

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**SENATE**

Thursday, February 12, 1925.

Senate called to order by the President.

Prayer by the Rev. Howard H. Brown of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to prohibit boating and fishing from boats on lake Auburn in the City of Auburn and County of Androscoggin.

In the House referred to the committee on judiciary.

In the Senate, on motion by Mr. Carter of Androscoggin, tabled.

From the House: An Act authorizing the Caribou Water, Light and Power Company to lease and assign to the Great Northern Paper Company for a period of thirty years its right to maintain piers and booms and to hold and sort logs and other lumber granted by Chapter 178 of the Private and Special Law of Maine of 1907.

In the House referred to the committee on public utilities.

In the Senate, on motion by Mr. Morrison of Franklin, tabled and 500 copies ordered printed.

From the House: An Act relating to a tax upon gasoline.

In the House referred to the committee on ways and bridges.

In the Senate, on motion by Mr. Speirs of Cumberland, tabled.

From the House: Report of the committee on legal affairs, ought not to pass, on An Act to provide for the settlement of estates of absentees. (H. D. 5).

In the Senate, on motion by Mr. Hussey of Aroostook, tabled pending acceptance of the report of the committee.

**House Bills in First Reading**

H. P. No. 27: An Act to amend Section 3, 4 and 5 of Chapter 413 of the Private and Special Laws of 1893, relating to the East Maine Conference Seminary.

H. P. No. 26: An Act to Change the Name of the Trustees of Gould's Academy in Bethel.

H. P. No. 71: An Act relating to the Salary of the Judge of the Municipal Court of Portland.

H. P. No. 70: An Act increasing

the amount paid for Clerk Hire in the office of the Recorder of the Municipal Court of the City of Portland.

The following bills, petitions and resolves were received and, upon recommendation of the committee on reference of bills, were referred to the following committees.

**Agriculture**

By Mr. Perkins of Penobscot, An Act to regulate the practice and business of horseshoeing; providing for the issuance of licenses; providing for the appointment of examiners and defining their duties; defining certain misdemeanors and providing penalties therefor. (S. P. 148).

**Appropriations and Financial Affairs**

By Mr. Hinckley of Cumberland, Resolve, in favor of the Temporary Home for Women and Children, of Portland, in the County of Cumberland. (S. P. 149).

By Mr. Barwise of Penobscot, Resolve, in favor of the Maine Chapter, Sons of the American Revolution. (S. P. 150).

By Mr. Cram of Cumberland, Resolve, in favor of the Maine Institution for the Blind. (S. P. 151).

By the same Senator, Resolve, in favor of the National Conference of Commissioners on Uniform State Laws and of the Commissioners from Maine for the promotion of Uniformity of Legislation in the United States. (S. P. 152).

By Mr. Hinckley of Cumberland, Resolve, in behalf of the Childrens Hospital of Portland, in the County of Cumberland. (S. P. 153).

**Banks and Banking**

By Mr. Anthoine of Cumberland, An Act relating to Industrial Banks. (S. P. 154).

(500 copies ordered printed)

By Mr. Crafts of Piscataquis, An Act requiring more efficient supervision of brokers selling securities on marginal account. (S. P. 155).

(1000 copies ordered printed)

**Claims**

By Mr. Wilson of Aroostook, resolve in favor of the town of Presque Isle, to reimburse the town for support of Mitchell Bear. (S. P. 156).

By Mr. Cram of Cumberland, An Act relating to allowance for clerks in the Register of Deeds of Cumberland county. (S. P. 157).

By Mr. Wilson of Aroostook, Resolve in favor of the town of Presque Isle to reimburse the town for support of Noel Bear. (S. P. 158).

By Mr. Bond of Lincoln, Resolve in favor of the town of Somerville, for pauper supplies (S. P. 159).

### Education

By Mr. Perkins of Penobscot, An Act to establish a State fund for higher education; for maintenance and support of the University of Maine, co-operative work in agriculture and the Maine Agricultural Experiment Station (S. P. 160).

(2000 copies ordered printed)

On motion by Mr. Perkins, tabled pending reference.

### Federal Relations

By Mr. Clarke of Hancock, Joint resolution favoring the acquiring and maintenance by the United States government of a suitable vessel, constructed and equipped especially as an ice breaker, to be stationed and operated solely on the Maine coast (S. P. 161).

(500 copies ordered printed)

### Indian Affairs

By Mr. Wilson of Aroostook, An Act reimbursing towns for supplies furnished certain Indians (S. P. 162).

MR. WILSON: Mr. President, I move that this bill be tabled pending reference, for it is a matter that may have to go to some other committee, on account of there having to be some research between Canada and the United States, and will have to have quite a lot of legal information on the bill if it should pass.

The motion was agreed to and the bill was tabled.

### Inland Fisheries and Game

By Mr. Walker of Knox, An Act to create a game sanctuary in Knox county, to be known as the Knox County Game Preserve (S. P. 163).

By Mr. Crafts of Piscataquis, An Act relating to dogs found chasing moose, caribou or deer (S. P. 164).

By the same senator, An Act to prohibit the taking of firearms into unorganized townships during closed season on partridge or ruffed grouse, so-called (S. P. 165).

By the same senator, An Act relating to the protection of fur bearing animals (S. P. 166).

By the same senator, An Act to regulate fishing in the brooks and streams of the State (S. P. 167).

By Mr. Roberts of York, Resolve appropriating money to aid in the screening of Kennebunk Pond in the town of Lyman, county of York (S. P. 168).

### Judiciary

By Mr. Carter of Androscoggin, An Act relating to retirement of stenographers of the Supreme Judicial Court (S. P. 169).

(500 copies ordered printed)

By Mr. Speirs of Cumberland, An Act to amend Sections 30 and 47 of the Public Laws of 1921, relating to fees of operators and to fees for licensing motor vehicles (S. P. 170).

On motion by Mr. Speirs, tabled pending reference.

By Mr. Holley of Somerset, An Act to amend Chapter 20 of the Revised Statutes relating to apothecaries and the sale of poisons (S. P. 171).

On motion by Mr. Holley, tabled pending reference.

By Mr. Phillips of Hancock, An Act to amend Section 1 of Chapter 115 of the Special and Private Laws of 1917, it being An Act to regulate the sale of milk or cream in bottles or jars, within the town of Bar Harbor, Hancock county (S. P. 172).

By Mr. Clarke of Hancock, An Act to amend Section 74 of Chapter 211 of the Public Laws of 1921, relative to motor vehicles and law of the road (S. P. 173).

(500 copies of each ordered printed)

On motion by Mr. Clarke the vote was reconsidered whereby this bill was referred to the committee on Judiciary, and on further motion by the same senator the bill was tabled pending reference.

On the request of Mr. Hinckley of Cumberland, through the Chair Senator Clarke agreed to take the bill from the table tomorrow morning.

By Mr. Hussey of Aroostook, An Act to provide a lien on potatoes for storage (S. P. 174).

By Mr. Maher of Kennebec, An Act to incorporate the Piney Heights Beach and Country Club Village Corporation (S. P. 175).

(1000 copies of each ordered printed)

### Legal Affairs

By Mr. Anthoine of Cumberland: An act authorizing the payment of an annuity by the City of Portland to Sarah Mulkern. (S. P. 176)

By Mr. Cram of Cumberland: An act to be known as the Children's Act, relating to children who are now or may hereafter become dependent, neglected or delinquent; to establish a special equity Juvenile Court to provide for the treatment, control, maintenance, adoption and

guardianship of the person of said children. (S. P. 177)

(500 copies ordered printed)

### Public Health

By Mr. Miner of Washington: An act to repeal Section 43 of Chapter 19 of the Revised Statutes as amended by Chapter 194 of the Public Laws of 1923 relative to Health Officers. (S. P. 173)

### Salaries and Fees

By Mr. Clarke of Hancock: An act to amend Section 3 of Chapter 114 of the Private and Special Laws of 1913, entitled "An act to increase the salary of the Recorder of the Western Hancock Municipal Court." (S. P. 179)

By Mr. Cram of Cumberland: An act providing for and fixing the salaries of the probation officer and assistant probation officer for the county of Cumberland. (S. P. 180)

**State Lands and Forest Preservation**  
By Mr. Maher of Kennebec: An act to establish the Mt. Katahdin State Park and Forest Reserve. (S. P. 181)

(1000 copies ordered printed)

On motion by Mr. Maher, tabled pending reference.

### State Sanatoriums

By Mr. Buzzell of Oxford: Resolve, in favor of Western Maine Sanatorium, for additional facilities. (S. P. 182)

By Mr. Wilson of Aroostook: Resolve, in favor of Northern Maine Sanatorium. (S. P. 183)

By the same Senator: Resolve, in favor of Northern Maine Sanatorium for new construction. (S. P. 184)

### Orders

On motion by Mr. Holley of Somerset, it was

Ordered, that the committee on state prisons be requested to return Resolve in favor of Lester D. Eaton, warden of the state prison, for further consideration by the legislature.

### Reports of Committees

Mr. Roberts from the Committee on Federal Relations, on bill, "An Act to authorize the State Highway Commission to Cooperate with the Bureau of Public Roads of the United States Department of Agriculture in numbering and marking roads of interstate character." (S.

P. 33) (S. D. 25), reported that the same ought to pass.

The report was accepted.

On motion by Mr. Holley of Somerset, the rules were suspended and the bill was given its first reading at this time.

Mr. Maher, from the Committee on Judiciary, on bill, "An Act to amend Section 23 of Chapter 9 of the Revised Statutes, relating to the preparation and publishing of an annual list of corporations delinquent in payment of their franchise taxes." (S. P. 18) (S. D. 12), reported that the same ought to pass.

The report was accepted.

On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its first reading at this time.

### Passed to be Engrossed

An Act Authorizing the sale of the property and assets of the Moose River Log Driving Company, and providing for the dissolution of said corporation. (H. P. 15) (H. D. 15).

An Act to amend the charter of Kennebec Log Driving Company as amended by Chapter 492 of the Private and Special Laws of 1885, and further amended by Chapter 13 and Chapter 14 of the Private and Special Laws of 1917, and by Chapter 2 of the Private and Special Laws of 1921. (H. P. 16) (H. D. 16).

Resolve in favor of Highmoor Farm, in the town of Monmouth. (H. P. 87) (H. D. 21).

Resolve in favor of Animal Husbandry. (H. P. 88) (H. D. 22)

Resolve, in favor of scientific investigation in agriculture in Aroostook County (H. P. 89) (H. D. 23).

Resolve appropriating money for the support and maintenance of the Maine Agricultural Experiment Station (H. P. 90) (H. D. 24).

On motion by Mr. Wadsworth of Kennebec, tabled pending second reading.

An Act relating to applications for Soldiers' Bonus (H. P. 362) (H. D. 63).

### Orders of the Day

Mr. MAHER of Kennebec: Mr. President, I move to take from the table S. P. 120, tabled by me February 5th.

The motion was agreed to, and on further motion by the same Senator, the resolve was referred to the committee on Judiciary, as suggested by the committee on Reference.

Mr. SPEIRS of Cumberland: Mr.

President, we have on the table five measures now regarding the gasoline tax and tax on registration and they are all tax bills. I find that two of them have been referred to the committee on Ways and bridges and three to the Judiciary. These committees are composed of able men, competent to act upon these measures; but I think that they are taxation measures and I would ask that bills H. D. 89 and H. D. 44 be taken from the table and that we non-concur with the House and refer them—

The PRESIDENT: Will the Senator please make one motion at a time.

Mr. SPEIRS: Mr. President, I move to take from the table H. D. 44.

The motion was agreed to.

Mr. SPEIRS: I now move that we non-concur with the House and that this be referred to the committee on Taxation.

Mr. MAHER of Kennebec: Mr. President, may we have the act read so that we may be informed what it is?

(The bill was read by the secretary.)

Mr. MAHER: Mr. President, I understand that the pending question is on the motion of the Senator from Cumberland that it be referred to the committee on Taxation. Am I right?

Mr. SPEIRS: My motion is that it be referred to the committee on taxation. That is where it was two years ago.

Mr. MAHER: Mr. President, speaking to the motion, it seems to me that that is not a question—although I happen to be on the committee on taxation and cannot be accused of any prejudice in keeping any matter away from that committee properly belonging to it—but I cannot see anything at all either in the bill or in its purport that has the slightest bearing on taxation. On the contrary, it is a matter upon which, as I am informed, the entire road program of the State is dependent, and I know that certain gentlemen do not meet the suggestion with approval. If there is anything in connection with an increase of the excise tax on gasoline that requires the expert advice of experts on taxation I fail to see what it is. The entire and sole and only reason for the imposition of this excise tax was to provide funds for our highways, and the pure purpose was to take from the users of the highways by

indirect method a toll that would be applied to the highway problem. And this is nothing novel. It is a simple increase. And as I am informed, and believe credibly informed, the highway program as laid out by the committee on highways, is dependent primarily upon how much money they are going to get, and how much money they are going to get depends on the size of this gasoline tax.

Now the Senator from Cumberland, I understand, says the matter two years ago was referred to the committee on taxation.

Mr. SPEIRS: Taxation and ways and bridges.

Mr. MAHER: I am not wholly unfamiliar with the gasoline tax act, nor the committee on taxation, having introduced in the House four years ago the first gas tax that was ever proposed in New England or east of the Mississippi, and I appeared before the distinguished committee then upon taxation, and it received scarce the courtesy of a passing glance. In fact, it was laughed out of the Legislature. Last session it was referred to the committee on taxation, by way of precedent, and with that committee was joined the committee on ways and bridges, and it was due, if I have any recollection at all of the proceedings two years ago, it was due to the zealous action of the chairman of the committee on highways and bridges, that there was any gas tax resulting at all. I recall,—I confess it here,—that in conjunction with other Senators, members of the same profession as myself, we publicly stated that we believed that it was unconstitutional; and I was one of them. But the common sense of the then chairman I think of the committee on highways and bridges urged that there was law as well as sense in the matter and the question was sent to the Justices of the Supreme Court, and not strange to relate but a fact, the Justices of the Supreme Court of Maine agreed in the view of the common sense gentleman of the committee on highways and bridges, and not with the opinion of the attorneys who were acting upon the judiciary committee.

This has never been but once withdrawn in the sole province of the committee on taxation, and when it was the committee on taxation failed to

function. I think that the reference is correct, and that the committee on highways and bridges should receive this measure.

Mr. SPIERS: Mr. President, the act says it is a tax upon gasoline, and if that does not come under the committee on taxation I do not know what would. It is true that the highways and bridges committee spend the money, but I do not know as they are the ones to raise it. In fact, if all the money wanted were raised the tax would be eight cents.

Now there are what you might call inter-locking measures going along with this gas measure, and I can see no reason why this should not be referred to the committee to which it belongs, which is the committee on taxation.

Mr. ALLEN of York: Mr. President and Senators, having been chairman of the committee on taxation for the last six years, having plenty to do in this Legislature, I am not looking for trouble nor looking for work, and with all due respect to the chairman of the committee on ways and bridges, also to the honored Senator from Kennebec, I wish to state that when this bill was up before the committee on taxation in connection with the committee on ways and bridges, that I think I myself has as much to do with putting the one cent tax there as any man in this Legislature, and I think the records will bear me out when I say that I was the only man that stood on his feet and claimed that the tax bill was constitutional as against some members of the legal profession who staked their reputation—stood here and told me they would stake their reputation that the bill was unconstitutional. But the Supreme Court of the State of Maine decided that it was constitutional, and we have a gasoline tax at the present time of one cent, due as much to the taxation committee as to any other committee in this Legislature. All I have got to say is this: This bill calls for an act relating to the tax upon gasoline. Does that mean anything else but a tax on gasoline? and is it anything else but a tax measure? All I ask you, gentlemen, is just to take that into consideration and vote on that.

Mr. SMITH of Somerset: Mr. President, as a member of the committee

on ways and bridges it is rather delicate for me to even make a suggestion. I presume it is the expectation of this Legislature that the committee on ways and bridges shall present at the proper time a complete program for road building. It is to be hoped that that committee should have something to do, and ought to know what to do, as to the money received from the gas tax. But in the interest of harmony, I, at the proper time, will make an amendment to the motion made by the senator from Cumberland, and suggest that the reference be made to a joint committee of ways and bridges and taxation.

Mr. HINCKLEY of Cumberland: Mr. President, I had no intention of entering this discussion whatever, but it seems to me that it is clearly within the province of the committee on taxation to have before them all matters of raising money for the various purposes of taxation. The committee on highways and bridges has to do with expending money, if you please, after it has been raised by the Legislature, but I do not think that it is up to that committee to seriously interfere in the providing of funds by taxation. That is especially what this committee is appointed for, to take upon themselves and decide questions of taxation. This is clearly an excise tax. It is nothing more or less. And I sincerely hope that double committees will not be appointed. It takes up a lot of time. It delays matters. And I see no sense or reason for two committees, or for any other reference in the matter of fairness to any other committee except to the committee on taxation where I honestly believe it belongs.

Mr. WADSWORTH of Kennebec: Mr. President, I do not know anything about the legal questions in this matter, but as a business proposition it looks to me the question is, what our road program is going to be. If we have a three-cent tax on gasoline it will have a great bearing on the bond issue. Now, as I understand it, the committee on ways and bridges have given quite a considerable study to this matter, and I think that with the study that they have given in regard to the gas tax, and the amount of money it will bring in, and the amount of bonds which it will be necessary to issue—taking all those things together it seems to me that it is nothing more than fair to expedite matters for them to handle this act. They have already,

as I said, given the matter consideration, and if it goes to a different committee we do not know when it will be referred back. We do not know how long the committee on ways and bridges are going to be delayed in coming to a decision as to what the program will be.

As far as the legal question as to the tax on gasoline that has already been settled. It is just a question of how much money it is necessary to raise by that method. I hope that the motion of the senator from Cumberland will not prevail.

Mr. HOLLEY of Somerset: Mr. President, I happen to be a member of the committee on taxation, much against my wishes, so I can speak without any delicacy at all on it. The thought occurs to me that in this bill there are two vital questions, and those of you who observe the bill closely will notice them. One is the raising of money; the other is the spending of money. It directs certain methods or ways in which the money shall be spent and for certain purposes. Now if there are two points in the bill—the point of raising the money having to do largely with the taxation committee, I admit, and the point of spending the money having to do altogether with the highways and bridges committee, what can be the possible objection to a joint committee, as suggested by my colleague from Somerset, Senator Smith? The two questions are in the bill. The two committees should be allowed, in my opinion, the privilege of dealing with the questions in which they are supposed to be specialists. And I hope that the suggested amendment of the senator from Somerset, Senator Smith, at the proper time may prevail.

Mr. ALLEN: Mr. President, have I permission to speak once more on this?

(Permission was granted.)

I would like to say that while it is true that perhaps both questions are involved—the question of taxation and the question of where the money shall go to—I wish to state right here that after the committee on taxation has raised the money the committee on ways and bridges can do with the money as they see fit. Up to that time I think it is a matter for the taxation committee.

Now in speaking to the matter of putting it up to the two committees, I want to say this. I have been in the Legislature for the last ten years, and if there is anything under the

sun that is unwieldy, something that is almost impossible to handle, it is a committee of twenty men, and I would much prefer that if this bill is going to a committee of twenty men, I should much prefer that it go to one committee, and if possible to the ways and bridges. I do not want the bill. Speaking of it as a tax measure, I think it belongs to the tax committee, but if it does not, let them have it and joy go with them, and I will stay here.

The President: The Chair will state, if you are ready for the question, that this act was acted upon in the House, January 29, and was referred by that body to the committee on ways and bridges. The pending question, at this time, in this body, is on the motion of the senator from Cumberland, Senator Speirs, who now moves that we refer this to the committee on taxation in non-concurrence.

Mr. SPEIRS: Mr. President, I move this be a divisional vote.

Mr. ALLEN: I think we can get at the matter all right.

Mr. SPEIRS: I did not mean a roll call.

A division was had, and fifteen senators voting to refer the bill to the committee on taxation, and thirteen against it, the bill was referred to the committee on taxation in non-concurrence.

Mr. SPEIRS of Cumberland: Mr. President, I now move to take from the table H. D. 89, which is the same thing, and move that we non-concur with the House and that it go to the committee on taxation. It is the same as the other bill excepting this calls for a four cent tax and the other for a three cent tax.

The motions were agreed to and the bill was so referred.

Mr. SPEIRS of Cumberland: Mr. President, I now move to take from the table H. D. 74, An Act relating to fees for registration of vehicles relating to the transportation of school children.

The motion was agreed to.

Mr. SPEIRS: Mr. President, this was referred to the committee on judiciary. It relates to the taxation of vehicles, and I believe it should go to the committee on taxation because it kind of interlocks with the other measures.

The PRESIDENT: The Chair would



inquire if the House referred that to the committee on ways and bridges or to the judiciary?

Mr. SPEIRS: That was referred to the committee on judiciary, I now move that we non-concur and that it be referred to the committee on taxation.

Mr. CARTER of Androscoggin: Mr. President, may we have the bill read. (The Secretary reads the bill.)

The PRESIDENT: The Chair will state for the information of the Senate that this was referred by the House on February 5 to the committee on judiciary and that 500 copies were ordered printed. The Senator from Cumberland, Senator Speirs, now moves that this matter be referred to the committee on taxation in non-concurrence with the House and committee on reference.

The motion was agreed to.

Mr. SPEIRS of Cumberland: Mr. President, I move we take from the table H. D. 86, an Act relating to the registration of motor vehicles of non-residents and fees of residents.

The motion was agreed to, and on further motion by the same senator, the bill was referred to the judiciary committee, as suggested by the committee on reference.

Mr. SPEIRS of Cumberland: Mr. President, I move to take from the table S. P. 170, tabled by me this morning.

The motion was agreed to.

Mr. BARWISE of Penobscot: Mr. President, I would like to have that read.

Mr. SPEIRS: Mr. President, I will say it is just the same as was recently read for Senator Carter, only instead of 50% reduction it is 40% reduction.

Mr. BARWISE: Then I will not insist.

Mr. SPEIRS: I now move that it be referred to the committee on taxation.

The motion was agreed to.

Mr. WILSON of Aroostook: Mr. President, I would ask that the bill laid upon the table by me this morning. An Act reimbursing towns for supplies furnished certain Indians (S. P. 162) be taken from the table.

The motion was agreed to, and on further motion by the same senator the bill was referred to the committee on judiciary.

Mr. HOLLEY of Somerset: Mr. President, I move we reconsider the vote whereby we passed 'o be engrossed Resolve in favor of Highmoor Farm in the town of Monmouth.

The motion was agreed to, and on further motion by the same senator the resolve was tabled.

Mr. HOLLEY of Somerset: Mr. President, I move that the vote be reconsidered whereby we passed to be engrossed Resolve in favor of animal husbandry.

The motion was agreed to, and on further motion by the same senator the Resolve was tabled.

Mr. HINCKLEY of Cumberland: Mr. President, I move to take from the table H. D. 8, An Act to incorporate the City of Brewer High School district.

The motion was agreed to, and the Senator yielded to the Senator from Penobscot, Senator Barwise.

Mr. BARWISE of Penobscot: Mr. President, I move that H. D. 8 now have its final passage.

Mr. MAHER of Kennebec: Mr. President, I will ask the Senator from Penobscot, Senator Barwise, through the Chair, whether there has been any change in the bill as now in front of us—from what it is as printed?

The PRESIDENT: The Senator from Penobscot hears the question of the Senator from Kennebec.

Mr. BARWISE: So far as I know there has been no change. Some of the legal matters that were raised have now been disposed of and it is universally agreed now that there is no legal objection to the district.

Mr. MAHER: I do not know that I get the answer clearly. Have we still the same bill in front of us that is here printed?

Mr. BARWISE: Yes, it is still the same bill.

Mr. MAHER: Mr. President, I am not at all interested in the City of Brewer High School district, nor in the legal matters involved, but simply in order that my own position in the matter may be a matter of record—although the legal questions may have been otherwise disposed of, I believe that the act is in contravention of the Constitution of the State of Maine in Section 1, and shall accordingly vote against it.

Mr. HINCKLEY: Mr. President, having tabled this matter, on investigating it, I decided in my own mind

that it would not be a legal act if passed by the Legislature. I tabled it for that reason. The citizens of Brewer have some legal advice from a most eminent attorney, who should be a good authority in that matter, and he has advised that it would be legal. While I still believe he is wrong, I have withdrawn any particular opposition in the matter, and if the city of Brewer desires to take this chance on this legal question, under those circumstances I am not going to oppose them, because there is a real emergency down there.

The PRESIDENT: This is an emergency measure and requires a two-thirds vote of the members elected to the Senate on its passage to be enacted. All those in favor of the Act will rise and stand until counted. (22) All those opposed. (4)

The Chair will state at this time that the Senate will recess for a few moments. The Chair is in doubt in relation to procedure and we want to go carefully. We will recess for five minutes.

#### After Recess

The PRESIDENT: The Chair will state that there was some doubt in his mind about the procedure in this matter, but we are satisfied that we are right, and 22 Senators having voted in the affirmative and 4 in the negative, the bill is passed to be enacted.

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On motion by Mr. Smith of Somerset,

Adjourned until tomorrow morning at 10 o'clock.