

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

**SENATE.**

Wednesday, March 20, 1907.

Senate called to order by the President.

Prayer by the Rev. Mr. Mosher of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, "An Act to provide for the transfer of a two-cent mileage on the Bangor and Aroostook Railroad," reported by the Committee on Railroads and Expresses, "ought not to pass" came from the House that branch substituting the bill for the report and in that branch the bill passed to be engrossed. Mr. Irving of Aroostook moved to nonconcur with the House and that the bill be indefinitely postponed.

Mr. HASTINGS of Oxford: Mr. President, it seems to me that this is an important matter and a matter of general interest and that we ought to have time to look into it and ascertain its merits. I move that the motion of the Senator from Aroostook be laid on the table.

Mr. IRVING: Mr. President, I have no desire to precipitate a discussion on this matter.

The PRESIDENT: A motion to lay on the table is not debatable, unless the Senator will waive that rule.

Mr. HASTINGS: I would simply like an opportunity to look into the matter. I was asked by those interested to see that the matter was tabled; and I think, in fairness to all concerned, that the matter should lie on the table.

Mr. IRVING: I will say that I have no objection whatever to having the matter lie on the table for the purpose of being investigated but I was simply anxious to have this and other matters disposed of so that we might get home in time to prepare for the celebration on the 4th of July.

The motion prevailed. The bill was tabled and March 21st assigned.

**House Bills Read and Assigned.**

An Act to incorporate the Municipal Light and Power Company.

An Act relating to proceedings to de-

termine the title to goods in the possession of common carriers.

An Act to amend Chapter 52, Section 7 of the Revised Statutes relating to fraudulent evasions of payment of fares on steam railroads, street railroads, steamboats and ferries.

An Act in addition to Chapter 97 of the Revised Statutes, relating to waste and trespass on real estate.

An Act making valid the organization and records and confirming the title of the trustees of the Methodist Episcopal church in Oldtown, and authorizing their sale of certain real estate.

An Act to establish a Board of Education in the city of Augusta, and to provide for a uniform system of schools therein.

An Act relating to domestic animals. (On motion by Mr. Irving of Aroostook this bill was tabled.)

An Act relating to locations of street railroads.

An Act to amend Chapter 73 of the Public Laws of 1905, entitled "An Act regulating the sale of bonds and other obligations on the installment plan by foreign corporations."

An Act additional to Chapter 48 of the Revised Statutes relating to Savings Banks.

An Act to protect milk dealers and consumers against the unlawful use and destruction of milk cans and other receptacles.

An Act to provide for the pay and care of the members of the National Guard for disability while in the service.

Resolve in favor of Mrs. Hannah McCabe, mother of the late Martin T. McCabe of Company E, Portland.

Resolve in favor of Edward Fahey of Lewiston.

Resolve in relation to Fort William Henry in the town of Bristol.

An Act to prevent the hauling of heavy teams in the highways of Brookton from the 15th of March to the 10th of May.

Resolve in favor of Wilbur Grant of Kingman, Maine.

On motion by Mr. Stearns of Penobscot this resolve took its second reading under suspension of the rules and was passed to be engrossed.

An Act to provide a way to free toll bridges.

An Act to amend Chapter 333 of the Private and Special Laws of Maine for the year one thousand eight hundred and ninety-one, concerning the reversion of the Old Town bridge to the State of Maine.

On motion by Mr. Barrows of Penobscot this bill took its second reading under suspension of the rules and was passed to be engrossed.

Resolve in favor of the town of Union.

Resolve providing for the repair of bridges in Macwahoc plantation.

An Act to regulate fishing in Swift river and its tributaries in the counties of Oxford and Franklin, and to prohibit the throwing of sawdust and other mill refuse into said waters.

An Act to regulate ice fishing in certain lakes and ponds and streams in Aroostook, Penobscot and Piscataquis Counties.

An Act to extend the closed season on muskrats.

An Act to amend Chapter 130 of the Special Laws of 1822 as amended by Chapter 550 of the Special Laws of 1828, relating to taking fish in Dyer's River.

An Act for the protection of female deer in Cumberland County.

An Act to prohibit publications relating to patent or other medicines or language of an immoral tendency or ambiguous character and to protect the public against dangerous and indiscriminate medicines.

On motion by Mr. Ayer of Kennebec the majority and minority reports of the Kennebec County delegation on order relating to the subject of extension of repairs to be made upon the county court-house and jail, were laid on the table.

An Act to establish the salary of the State superintendent and to further define his duties, came from the House, in that branch passed to be engrossed under suspension of the rules, without reference to a committee. On motion by Mr. Stearns of Penobscot the bill took its two several readings under suspension of the rules and was passed to be engrossed.

Bill An Act to incorporate the Castine and Brooksville Ferry Company, which was passed to be engrossed by the Senate March 12, was returned from the House in that branch amended by House amendment A and as amended passed to be engrossed. The Senate reconsidered whereby the bill was passed to be engrossed. House amendment A was adopted in concurrence; and the bill as amended was passed to be engrossed.

Bill, "An Act to amend section one of chapter 381 of the Revised Statutes, relating to the taking of eels in Damariscotta river," in the Senate passed to be engrossed March 15, was returned from the House in that branch House amendment A adopted and as amended the bill passed to be engrossed. The Senate voted to reconsider the vote whereby the bill was passed to be engrossed. House amendment A was adopted in concurrence and the bill as amended was passed to be engrossed.

#### Read and Assigned.

An Act to amend the city charter of the city of Portland pertaining to powers and duties of the mayor.

An Act to prohibit the carrying on of the business of bucket shops, so-called. (On motion by Mr. Libby of Waldo this bill was tabled and Thursday March 21, assigned.

#### Reports of Committees.

The following committees made their final reports that they had acted upon all matters referred to them:

Railroads and expresses, telegraphs and telephones, mercantile affairs and insurance, military affairs, banks and banking, State lands and State roads, shore fisheries, Indian affairs, claims, State School for Boys, pensions, temperance, taxation, forest preservation and water supplies.

Mr. Hastings for the committee on judiciary, on Bill, "An Act to facilitate the prompt administration of justice by establishing a superior court in county of Androscoggin, reported same ought to pass.

The same senator for the same committee, on Order to inquire into the expediency of uniform law relating to annulment to marriage and divorce as

adopted by the national Congress, reported that the same be referred to the next Legislature.

The same senator for the same committee on Order to inquire into the expediency and constitutionality of enacting a law providing for a tax upon lands in unincorporated places, to be applied for the preservation and protection of forests in such unincorporated places, reported that the same be referred to the next Legislature.

The same senator for the same committee on a memorial to Congress from the state of North Dakota, for constitutional amendment to prohibit polygamy and to secure uniform divorce laws, reported that the same be placed on file.

Mr. Deasy for the same committee, on recommendation of the Governor accompanying report of the commissioners on uniformity of Legislation, reported that the same be referred to the next Legislature.

The same senator for the same committee on a memorial from the Legislature of the state of Oregon, in relation to the election of United States senators by the direct vote of the people, reported that the same be placed on file.

Mr. Tartre for the committee on railroads and expresses on Bill, "An Act to authorize the Rumford Falls and Bethel Street Railway to maintain a dam on the Androscoggin river near the mouth of Bear river," reported same ought not to pass.

Mr. Brown for the committee on temperance, on Bill, "An Act to appeal Chapter 92 of the Laws of 1905, entitled 'An Act to provide for the better enforcement of the laws against the sale and manufacture of intoxicating liquors,'" reported that same ought not to pass.

Mr. Mills for the same committee, on Bill, "An Act to provide for a systematic enforcement of the laws of the State prohibiting the sale of intoxicating liquors," reported that the same ought not to pass.

Mr. Hastings for the same committee, on "Resolve to ascertain the will of the people as to resubmitting the 25th amendment of the Constitution, re-

lating to the prohibition of the manufacture and sale of intoxicating liquors," (Senate Document 198) reported that same ought not to pass.

Mr. Sewall for the committee on taxation, on report of the Board of State Assessors for the year of 1906, reported that legislation thereon is inexpedient.

The same senator for the same committee on that portion of the Governor's message relating to taxation reported that further legislation is unnecessary.

Mr. Houston from the same committee, on Bill, "An Act to amend Section 8 of the Revised Statutes, relating to taxation of express companies," reported that the same ought not to pass.

Mr. Sewall from the joint special committee on salaries and fees on Bill, "An Act to amend Section 11 of Chapter 116 of the Revised Statutes, relating to compensations of members of the government" reported that same ought not to pass, as the subject matter is incorporated in a bill already reported to the Legislature.

Mr. Hastings for the committee on judiciary on Bill, "An Act to provide for the transfer of persons from the insane department of the State prison to the building for the criminal insane upon the arsenal grounds of the Maine Insane hospital at Augusta," reported that same ought to pass.

The same senator for the same committee, on Bill, "An Act to incorporate the Maine Title Guaranty Company," submitted the same in new draft under same title.

The same senator for the same committee, on Bill, "An Act to change the terms of the supreme judicial court in the county of Piscataquis," submitted the same in new draft under same title.

Mr. Deasy for the same committee, on Bill, "An Act to amend Chapter 364 of the Private and Special Laws of 1905, entitled 'An Act to create the Portland Bridge District' and to confer additional powers on said district" reported that the same ought to pass.

The foregoing reports were accepted and bill and resolves reported ought to

pass were tabled for printing under the joint rules.

Report "A" from the committee on judiciary, on Bill, "An Act to authorize the city of Portland to appropriate \$500,000 for a capital building, in the city of Portland," that the same ought not to pass. (Signed), Putnam, Smith, Johnson, Montgomery, Weeks.

Report "B" from the same committee on same bill submitting same in new draft under title of "An Act to authorize the city of Portland to appropriate money and provide a site for the erection of an estate capital at Portland." (Signed) Deasy, Hastings, Davies, Goodwin, Waldron.

On motion by Mr. Clarke of Lincoln report B was accepted. The same senator moved the rules be suspended and that the bill take its two readings and passed to be engrossed. By unanimous consent the subsequently withdrew that motion and the bill was tabled to be printed under the joint rules.

Majority report of the committee on telegraph and telephones on Bill, "An Act in relation to the duties of telegraph companies" submitting the same in new draft under same title, (Signed) Putnam, Rice, Martin, Newton, Minahane, Chase, Davidson.

Minority report of the same committee on same bill, that the same ought not to pass. (Signed) Allen, Reynolds, Foss.

On motion by Mr. Rice of Franklin the majority report was accepted and on motion by Mr. Philoon of Androscoggin, the bill took its two several readings under suspension of the rules and was passed to be engrossed.

Majority report of the committee on temperance, on Bill, "An Act to regulate the purchase and sale of intoxicating liquors by State liquor commissioner and by town liquor agents," submitting the same in new draft under same title. (Signed) Brown, Irving, Dow, Libby, Mills, Perkins, Hastings, Waldron.

Minority report of the same committee, on the same bill, that same ought not to pass. (Signed) Newbert, Pooler.

On motion by Mr. Brown of Kennebec the majority report is accepted.

and on further motion by the same senator the bill took its several readings under suspension of the rules, and was passed to be engrossed.

Mr. Simpson for the committee on shore fisheries, on Bill, "An Act to amend Section 34 of Chapter 41 of the Revised Statutes, relating to taking clams," submitted the same in new draft under the same title.

Mr. Sewall for the committee on taxation, on Bill, "An Act to amend Section 32 of Chapter 8 of the Revised Statutes, relating to excise on palace or other cars, for which extra compensation is charged for riding therein" submitted same in new draft under the same title.

Mr. CURTIS of Cumberland—Mr. President, I have here a bill entitled "An Act to provide for the preservation of records of the Grand Army of the Republic, Department of Maine." Which was referred to the committee on public buildings and grounds. As that committee has been discharged I move that the vote whereby this bill was referred to the committee on public buildings and grounds be reconsidered.

The motion prevailed; and on further motion by the same senator the bill was referred to the next Legislature.

Mr. DEASY of Hancock—Mr. President, I wish at the time to present a bill and to ask that the rules be suspended and that it receive its several readings and passed to be engrossed without reference to a committee.

The facts are these, the town of Eden, a few days ago, had its town meeting authorized an issue of \$75,000 of bonds to build a High school. They placed those bonds with Boston parties and a Boston banking house refused to take them because of advice of their counsel, Story and Thorndyke, that there is some question about the legality of the issue of bonds contemplated. The question raised was: Whether bonds could be issued covering the contemplated improvement or whether they must be for the purpose of discharging a debt already incurred. They therefore asked for an act ratifying the issue of bonds and the act is to carry out a vote of the town meet-

ing, passed at the annual town meeting, authorized the selectmen and treasurer to issue an amount not exceeding \$75,000 for the purpose of erecting the said High school building and said officers are hereby authorized to issue said bonds.

The motion prevailed and the Bill, "An Act confirming certain precedings of the town of Eden authorizing the issue of High school building bonds" took its two several readings under suspension of the rules and was passed to be engrossed.

On motion by Mr. Barrows of Penobscot House Document No. 531 "An Act prohibiting publications relating to patent or other medicines in language of immoral tendency, or of ambiguous character, and protecting the public against the dangers from the indiscriminate distribution of samples of medicine" was taken from the table. On further motion by the same senator Senate amendment A was adopted and the bill as amended was read and assigned.

At this point Mr. Hastings of Oxford was called to the chair and presided.

#### Passed to Be Engrossed.

An Act to incorporate the Harrison Water Company.

An Act to incorporate the Prospect Harbor Village Corporation.

An Act in relation to sessions of the law court.

An Act to limit the time for bringing actions for the recovery of uncultivated lands in corporated places.

An Act to grant additional powers to the Sebasticook Power Company.

An Act in regard to the right of the peremptory challenge of jurors.

An Act to amend Section 54 of Chapter 49 of the Revised Statutes, providing a lien for a mortgage of any mortgage of personal property upon any policy of insurance on such property.

Resolve in favor of William J. Maxwell.

An Act to incorporate the Lubec Trust Company.

An Act to incorporate the Somerset Trust Company.

An Act to amend Chapter 419 of the

Private and Special Laws of 1897 as amended by Chapter 155 of the Private and Special Laws of 1899 and by Chapter 308 of the Private and Special Laws of 1901, entitled "An Act to incorporate the Penobscot East Branch Log Driving Company."

An Act to amend Chapter 193 of the Private and Special Laws of 1903 entitled, "An Act to incorporate the East Branch Improvement Company."

An Act to provide for a license for unnaturalized foreign-born residents to hunt game and birds.

Resolve in favor of James W. Doughty.

Resolve in favor of Benjamin F. Brown.

Resolve in favor of an appropriation to erect a screen in the stream connecting Great Lake and Long lake in the town of Belgrade, county of Kennebec.

An Act to establish the salary for the judge of the Rumford Falls municipal court.

An Act to amend Sections 4 and 5 of Chapter 508 of the Private and Special Laws of 1885 relating to the municipal court of the town of Norway and to establish a salary for the judge of said court.

An Act to amend Sections 13 and 124 of Chapter 15 of the Revised Statutes, relating to school fund and mill tax. On motion of Mr. Sewall of Sagadahoc Senate amendment A was adopted and the bill as amended passed to be engrossed.

Mr. SEWALL of Sagadahoc: For the information of the Senate I would say that the taxes are assessed in nearly three-quarters of the towns now, and it is the judgment of the State assessors and of the committee that the act ought not to take effect until January 1st. 1908.

#### Passed to Be Enacted.

An Act to extend the charter of the Old Town Trust Company.

An Act to incorporate the Maine Live Stock Insurance Company.

An Act to incorporate the Cornish Water, Light and Power Company.

An Act to incorporate the Thomas Brackett Reed Memorial Association.

An Act to ratify and confirm the organization of the Westbrook Gas Com-

pany and to give said company additional power.

An Act to amend Sections 2, 4, 5 and 9 of Chapter 17 of the Public Laws of 1905, relating to veterinary surgeons.

An Act to amend Section 30 of Chapter 51 of the Revised Statutes as amended by Chapter 127 of the Public Laws of 1905 relating to railroad branch tracks.

#### Finally Passed.

Resolve proposing an amendment to Article 4 of the Constitution of the State of Maine, using a people's veto through the optional referendum and a direct initiative by petition at general or special elections.

On the final passage of the foregoing resolve a yea and nay vote was called for and ordered and the vote being had resulted as follows: Those voting yea were Messrs. Ayer, Bailey, Barrows, Clarke, Curtis, Deasy, Eaton, Foss, Garcelon, Hastings, Heselton, Houston, Irving, Libby, Merrill, Mills, Parkhurst, Proctor, Putnam, Rice, Sewall, Simpson, Stearns, Theriault, Wyman (26). Nays none.

So the order was finally passed.

#### Orders of the Day.

On motion by Mr. Ayer of Kennebec the majority and minority reports of the Kennebec county delegation relating to repairs on the Court House, were taken from the table and on motion by Mr. Heselton of Kennebec the majority report was accepted.

On motion by Mr. Parkhurst of Penobscot Senate Document No. 274 relating to casualty insurance companies, was taken from the table and on further motion by the same senator the bill took its second reading under suspension of the rules and was passed to be engrossed.

On motion of Mr. Theriault of Aroostook, the Senate reconsidered the vote whereby it accepted the report of the committee on salaries and fees in relation to act to give clerk hire to Auburn registry of deeds, the same senator requesting that the report be recalled from the House and the Senate so voted.

On motion by Mr. Mills of Hancock House Document 588 "An Act relative to the payment of deposits in the name

of two persons was taken from the table. On further motion by the same senator the bill took its second reading under the suspension of the rules and was passed to be engrossed.

Mr. SEWALL of Sagadahoc: Mr. President, is it in order to move the reconsideration of a bill which has just passed this body? If it is, I move that we reconsider our action in accepting the report of the committee on Bill, entitled "An Act to increase the salary of the register of deeds for the county of Knox." I am relieving the senator from Knox, in his absence, of a mistake which I think is his, which I believe would grieve him greatly if it went through. He wished to increase the salary of the register of deeds in Knox county, but his bill as introduced was probate; and it was to have been reported in a new draft. Somebody, I think it was the senator, by mistake put in a bill "An Act to increase the salary of the register of deeds" the action of the committee was very late, there was no time to put in another bill and we wish to report the bill increasing the salary of the register of probate, in a new draft which would make it a bill increasing the salary of the register of deeds. But this amendment which I have prepared, will make it all right. I wish to move for consideration, Mr. President, and to submit that amendment.

The motion to reconsider prevailed, and Senate amendment A was adopted and on further motion by the same senator the report of the committee as amended was accepted and the bill was tabled for printing under the joint rules.

The PRESIDENT: The first matter especially assigned for today is the motion of Mr. Heselton of Kennebec to substitute the bill for the report of the committee on mercantile affairs and insurance "ought not to pass" on Bill "An Act to establish a law uniform with other states relative to insurance policies."

Mr. HESELTON: Mr. President, I am not prepared this morning to discuss the matter, and if the senator from Penobscot wishes the subject matter to go forward, I shall not op-



pose it. I move that the report be taken from the table.

The motion prevailed.

Mr. STEARNS of Penobscot: Mr. President, I have no desire to take advantage of the senator at this particular time, and I will not be discourteous enough to press action upon this matter, I feel that as the matter has been thrashed out considerably in the last few sessions of the Legislature, and as it has been a matter which has been carefully considered, I will yield in courtesy to the senator from Kennebec, if he will assign a date when he will take the matter up.

Mr. HESELTON: If Friday will accommodate the senator from Penobscot I will assign that date, and if no other senator wishes to discuss it and I am not here, he shall have the privilege of taking it from the table and disposing of it.

Bill tabled and Friday March 22, assigned.

The PRESIDENT: The next matter especially assigned is the bill, to incorporate the Waldoboro Water Company. The Chair has the following letter from Senator Staples to be read Wednesday morning:

"I am not able to come up this forenoon. I have three matters assigned. Will you see that they are reassigned until tomorrow. I may be able to come up this afternoon."

Mr. CLARKE of Lincoln: Mr. President, I had intended to ask that that bill be put upon its passage; but, out of courtesy to the senator from Knox, I will move that it lie upon the table until tomorrow.

The motion prevailed and the bills were reassigned for March 21.

The PRESIDENT: The next special assignment for today is the bill, to incorporate the Kittery Water District, Senate Document No. 244.

Mr. MILLS of Hancock: Mr. President I move that this bill be also reassigned for tomorrow.

Mr. SIMPSON of York: Mr. President, this matter was assigned for yesterday and the senator asked permission to have it reassigned for today. It is a solid report of the committee; and I see no objection to taking it up to-

day. I will make the motion that we take this matter from the table.

Senator Simpson subsequently withdrew his motion, and the motion that the bill be reassigned for tomorrow prevailed.

The PRESIDENT: The next matter for special assignment for today is Senate Document No. 57.

Majority report, ought to pass, from committee on judiciary, with minority report of same committee, ought not to pass, on Resolve proposing amendment to the Constitution, about power of governor to cause laws to be faithfully executed.

On motion of Mr. Wyman of Washington the matter was reassigned for Thursday, March 21.

The PRESIDENT: I will suggest to the senator from Aroostook, Mr. Theriault, that the papers in relation to the act to provide for a clerk for the registry of deeds for the Northern registry of deeds of Aroostook, has been returned to the Senate.

Mr. THERIAULT of Aroostook: Mr. President, I move that we reconsider the vote whereby the report of the committee on salaries and fees in relation to this matter, the report being "ought not to pass" was accepted.

The motion prevailed.

Mr. THERIAULT: I now make the motion that the bill be substituted for the report. I will say this after consultation with the members of the Senate who are on that committee and who are unanimous in that sentiment with the Aroostook delegation.

Mr. HESELTON of Kennebec: Mr. President, I would like to understand this matter. Did it go before the committee on salaries and fees?

Mr. SEWALL of Sagadahoc: Mr. President, I will endeavor to enlighten the senator from Kennebec. The matter went before the committee on salaries and fees and was thoroughly considered by them. The Aroostook county register of deeds, altogether gets \$3600; the nearest county to Aroostook I think, in population is the county of Kennebec; and I think your register gets \$2500, \$1500 salary and \$1000 clerk hire. We were slow of course to increase any salary in the State because the new

salary list has only been in force for two years; and we did find reason for increasing the register of probate in Aroostook county, where he travels great distances at his own cost. On this matter the committee, since Aroostook county pays the bills, the committee's interest was only to try to keep the salary in Aroostook county at the proportionate salary which extended generally around the State. Looking at it in that light, we felt that a thousand dollars was enough, since the present register only got \$880 before the list of the salary and fee's commission, which traveled over the State and raised it to \$1900. In this matter I am personally—I cannot speak for the members of the House committee, on the part of the House, or for other senators here, but I personally am ready of course to yield to the senator who sits next to me and the other two senators from Aroostook county. Aroostook county must pay this \$300 increase; and if she wishes to pay \$3900 instead of \$3600 for her register service in that county, personally, I shall make no objection. There is an exact statement of the case. It is not a matter perhaps of vital principle, and not one which I wish to make any contest in as against the representatives from Aroostook on this floor.

Mr. IRVING of Aroostook: Mr. President, I would like for the benefit of the senators to state that one matter of importance, as bearing upon the work of this office, is overlooked; and was not presented to the committee before which this case was tried. That is the matter of the probable extension of the Bangor & Aroostook Railroad in two lines across this section, which will require a greatly increased amount of labor in the transfer of titles. We hope, and we believe, that if no drastic measures are passed in this Legislature to handicap the extension of these lines, that the work will commence this season in that territory. I believe if this had been presented to the committee they would have unhesitatingly granted the request of the register of that district. I confess it was not thought of by the delegation from our county and I am free to state now that in view of this I believe the members of the delegation are willing—not only

willing it should be passed, but are anxious that this clerk hire should be granted by the Senate.

The question being put upon the motion to substitute the bill for the report the motion prevailed.

On further motion by the same senator the bill took its two several readings under suspension of the rules and was passed to be engrossed.

The PRESIDENT: I will call the attention of the Senate to Senate Document No. 286 relating to the Harry J. Chapman matter. Perhaps it would be better to take a recess until 1.55 P. M.

On motion by Mr. Parkhurst of Penobscot the Senate took a recess until 1.55 P. M.

#### SENATE 1.55 P. M.

Senate called to order by the President.

Mr. IRVING of Aroostook: Under conditions of the joint order, Mr. President, I move that the Senate now repair to the Hall of the House.

The motion prevailed and the senators moved to the Hall of the House.

#### SENATE, 6.10 P. M.

The senate having returned to their chamber, on motion of Mr. Hastings of Oxford the Senate adjourned.