

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
Sixty-Ninth Legislature
OF THE
STATE OF MAINE.

1899.

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HOUSE.

Wednesday, March 1, 1899.

Prayer by Rev. Mr. Cochrane of Hallowell.

Papers from the Senate disposed of in concurrence.

The following Senate bills were read and assigned:

Bill an act authorizing women to be admitted as attorneys to practice law in the courts of this State.

Tabled pending second reading on motion by Mr. Chase of Portland.

Bill an act to incorporate the Andover Village Corporation.

Read the third time and passed to be engrossed under suspension of the rules on motion by Mr. Philbrook of Waterville.

Resolve in favor of soldiers of the Spanish war who received medical treatment at their homes.

Resolve in favor of Ignace Blais.

Bill an act to amend section 65, of chapter 70, of the Revised Statutes, as amended by chapter 101, of the Public Laws of 1891, relating to fees in insolvency proceedings.

Resolve in favor of Pennell Institute.

Bill an act to consolidate, simplify, revise and amend the laws pertaining to inland fisheries and game, was tabled pending second reading on motion by Mr. Craig of Island Falls, and assigned to next Wednesday.

Remonstrance of H. F. Williams and 29 others of Bradford; of W. F. Martin and 8 others of Charleston; of M. A. Marshall and 16 others of North Bradford; and of Thomas Hill and 15 others of Charleston, against the appointment of road commissioner, referred in the House, February 22, to the committee on legal affairs, came from the Senate ordered filed with other papers relating to same subject in non-concurrence.

The vote whereby the remonstrances were referred to the committee on legal affairs, was reconsidered and the remonstrances ordered filed in concurrence.

A communication was received from secretary of State transmitting county estimates of the several counties in the State for the years 1899 and 1900.

Was read and with estimates referred to the committee on county estimates.

A communication was received from the secretary of the State board of agriculture transmitting an itemized account of the expenditures of the board of agriculture for the years 1897 and 1898.

Was read, tabled and ordered printed on motion of Mr. Beal of Bangor.

A communication was received from the board of cattle commissioners transmitting an itemized account of the expenditures of said board for the year 1898 and such part of 1897 as has not already been reported to the Governor and Council.

Was read, tabled and with account ordered printed on motion of Mr. Beal of Bangor.

The following bills, petitions, etc., were presented and referred, matters of a private nature being introduced under suspension of rules limiting the same to February 1:

JUDICIARY.

By Mr. Burns of Westbrook—Bill "An act to amend the charter of the city of Westbrook."

LEGAL AFFAIRS.

By Mr. Reed of Roxbury—Remonstrance of J. H. Toothaker and 23 others against the incorporation of the Dixfield village corporation.

By Mr. Gentleman of Porter—Bill "An act to renew and extend the charter of the Buckfield Water Company."

By Mr. Beath of Kenduskeag—Bill "An act to amend chapter 33, section 1 of the Public Laws of 1887 relating to the burial of soldiers."

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Beal of Bangor—Petition of F. M. Jordan and 183 others of Bangor, that railroads in this State be required to issue two-cent mileage books, good to bearer.

By Mr. Gardner of Patten—Petition of H. Packard and 56 others, for same.

Petition of G. D. Lyford and 14 others of Atkinson, for same.

By Mr. Smith of Hartland—Petition of H. L. Williams and 11 others of Hartland, for same.

By Mr. Gardner of Patten—Petition of E. T. Pond and 18 others of Guilford, for same.

TAXATION.

By Mr. Hutchings of Brewer—Bill "An act in relation to taxes assessed on timber and grass on reserved lands for years 1887 to 1896, both inclusive."

AGRICULTURE.

By Mr. Taylor of Hope—Remonstrance of T. J. Gushee and 49 others of Hope against repeal of Feeding stuffs inspection law.

By Mr. Chick of Clifton—Remonstrance of H. M. Shaw and 15 others of East Eddington, against same.

By Mr. Field of Oakland—Remonstrance of David A. Field and 18 others of Sidney, against same.

By Mr. Mosher of Rowe—Remonstrance of Albert Leesh and 20 others of East Winthrop, against same.

By Mr. Britton of Bucksport—Remonstrance of A. H. Whitmore and 21 others of Verona, against same.

By Mr. Cobb of Limerick—Remonstrance of Harrison L. Strout and 28 others of Waterboro, against same.

By Mr. Abbott of Dexter—Remonstrance of A. A. Eastman and 92 others of Dexter, against same.

By Mr. Fuller of Auburn—Remonstrance of Ansel Briggs and 4 others of Auburn, against same.

By Mr. Abbott of Dexter—Remonstrance of A. S. Gould and 38 others of Garland, against same.

By Mr. Sargent of Sedgwick—Remonstrance of N. F. Norton and 7 others of Penobscot, against same.

By Mr. Wilson of Minot—Remonstrance of W. E. Leland and 21 others of Minot, against same.

By Mr. Purinton of Woolwich—Remonstrance of F. W. Gould and 25 others of Woolwich, against same.

By Mr. Hodgkins of Harpswell—Remonstrance of Frank C. Dunning and 47 others of Harpswell, against same.

By Mr. Maxwell of Richmond—Remonstrance of E. C. Mallett and 22 others of Topsham, against same.

By Mr. Tyler of Bradley—Remonstrance of O. T. Goodridge and 25 others of Orono, against same.

By Mr. Sanborn of Newport—Remonstrance of F. M. Roberts and 73 others of Newport, against same.

By Mr. Berry of Denmark—Remonstrance of H. F. Maxim and 30 others of Bethel, against same.

By Mr. Thayer of Lubec—Remonstrance of John T. Clark and 33 others of Perry, against same.

By Mr. Webster of Chesterville—Remonstrance of S. M. Keep and 40 others of Wilton, against same.

By Mr. Gentleman of Porter—Remonstrance of A. H. Mason and 44 others of Porter, against same.

By Mr. Webster of Chesterville—Remonstrance of F. D. Grover and 36 others of Jay, against same.

By Mr. Merrill of New Gloucester—Remonstrance of L. K. Saunders and 39 others of New Gloucester, against same.

By Mr. Eaton of East Livermore—Remonstrance of F. A. Wyman and 17 others of East Livermore, against same.

By Mr. Walker of Starks—Remonstrance of C. E. Warren and 48 others of Norridgewock, against same.

MILITARY AFFAIRS.

By Mr. Melcher of Portland—Request of the Young Men's Christian Associations of Maine to be reimbursed for amount expended for soldiers of the late war with Spain.

SHORE FISHERIES.

By Mr. Woodbridge of Newcastle—Petition of Ruel T. York and 41 others of Nobleboro and Newcastle, in favor of prohibiting the taking of smelts in Damariscotta river, bay and tributaries except by weirs, hook and line.

TOWNS.

By Mr. Deering of Saco—Petition of William Lamb and 45 others of Clinton, for the setting off of Ocean Park from the town of Old Orchard and annexing the same to the city of Saco.

By Mr. Beath of Kenduskeag—Petition of Charleston, for same.

By Mr. Cobb of Limerick—Petition of M. Holman and 16 others of Limerick, for same.

By Mr. Eaton of East Livermore—Petition of C. F. Keith and 5 others of East Livermore, for same.

By Mr. Fuller of South Portland—Remonstrance of William H. Clifford and 20 others of Cape Elizabeth against any change of the present boundaries of said town.

YORK COUNTY DELEGATION.

By Mr. Sutherland of Biddeford—Bill an act regulating the use of the check list in caucuses in the city of Biddeford.

PLACED ON FILE.

By Mr. Forhan of Raymond—Petition of Daniel C. Ayer and 22 others of

Naples for open time on deer in Cumberland county of one month.

Petition of Andrew Chute and 35 others of Naples, that the election of road commissioners be laid optional with towns.

By Mr. McFadden of Dresden—Remonstrance of D. S. Glidden and 63 others of Newcastle, against the creation of the office of State road commission or State road engineer.

REPORTS OF COMMITTEES.

Mr. Hutchings from the committee on taxation, reported "leave to withdraw" on petition of Charles Boyce and others for the repeal of chapter 65, Public Laws of 1895, relating to State taxes on organized plantations.

Mr. Brown from the committee on military affairs on resolve in favor of the University of Maine, reported, "that same be referred to the next Legislature."

Same gentleman from same committee reported leave to withdraw on petition of the Maine Commandery of the Loyal Legion of the United States that the birthday of Abraham Lincoln be made a State holiday.

Same gentleman from same committee reported ought not to pass on resolve in honor of the soldiers and sailors of the State of Maine who served in the war with Spain.

Mr. BROWN of Falmouth: I wish to say in explanation of this report that this is a resolve appropriating a small sum of money for the purpose of providing cheap bronze letters for the soldiers and sailors of the State who served during the Spanish war. It will be remembered by many gentlemen that at the close of the Civil War certain testimonials in the shape of diplomas were issued to all who were mustered out. The committee on military affairs are fully in accord with the spirit of the resolve, but in view of the fact that some of the soldiers and sailors are still in the service, and that the records of their service are not completed, it was deemed best by the committee that the matter should be deferred for the present.

Mr. Smith from the committee on claims reported leave to withdraw on petition of V. M. Theriault and others of the town of Fort Kent, that the town be reimbursed for money expended under the direction of the State Board of Health.

Mr. Adams from the committee on ways and bridges reported leave to withdraw on petition of George H. Jones and others for an appropriation to be expended on roads and bridges in the town of Trescott during the year 1899.

Mr. Smith from the committee on the judiciary reported ought to pass on bill an act to amend Section 1 of Chapter 6 of the Revised Statutes relating to poll taxes by adding to said section the words "which said poll tax shall not exceed \$3 and shall not be less than \$1."

Same gentleman from same committee on bill and act additional to and amendatory of Chapter 128 of the Revised Statutes relating to tramps reported ought to pass in new draft bill an act to amend Section 17 of Chapter 128 of the Revised Statutes as amended by Section 2 of Chapter 288 of the Public Laws of 1889, relating to tramps.

Mr. Gentleman from the committee on legal affairs reported ought to pass in new draft under same title bill an act to amend Chapter 180 of the Private and Special Laws of the year 1879 establishing the police court of the city of Belfast as amended by Chapter 428 of the Private and Special Laws of 1885.

Mr. Maxcy from the committee on mercantile affairs and insurance reported ought to pass on bill an act in relation to corporations issuing contracts for annuities commencing in the future.

Mr. Gordon from the committee on manufactures reported ought to pass in new draft under same title bill an act to create a lien upon monumental work.

Mr. Wilson of Cherryfield, from same committee on bill an act to authorize a topographic survey of the State of Maine reported ought to pass in new draft bill an act to authorize a topographic survey of the State in co-operation with the United States Geological Survey.

Mr. Brown from the committee on military affairs reported ought to pass on resolve in favor of improving the sanitary condition of the State campground.

Same gentleman from same committee reported same on resolve authorizing a change in the location of a right of way to State lands in Augusta.

Mr. Wilson from the joint special committee on salaries reported ought to pass on bill an act to amend Section 2 of Chapter 115 of the Revised Statutes as amended by Chapter 264 of the Public Laws of 1893, relating to the salary of the county attorney of Cumberland county.

Mr. Fuller from the committee on claims reported ought to pass on resolve to reimburse F. I. Campbell, treasurer of the town of Cherryfield, for money paid to State pensioners.

Mr. Smith from the committee on judiciary reported ought not to pass on bill an act to amend Section 7 of Chapter 349 of the Public Laws of 1885, relating to the northern district of Aroostook county.

The reports were accepted and the bills and resolves ordered printed under joint rules.

READ AND ASSIGNED.

Bill an act to create a lien upon hay for the cutting and pressing thereof.

Tabled pending third reading on motion by Mr. Philbrook of Waterville.

Bill an act to amend section 3, of chapter 216, of the Public Laws of 1893, as amended by section 1, chapter 225, of the Public Laws of 1897, relating to discontinuing schools and conveying school children.

Bill an act for the protection of fish in the tributaries of Moosehead lake.

Bill an act to incorporate the Sullivan Harbor Water Company.

Tabled pending second reading on motion by Mr. Macomber of Augusta.

Bill an act to regulate the taking of herring in the town of Cutler.

Bill an act relating to the jurisdiction of the superior court for the county of Kennebec.

Read the third time and passed to be engrossed under suspension of rules on motion by Mr. Philbrook of Waterville.

Bill an act to repeal a resolve in favor of F. E. Southard.

Read the third time and passed to be engrossed under suspension of rules on motion by Mr. Philbrook of Waterville.

Bill an act to fix the salary of the sheriff of the county of Waldo.

Bill an act to amend chapter 135, of the Public Laws of 1895, and acts additional thereto, relating to the Bath municipal court.

Read the third time and passed to be engrossed under suspension of rules on

motion by Mr. Philbrook of Waterville.

Resolve in favor of Madawaska Training school.

Resolve in favor of Normal school trustees.

Resolve in favor of State Normal schools.

PASSED TO BE ENGROSSED.

Bill an act to amend section 19, of chapter 242, of the Private and Special Laws of 1895, relating to the charter of the city of South Portland.

Bill an act to amend section 44, of chapter 2, of the Revised Statutes, relating to the distribution of printed copies of the Public Laws.

Bill an act amendatory and additional to chapter 47 of the Revised Statutes, relating to Savings banks.

Were reported from the committee on bills in the third reading, severally read the third time, and passed to be engrossed in concurrence.

Bill an act to amend chapter 11, of the Public Laws of 1887, authorizing cities and towns to accept legacies, devises and bequests, and to raise money.

Bill an act to amend section 1, of chapter 201, of the Private and Special Laws of 1854, relating to Bridgton Center Village Corporation.

Bill an act to establish a naval reserve as a part of the National Guard of the State of Maine.

Resolve in favor of Lee Normal academy.

Resolve in favor of Wilton academy.

Resolve in favor of the Hospital of the Society of the Sisters of Charity of Lewiston, Maine.

Resolve in favor of the Central Maine General Hospital.

Resolve in favor of the city of Biddeford.

Were reported from same committee, severally read the second time and passed to be engrossed in concurrence.

Resolve in favor of the Eastern Maine General Hospital.

Resolve in favor of Freedom academy.

Resolve providing for an office for the department of inland fisheries and game in the State House, with statement of facts.

Resolve respecting the cemetery lot of the late Governor William King.

Resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge.

Resolve in favor of building a bridge across the Fish river in the town of Fort Kent.

Pending passage to be engrossed, tabled on motion of Mr. Chase of Portland.

On motion by Mr. Chase of Portland, the vote was reconsidered whereby the House passed to be engrossed resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge, and on further motion by the same gentleman resolve was laid on the table for printing a statement of facts.

PASSED TO BE ENACTED.

An act amendatory of chapter 187, of the Public Laws of 1893, relating to the better protection of sheep.

An act to establish a salary for the clerk of the judicial courts of Washington county.

An act to authorize Benjamin Desjardin to maintain a wharf into the tide waters of New Meadows river in the town of Brunswick, county of Cumberland.

An act to amend and extend the charter of the Public Works.

An act to incorporate the Searsport Water Company.

An act to legalize the incorporation of the Second Baptist Society of North Bowdoin.

An act to legalize the incorporation, the records and doings of the Hartland Hall Association of Hartland.

An act additional to chapter 445, of the Private and Special Laws of 1885, as amended by chapter 423 of the Private and Special Laws of 1893, incorporating the People's Trust Company.

An act to amend the charter of the Bangor Boom Company.

An act additional to chapter 365, of the Private and Special Laws of 1893, relating to the Rumford Falls Light and Water Company.

An act prohibiting the killing of deer on the Isle au Haut in Hancock county.

An act to incorporate the Guilford Electric Light and Power Company.

An act to enable the Winter Harbor Company to purchase stock of the Grindstone Neck Water Company.

An act to set off certain territory from Pittsfield Village Corporation.

An act to increase the salary of the county attorney of Sagadahoc county.

An act to amend section 1, of chapter 115, of the Revised Statutes, relating to salaries of public officers.

An act to enable the commissioners of inland fisheries and game to increase the State museum, consisting of mounted specimens and pictures of the birds, wild animals and fishes native to the State of Maine.

An act extending certain powers of the Mutual Fire Insurance Company.

ORDERS OF THE DAY.

An act to incorporate the Wiscasset Academy came up as a special assignment.

This bill was read twice and assigned for tomorrow morning.

Special assignment:

Motion to reconsider vote whereby bill to repeal provisions of Chapter 215, Resolves of 1897, appropriating \$20,000 a year for 10 years for University of Maine, so far as the same relates to the years subsequent to 1898, was referred to the committee on legal affairs.

Mr. GARDNER of Patten: I do not see why a matter belonging to the committee on University of Maine should go to that committee. I am frank to say that I have a suspicion that, under the cover of sending this matter to another committee, is a hidden attack on the University of Maine, and I say that is not right or proper. If the gentleman from Portland (Mr. Plummer) wishes to send this to the legal affairs committee on the general proposition as to whether appropriations for more than two years are illegal and not just, let him make the proposition on general grounds and submit that to the committee on legal affairs, but not select the University of Maine for a direct attack. I stand on my former position that the committee on University of Maine is the proper committee to which to refer this matter. It went there two years ago and should go there now.

I will also say that there has been various reports circulated about this House that President Harris of the University of Maine, has been against the academies. I believe this report was circulated as against the University of Maine, and I say here that I know better. I know that President Harris has favored the academies and stands for education; and I hope that the motion to reconsider will prevail.

Mr. HUTCHINGS of Brewer: There is, as we all know, a joint standing committee of this House which is entitled the committee on University of Maine. It is a committee which, I had supposed, was constituted by this Legislature for the purpose of having referred to it particular classes of legislation; and it does seem to me that, if there is any particular class of legislation which should be referred to this joint standing committee of the Legislature, it is legislation which concerns the University of Maine. If I mistake not, House document No. 111 is of this class, for it is a bill, as I understand it, which seeks to repeal the doings of the last Legislature whereby they appropriated certain sums of money for the use of the University of Maine for a period of years. I do not know what motive has actuated and does actuate the gentlemen who stand behind this bill; I do not know, nor can I imagine; but whatever motive there may be, whatever purpose there may be, and whatever reason there may be for the introduction of this bill, it does seem to me, and it seems to me that it must commend itself to the reason of this House, that this joint standing committee of this Legislature is the proper committee to consider this bill. With all due respect to the committee on legal affairs, which does its duty in a manner that is a credit to itself and a credit to this House, it seems to me that if there is any body of men upon the face of this earth to whom this bill should be referred, it is the joint standing committee of this Legislature on the University of Maine.

Mr. PHILBROOK of Waterville: I have simply a word to say in this matter. I think that the fair-mindedness of this House is ready to assert itself at any time, and I think that the fair-mindedness of this House is ready to assert itself, this morning. I do not think it necessary under the present exigencies of the case to make any statement of the rumors that are said to be going round this House, statements that are going round with reference to the merits of this bill, or in regard to any attacks that may or may not be made upon it. I do not believe that there is any member of this House who would attempt to attack a measure by sidetracking it, for I

believe, if any member of the House wents this bill referred to the legal affairs committee, he does so out of perfectly proper motives; but at the same time I submit that it commends itself to my judgment, and I think it must to the fair-minded judgment of all, that this matter should be referred to the committee on University of Maine. Let us be dispassionate in this matter. Let us be fair. There is a committee appointed by the Chair whose duty it is to look after the interest of measures relating to the State College. That committee has done its work well so far. I think no one is prepared to impugn that committee in any way. And I do not believe that the committee on legal affairs seeks this measure in its committee room with any improper motive. But I simply say that now here is a measure which distinctly and fairly and equitably and by all precedent belongs to a distinct committee, and for the life of me I cannot see how the fair-mindedness of this House is going to say that there shall be such a direct divorce of the measure from its proper committee as would take place if this measure were not referred to the committee on University of Maine. And I sincerely hope that there will not be any insinuations about a matter of this kind. I am not discussing the merits of the case. Gentlemen who wish to oppose this measure or favor the measure will have an ample opportunity before the committee on University of Maine to state their views, and if that committee should make an unfavorable report, the House here is ready to hear the arguments, and I know that, if this House does not want the University of Maine to have an appropriation of \$20,000, it is capable of saying so, no matter what the report of the committee is. I simply stand upon the courtesies of the occasion and the precedents of the occasion, and I sincerely hope that this measure will go to the proper committee.

And now the way to get at it is simply this: Some one has moved to refer it to legal affairs, and now some one wants to take that thing back so we can send it to the University of Maine committee, and I hope, as I believe it is the disposition of the House to deal fairly and dispassionately in the first instance with all measures that come before it, that the House will vote to reconsider this vote, and allow that to be followed by the proper motion to refer the matter to the committee on University of Maine.

Mr. HOPKINS of Deering: There is one sentence in the remarks of the gentleman from Waterville (Mr. Philbrook) to which I wish to call attention, and that is the intimation that the committee on legal affairs was seeking to have this bill referred to itself. The committee on legal affairs, so far as I know, speaking for myself and one or two others of the committee, had no part in any attempt to refer this bill to that committee.

Mr. PHILBROOK: I beg the gentleman's pardon, but he has entirely misunderstood me. I said I thought the com-

mittee on legal affairs was not seeking this measure.

Mr. HOPKINS: I misunderstood the gentleman and I beg the gentleman's pardon.

Mr. PLUMMER of Portland: I simply wish to say in reply to the gentleman from Patten (Mr. Gardner) that there is no disposition on the part of myself or other gentlemen who are concerned in this move, to assail the University of Maine, or in any way assail those gentlemen who preside over it. We do not, either, intend to assail the appropriation. Our contention is that this matter involves questions of a legal aspect, and for that reason we desire to have it go to a committee that was skilled in law, not wishing to cast any slight upon the committee on the University of Maine; and it was solely for that purpose that I moved to refer it to the committee on legal affairs, and it is solely for that purpose that I desire now to have it go there. I think it is a question that involves great legal entanglements.

Mr. PHILBROOK: I would suggest to the gentleman from Portland (Mr. Plummer) that if there are any serious legal propositions—and I state now that I think there has been no serious legal propositions involved in this matter—but if the gentleman from Portland thinks there are serious legal propositions involved, I have no doubt but that the committee on University of Maine would listen to the arguments upon that point and would take counsel of those in whose legal judgment they could rely. And so it seems to me that that is only an incident in the reference.

Mr. GARDNER: If the gentleman's position is correct, I would suggest that he withdraw this particular matter and introduce a general proposition to the proper committee of this House for the consideration of the serious legal matters to which he refers.

Mr. LEAVITT of Eastport: The reconsideration of this vote whereby the proposition to repeal the law of 1897 was referred to the committee on legal affairs and refer it to the committee on University of Maine, it seems to me is the first thing that should be done. This bill does not involve any great legal or constitutional questions. It simply asks for the repeal of the provisions of the law passed in 1897. Being a member of the committee on University of Maine prevents me from making any remarks on this occasion. But it seems to me that there is a degree of fairness involved in the motion before the House which should not be overlooked. If this matter applies strictly to the University of Maine, it is a matter that should be referred to that committee, and in behalf of that committee I will say that we are not overworked. And without foreshadowing now I might vote on the proposition, if the matter is referred to our committee, I would say for the information of the gentleman from Portland (Mr. Plummer) that I am heartily in accord with the sentiments of the measure and have been from the start; but that does not prevent me from urging members of the House to vote with me in the proper reference of the matter to the committee on the University of Maine; and I hope that the mo-

tion of the gentleman from Patten will prevail.

The question being on the reconsideration of the vote whereby the bill was referred to the committee on legal affairs, The motion was agreed to.

Mr. Wilson of Gorham, doubted the vote.

A division being had, the motion was agreed to by a vote of 69 for to 11 against.

On motion of Mr. Gardner of Patten, the bill was then referred to the committee on University of Maine.

On motion by Mr. Beal of Bangor, bill an act to prevent the fraudulent sale and use of railroad tickets, was taken from the table and referred to the committee on railroads, telegraphs and expresses.

On motion by Mr. Hix of Rockland, bill an act to amend section 1 of chapter 293 of the Public Laws of 1889, as amended by the Public Laws of 1899, relating to hawkers and peddlers, was taken from the table and recommitted to the committee on legal affairs.

On motion by Mr. Thayer of Lubec, the vote was reconsidered whereby the House accepted the report of the committee on ways and bridges, reporting leave to withdraw on petition for an appropriation of \$500 to be used on the roads and bridges in the town of Trescott in the year 1899.

On further motion by the same gentleman, the report and bill was recommitted to the committee on ways and bridges.

On motion by Mr. Peaslee of Wiscasset, Adjourned.