

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Monday, March 25, 1935.

Senate called to order by the President.

Prayer by the Rev. L. D. Porter of Gardiner.

Journal of Saturday, March 25th, 1935, read and approved.

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Public Records," (H. P. 1372) (L. D. 620) reported that both branches recede from their former positions and concur in the adoption of House Amendment "A" transmitted herewith.

In the House, report read and accepted; and the bill given its several readings and passed to be engrossed as amended by House Amendment "A".

In the Senate, House Amendment "A" was read. Under suspension of the rules, the Senate reconsidered its former action whereby the bill was indefinitely postponed; and the bill was given its first reading. House Amendment "A" was adopted in concurrence and the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House:

The Committee on Sea and Shore Fisheries on "Resolve Relating to Close Time on Lobsters West of Petit Manan Point," (H. P. 1082) (L. D. 325) reported that the same ought to pass.

In the House, recommitted to Committee on Sea and Shore Fisheries.

In the Senate, that body voted to recommit the bill to the Committee on Sea and Shore Fisheries, in concurrence.

House Bills in First Reading

(Under suspension of the rules, the following bills and resolves were given their second reading and passed to be engrossed, in concurrence.)

Bill "An Act Relating to Trust Companies," (H. P. 1774) (L. D. 813).

"Resolve in Favor of Certain World War Veterans,"

The following remonstrances were received and on recommendation

by the committee on Reference of Bills were referred to the following committee:

Inland Fisheries and Game

Mr. Worcester of Washington presented

"Remonstrance of Myra E. N. Coffin of Washington County and 44 others against the Sunday Hunting Bill." (S. P. 664)

Sent down for concurrence.

Legal Affairs

The same Senator presented

"Remonstrance of Charles A. Gifford of Harrington and 55 others against the State Lottery and Pari-Mutuel Bills." (S. P. 665)

Sent down for concurrence.

Orders

On motion by Mr. Blaisdell of Hancock, it was

ORDERED, the House concurring, that the Secretary of the Senate be directed to return from the Legislative Files, to the Senate, (H. P. 1335) (L. D. 543) entitled Bill "An Act Relating to Assessors." (S. P. 688)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House read and passed in concurrence.

First Reading of Printed Bills

(Under suspension of the rules the following bills and resolves were given their second reading and passed to be engrossed. Sent down for concurrence.)

Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds for the Southern District of Aroostook County." (S. P. 201) (L. D. 831)

Bill "An Act Relating to Terms of the County Commissioners' Court for the County of Washington." (S. P. 248) (L. D. 828)

Bill "An Act Relating to Pensions for State Employees." (S. P. 426) (L. D. 830)

"Resolve Appropriating Money to Pay the Claim of Frank D. and Evelyn C. Goodwin, of Hermon, Against the State of Maine." (S. P. 649) (L. D. 832)

"Resolve in Favor of Ethel M. Parker of Portland." (S. P. 650) (L. D. 833)

Bill "An Act Relating to Revocation of Medical Doctor's Licenses." (S. P. 651) (L. D. 834)

Bill "An Act Relative to Motor Vehicle Transfer Certificates." (S. P. 652) (L. D. 824)

Bill "An Act to Provide for the Union of Towns for the Employment of Social Welfare Workers." (S. P. 653) (L. D. 826)

Bill "An Act Relating to Vital Statistics." (H. P. 654) (L. D. 825)

Bill "An Act Relating to Obstruction of Justice." (S. P. 655) (L. D. 827)

Bill "An Act to Provide for Pensions for Veterans of the Civil War, Spanish War, and Philippine Insurrection, and their Dependents." (S. P. 656) (L. D. 829)

Sent down for concurrence.

Reports of Committees

Mr. Cowan from the Committee on Towns on Bill "An Act to Establish a Boundary Line for the Town of Fayette." (S. P. 308) (L. D. 319) reported the same in a new draft (S. P. 666) under the same title and that it ought to pass.

Which report was read and accepted, the bill laid upon the table pending printing under joint rules.

Orders of the Day

On motion by Mr. Bissett of Cumberland, the Senate voted to take from the table, bill, An Act relating to pauper settlement of Indians (S. P. 381) (L. D. 398), tabled by that Senator on March 23rd pending consideration; and that Senator yielded to the Senator from Cumberland, Senator Burkett.

Thereupon, on motion by Mr. Burkett of Cumberland, the bill was substituted for the report in concurrence; and on further motion by the same Senator, under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Bissett of Cumberland, the Senate voted to take from the table, bill, An Act relative to the payment of wages (S. P. 153) (L. D. 85), tabled by that Senator on March 23rd pending first reading; and that Senator yielded to the Senator from Androscoggin, Senator Winn.

Thereupon, on motion by Mr. Winn of Androscoggin, under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Bissett of Cumberland, the Senate voted to take from the table, bill, An Act related to the payment of wages (S. P. 154) (L. D. 86), tabled by that Senator on March 23rd pending first reading; and that Senator yielded to the Senator from Androscoggin, Senator Winn.

Thereupon, on motion by Mr. Winn of Androscoggin, the bill was given its first reading; and on further motion by the same Senator the bill was laid upon the table pending second reading.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, An Act relating to beauty culture (S. P. 636) (L. D. 796), tabled by that Senator on March 21st pending first reading; and on further motion by the same Senator, under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Winn of Androscoggin, the Senate voted to take from the table, bill, An Act relating to fees of jurors (H. P. 314) (L. D. 75), tabled by that Senator on March 22nd pending adoption of Senate Amendment "A"; and on further motion by the same Senator Senate Amendment "A" was adopted, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Burkett of Cumberland, the Senate voted to reconsider its action taken on the previous legislative day whereby, bill, An Act for the regulation of cosmetics (H. P. 1772) (L. D. 801) was passed to be engrossed in concurrence; and on further motion by the same Senator the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Winn of Androscoggin, the Senate voted to take from the table, bill, An Act to incorporate the town of Leeds School District (H. P. 1767), tabled by that Senator on March 22nd pending reception by the Senate; and on further motion by the same Senator the bill was received by unanimous consent.

Thereupon, on further motion by the same Senator, under suspension of the rules, the bill was given its two several readings and passed to be engrossed without reference to a committee, in concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to reconsider its action taken on the previous legislative day whereby the report of the Committee on Inland Fisheries and Game "Ought not to pass" on bill, An Act relative to fishing in Middle Range Pond in Poland (H. P. 1058) was accepted in non-concurrence; and on further motion by the same Senator the bill was substituted for the report in concurrence.

Thereupon, the bill was given its first reading, House Amendment "A" was read and adopted in concurrence; and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to reconsider its action taken earlier in today's session whereby bill, An Act to incorporate the town of Leeds School District (H. P. 1767), was passed to be engrossed in concurrence.

Mr. BLAISDELI of Hancock: Mr. President, for purposes of correction I ask that this bill now be laid upon the table pending passage to be engrossed.

Thereupon, the bill was laid upon the table pending passage to be engrossed in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Senate Report from the Committee "Ought not to pass" on, Resolve in favor of a committee to study county government (S. P. 353) (L. D. 355), tabled by that Senator on March 21st pending acceptance of the report.

Mr. FERNALD of Waldo: Mr. President, I now move we substitute the bill for the report. Ten years ago the Republican Party at its state convention advocated the reduction of Federal taxation which "brings small relief to the average citizen of Maine if state, city and town taxes continue to increase. The State should point the way to lower taxes by strict economy in the expenditure of public funds."

At our last Republican State convention in our platform we advocated that "Immediate action should be taken to define the respective fields of municipal, state and federal government, with respect to taxation, to the end that conflicting duplications may be eliminated and encroachments prevented."

With that thought in mind I feel that Maine might well follow along the paths of governmental reorganization, doing away with duplication, and lessening the expenditures of our forms of government, which would be keeping in line with the progressive activity of other states in this same line. There is no doubt but what a careful and conservative study of our county form of government, proper and conservative changes by the legislature as they see fit under the rules of our House and Senate, could effect for the counties of Maine an annual saving of \$50,000, which in the final analysis would be handed on to the communities and would result in lower taxes on real estate, homes and industries. In the consideration of every bill, and especially every bill that carries with it an appropriation, some consideration should be given to whether or not there is a demand for the bill and for the amendment.

You will note in this document before you, Legislative Document 355, that it carries with it a small appropriation of \$500, and I want to say to the members of the Senate that I believe there are public spirited members of the Senate and House who would be willing to serve on the committee regardless of the \$500 appropriation; so for our consideration this afternoon I do not think any member need concern himself with that section that provides for an appropriation of \$500.

I would like to point out an article in the Lewiston Evening Journal of Tuesday, February 12th on page 12, when the Auburn Chamber of Commerce advocated the "elimination of county government as outmoded." They had a committee appointed. The committee said, "We are of the opinion that the county government is a thing of the past and its useful functions can well be taken care of by the State at a great saving to the taxpayer. While our opinions on this are somewhat

vague, we believe that study should be given to this matter and a start made." That is the feeling of what might be considered a conservative group of people, the Auburn Chamber of Commerce.

We find, if we look at the New York Times of March 17th where Rhode Island has made a start and where their government has been reorganized and the top-heavy system goes into the discard. We find in California at the last legislature the county government bill was approved.

If we look at that terrible scandal sheet of Portland, the Portland Evening News, we find this editorial, "County Consolidation as Applied to Maine. A Move Toward Administrative Economy." County consolidation is a way to reduce the cost of government and at the same time produce more efficient administration of local affairs through elimination of needlessly repeated services is being suggested in various quarters. Such a movement is favored by the St. Louis Post-Dispatch and the Louisville Courier-Journal in its application to Missouri and Kentucky. The next session of the legislature of the latter State will consider a bill to permit county consolidation. The United States Chamber of Commerce recently released a statement approving county consolidation." I do not know of any more conservative group of people than the United States Chamber of Commerce. Continuing, "declare it absurd to preserve in the present day such archaic geographical limits for school districts, townships and counties as were suitable for rural communities in an age devoid of improved highways, automobiles and telephones. Similarly, it appears equally absurd and costly to permit artificial city and county boundaries to cut into numerous jurisdictions a single homogeneous area.

"Former Governor Lowden of Illinois in a recent speech before the Chamber of Commerce of that State pointed out that while affairs of the Nation and State have received the voters' attention those at the county seat have not, although it is the local governments that claim the larger part of our taxes. Application of reform in county government to so large a State as Texas has drawn a demand in a Texas weekly that the Lone Star State

consider a decrease in local units and consolidation of numerous offices.

"The condition in Maine county governments is not so acute as in Missouri with its 114 counties or Illinois with its 102 county units, the county subdivision in the Middle West having grown up under different conditions and different restrictions from New England. Yet some phases of the consolidation proposals properly may be considered in connection with Maine's 16 counties.

"Each one of these counties has an elaborate slate of officials, including clerk of courts, county attorney, judge of probate, registrar of probate, three commissioners, treasurer, register of deeds, sheriffs, deputy sheriffs and numerous clerical officials. Salaries of these officials vary in the different counties, according to the amount of work done and ability of the county treasury to pay, in some cases being so low as to preclude efficient service, even of part time officials.

"Two of these counties, Lincoln and Sagadahoc, are but slightly larger than Portland's largest ward—Ward Nine. The latest census show Lincoln's population 15,498 and Sagadahoc's 16,927 as compared with 13,370 for the biggest Portland ward.

"Sagadahoc, of which Bath is the shire town, has many common interests with Cumberland County and its affairs easily might be administered in connection with those of this county, while Lincoln and the adjoining county of Knox could be united again—a portion of the latter county having been set off from Lincoln and the balance left from Waldo before the Civil war in the days of primitive transportation methods.

"The county estimates passed by the last legislature show a cost of \$41,000 to operate the county business of Sagadahoc and \$27,743 to handle Lincoln county affairs.

"Some county combinations undoubtedly could be worked out which would take care not only of the Sagadahoc and Lincoln county situations but, through cutting across county lines, would still further reduce the Maine units. Such proposal might well receive attention from the next legislature. It would be in line with the need for governmental economy and the

elimination of really needless expenditures."

When we consider the fact that within the last few years the cost of government in Maine has increased one hundred per cent is illustrated by this fact. In the period from 1911 to 1924 the yearly cost for the group known as the governor's council was \$7,472.75, where ten years later under the present system the yearly average for the group is \$16,859.94, practically double. Now, that is nothing that is peculiar to the Governor's council. It is the situation everywhere in Maine.

I have such authorities as the head of the department of Political Science at Colby College, Mr. Wilkenson, approving such a change. I have a very interesting letter received yesterday morning from the Head of the Department of History and Government of the University of Maine, outlining in a degree how some of the people in that section feel. He writes, "As I have, for some time, been contemplating a survey of county government in Maine, your proposal for an investigation of the county system interests me greatly. Local government is my special field of study, and I have directed two pieces of research. You are familiar with Bartlett's Local Government in Penobscot County". A similar piece of work on Maine town government is rapidly nearing completion. I am sure every legislator is acutely conscious of the need for a thorough study of facts before enacting laws. I have been similarly conscious of the need for more facts in the teaching of state and local government and state history. In the last few years we have been encouraging research in this field, and have already published some of the results. In the near future, Miss Ring's splendid bibliography of Maine history will be published, and also a history of political parties in Maine, written by Professor Doran of the University of Oklahoma when he was a member of the department here at the University.

"A thorough and business-like study of county government in Maine would be worth several times its cost." I want to repeat that sentence. "A thorough and business-like study of county government in Maine would be worth several times its cost." He continues, "if the

legislature sees fit to authorize such a study and supply the necessary I would be most happy to direct the work."

I think we are most fortunate to have at the University of Maine a man who is interested enough and is willing to devote his time to the study of the affairs of our government.

He goes on further in a general discussion of the matter and suggests one of the senators from Penobscot County as recommendation upon what he has said.

A survey of activities throughout the United States in the various 42 states which have a legislature in session at the time showed that the question of reorganization of local government is an active issue. For my facts, I have gone to the December 15, 1934 issue of the Literary Digest, and I find commissions have been set up in thirteen states—Illinois, Michigan, Minnesota, Mississippi, New Hampshire, North Dakota, Delaware, Connecticut, Indiana, Texas, New York, North Carolina and Ohio—and in New Jersey a very sweeping county reorganization has been discussed, and a study of conditions has been made in Massachusetts. So you will see that the question is not peculiar to the West or to the South. Also similar schemes of change and similar studies of conditions have been going on in New Hampshire, New York and Michigan. States that are in their very nature similar to Maine.

I believe that this bill, with the appropriation or without the appropriation—although if I were drawing up a bill for my own satisfaction I would put in an appropriation, not for five hundred dollars but for five thousand dollars—I believe that a group such as would be proposed by this bill, making a study even in a small way in the various counties, could report to the next Legislature conservative changes that would save a great deal of money, and I assume that saving would be at least fifty thousand dollars. I believe that we as a Legislature considering the evidence and the attitude of the people of Maine would be spending five hundred dollars of the people's money well in permitting such a group to devote their time. I think we are fortunate in having a group of experts such as we have at the University of Maine, who would be willing to devote their time to such a study. I think we should encourage such individuals.

There is nothing in this bill that would suggest any change. There is nothing in this bill that would be incumbent upon any future Legislature to pass any changes that might possibly be recommended by the commission. And it is quite possible that this committee might, in its wisdom and discretion after studying the problem, suggest to the next Legislature that our county government needs no change. But after all we will never get anywhere, we will never save any money in government, unless we intelligently approach the subject and the only intelligent way to approach any subject in the complex realm of government is through careful study. We as members of the Legislature do not have the time while we are here, harrassed by the very many subjects presented to us, to make such a study and I believe it is the proper function of a recess committee to carry on that work and I think that this Legislature should make at least a small attempt to do something to reduce the taxes, especially the taxes upon real estate. I believe that it is incumbent upon us in conformity with the implications of our platform, not only of this year but of previous years, to try to do something to eliminate the duplication of effort, the duplication of expenditures of money, and to make a start; and if anyone has any objection to the appropriation of five hundred dollars I am perfectly content to see the bill go through without the appropriation. On the other hand, if there is anyone who feels keen about the matter and would like to increase the appropriation, I think that would be all right. But regardless of either contingency I am sure that this Senate can feel safe and conservative in having three of its members together with four members of the House make this study and make their recommendations to the next Legislature.

And, Mr. President, when the vote is taken I ask for a division.

Mr. BURKETT of Cumberland: Mr. President, along in the early part of the session, I think it was in January, the Senator from Waldo, Senator Fernald, introduced a joint order providing for an investigation of the consolidation of county governments. It was debated here in the Senate, briefly, and indefinitely postponed. Following that, he introduced this resolve which went to the Committee on Counties, hear-

ing was held on it and if my memory serves me correctly they reported unanimously "ought not to pass."

I'm not going to take your time to review the arguments which I made against it in January, but briefly I said at that time, and I still think, that the question of consolidation of county governments ought to originate in the counties themselves. The State levies no tax on the counties, the State has nowhere near as much interest in county government as it has in towns. We have been criticized somewhat in this session for encroaching too much on the internal affairs of the towns. I think we had better leave this matter alone until such time as there arises in some of the counties of the State a demand for consolidation of two or more county governments.

I am not going over the matter again. I move that the resolve be indefinitely postponed.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Fernald, that. Resolve in favor of a committee to study county government, be substituted for the unanimous report of the committee "ought not to pass" and the Senator asks for a division.

A division of the Senate was had. One having voted in the affirmative and twenty-five opposed the motion to substitute did not prevail.

Thereupon, the report of the Committee on Counties "ought not to pass" was accepted.

Sent down for concurrence.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, bill. An Act relating to facsimile signature of Clerks of Courts (S. P. 638) (L. D. 792), tabled by that Senator on March 21st pending first reading.

Mr. BURNS of Aroostook: Mr. President, I now move the indefinite postponement of this bill and when the vote is taken I ask for a division. In explanation of my motion I have this to say: The bill was introduced into this Legislature in regular course and was referred to the Committee on Judiciary, of which I am a member. It was discussed often in the committee and at various times. First there would be a majority of the committee who wished the bill to be enacted into a law and then there would be further discussion and a majority

of the committee would favor the defeat of the bill, and that is the way it transpired in the committee over a period of three or four weeks and the bill in that manner was booted around the committee. Finally, however, after the proponents of the bill had marshalled their forces for the last time the bill was reported out "ought to pass." I signed a minority report, with other members of the committee and I rise to speak in behalf of the minority report which is against the bill. The bill reads as follows. (Here the Senator read the bill.)

First of all I consider this is "a lazy man's bill," and I will tell you why. The clerks seem to think they are over-worked. They say they have to sign their names three or four thousand times on writs in the course of a year, but when you divide that up over a period of three hundred and sixty-five days, or three hundred days, it means they have to sign their name probably only a matter of ten times or so a day on an average and I do not believe that for that reason alone the clerks should be relieved of this work which is clerical. They are Clerks of Courts, they were candidates for office and they knew they would have to perform certain clerical duties, and there is no reason why they shouldn't perform clerical, ministerial duties, especially if the tendency to relieve themselves from such duties would have a tendency to break down our judicial system, and that is what I think this bill would do, to some extent; at least it would be an entering wedge. We have got to maintain the dignity of our courts and I don't know of a better way to maintain it than to have writs and summonses and other matters issued from the Court signed by some clerk or representative of the Court. If you permit the names to be printed or signed by a rubber stamp with red ink or something like that I say that the Court loses some of its dignity thereby. A person receiving a writ or summons with simply a printed stamp on it or the name of the Clerk printed thereon would not give the care and attention to it that a court precept should have and might not be disposed to answer to it and appear in court as directed. Furthermore, it would open up the avenue for fraud. I can see ways and means where a person

could print a name on what purported to be a writ or summons and use it in a fraudulent manner and in a way, be able to defraud people of money and goods.

From time immemorial the writs of the common law, and since the State of Maine was established and had their own courts all writs that have been issued herefrom, have been signed by the various Clerks. The bill itself does not confine the facsimile signature to merely court writs or summonses. It says, "upon any writ." Now, about every act that a Clerk does in the performance of his work in connection with the Court where papers are concerned can be designated as a writ. A habeas corpus writ which deprives a man of his liberty is a writ. A mittimus, a precept which authorizes a sheriff to confine a man to jail, is a writ. And other writs of high import, original or otherwise, are writs and under this bill, if it goes through, it would mean that all that would be required to give that writ the efficacy which the law requires would be for the person whose duty it was to sign the writ, to stamp it. And I say that that tears down the safeguards which the citizens of the State of Maine are entitled to when they are in and before our courts.

I know that the lawyers in the State of Maine as a whole are opposed to this bill, or I think they are. I further believe that the members of the Court are against this bill. Obviously it must have originated from the Clerks themselves and I say that the burden which is placed upon them is insignificant when you spread it over a period of time, and inasmuch as they were candidates for office and knew that they had to do this work there is no reason why they shouldn't fulfill the burden. Therefore, Mr. President, I move the indefinite postponement of this bill.

Mr. BURKETT of Cumberland: Mr. President, I introduced this bill. If I remember rightly I signed the majority report although, as the Senator from Aroostook County (Senator Burns) has said the bill had a rather hectic experience in our committee. It is, perhaps, one of the least important matters that we have had to discuss this session. We voted upon it nearly every day when we had an executive session and tried to agree but it couldn't and it was reported out at last with a divided report.

The only reason for passing the bill that I can see is that it would save the Clerks of Court and the Recorders of the Municipal Court quite a lot of useless work. I talked with a man who has just finished eight years as Judge of the Portland Municipal Court and he told me that the Recorder of the Portland Municipal Court under the present system signs his name sixty thousand times a year to writs and summonses. He had timed himself and the best he could do was to sign three hundred times an hour. Now there are two hundred hours of useless work

It may be as the Senator from Aroostook, Senator Burns, has said, that we pay these men enough for the work they do and that it won't hurt them to spend two hundred hours a year signing their names. The bill when it first came in was broader than this new draft but we limited it to writs and summonses, in the new draft, and if passed it will mean that when writs and summonses are printed instead of there being a blank at the bottom for the Clerk or Recorder to sign his name, the name will be printed in facsimile. I don't believe that that would result in all the evils that the Senator from Aroostook (Senator Burns), with whom I am usually in complete agreement, has spoken of. However, it is a small matter

and if the Senate thinks it should not be passed, that will be all right with me.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Burns, that the bill be indefinitely postponed and that Senator has asked for a division.

A division of the Senate was had. Seventeen having voted in the affirmative and seven opposed, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Mercantile Affairs and Insurance "Ought to pass" on bill, An Act relating to the insurance of steam boilers (S. P. 151) (L. D. 83), tabled by that Senator on March 21st pending acceptance of the report.

Thereupon, on further motion by the same Senator the report of the committee was accepted and under suspension of the rules the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Ashby of Aroostook,

Adjourned, until tomorrow morning at ten o'clock.