the state may well emulate.