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LEGISLATIVE RECORD

OF THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL AUGUSTA, MAINE

HOUSE

Tuesday, March 23, 1965

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. John J. Curran of St. Augustine's Church, Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Resolve Authorizing State Highway Commission to Study Desirability of Bridge Across Machias River (S. P. 467) (L. D. 1409)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

From the Senate: The following Communication: (S. P. 470)

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA

March 18, 1965

The Honorable Senate and House of Representatives The 102nd Legislature

Since my communication of March 9, 1965, another communication has been received f rom The Secretary of Labor, W. Willard Wirtz, enclosing texts of a Convention and certain Recommendations which were adopted by the 47th Session of the International Labor Conference.

I am pleased to submit herewith copies of this letter and the texts, for the information of the members of the 102nd Legislature.

Respectfully submitted,

(Signed)
JOHN H. REED
Governor

Came from the Senate read and with accompanying papers ordered placed on file. In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Visiting Traps under Fish and Game Laws" (S. P. 338) (L. D. 1084)

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Proximity of State Liquor Stores to Recreation Buildings and Playgrounds" (S. P. 341) (L. D. 1086)

Report of same Committee reporting same on Bill "An Act relating to Drinking in Unlicensed Public Places" (S. P. 358) (L. D. 1121)

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Revising the Maine Industrial Building Law" (S. P. 415) (L. D. 1311) reporting same in a new draft (S. P. 468) (L. D. 1405) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

The SPEAKER: The Chair is pleased to recognize in the balcony of the House fifty pupils of the Civics Class who are seniors at Winslow High School, and they are accompanied by their teacher, Mr. Roy Richards. They are the guests of the gentleman from Winslow, Mr. Roy.

On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act to Eliminate Straight Ballot Voting in Elections" (S. P. 191) (L. D. 571)

Report was signed by the following members:

Messrs. LETOURNEAU of York
McDONALD

of Piscataquis
—of the Senate.

Messrs. BINNETTE of Old Town
BOURGOIN of Fort Kent
WUORI of Oxford
CUSHING of Bucksport
HAWES of Union

—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. DUNN of Kennebec
—of the Senate.

Messrs. JORDAN of Lincoln
DICKINSON of Mars Hill
—of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

(On motion of Mr. Levesque of Madawaska, tabled pending acceptance of either Report and specially assigned for Tuesday, March 30.)

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Authorizing Walter C. Leighton of Hampden to Bring Action Against the State of Maine (S. P. 301) (L. D. 915)

Report was signed by the following members:

Messrs. GLASS of Waldo

VIOLETTE of Aroostook
—of the Senate.

Messrs. BISHOP of Presque Isle DANTON

of Old Orchard Beach GILLAN of South Portland BRENNAN of Portland RICHARDSON

of Cumberland DAVIS of Calais

—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Mr. STERN of Penobscot
—of the Senate

Mr. BERMAN of Houlton
—of the House.

Came from the Senate with the Majority Report read and accepted

In the House: Reports were read and the Majority "Ought not to pass" Report accepted in concurrence.

On motion of the gentlewoman from Bethel, Mrs. Lincoln, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 95) (L. D. 262)

Report was signed by the following members:

Messrs. O'LEARY of Oxford SMITH of Cumberland CHISHOLM

of Cumberland —of the Senate.

Messrs. BEDARD of Saco GAUVIN of Auburn LEVESQUE

of Madawaska
DUMONT of Augusta
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. BENSON

of Southwest Harbor Mrs. BAKER of Winthrop Mr. KITTREDGE

of South Thomaston
—of the House.

909

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read. (On motion of Mr. Kittredge of South Thomaston, tabled pending acceptance of either Report and specially assigned for Wednesday, March 31.)

Non-Concurrent Matter

Bill "An Act Exempting State-Owned Motor Vehicles and Trailers from Registration" (S. P. 462) (L. D. 1393) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on March 17.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed without Amendment on March 12, and asking for a Committee of Conference.

In the House: On motion of Mr. Levesque of Madawaska, the House voted to insist on its former action and join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Penalties for State House Parking Violations" (H. P. 1005) (L. D. 1338) which was referred to the Committee on State Government in the House on February 23.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mr. Levesque of Madawaska, the House voted to recede and concur with the Senate.

Petitions, Bills and Resolves Requiring Reference

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than onetenth of the members present objecting, were received and referred to the following Committees:

Legal Affairs

Bill "An Act Repealing Westbrook Sewerage District and Transferring Assets to City of West-brook" (H. P. 1039) (Presented by Mr. Knight of Westbrook)

(Ordered Printed) Sent up for concurrence.

Public Utilities

Bill"An Act Increasing the Indebtedness of the Veazie Sewer District" (H. P. 1040) (Presented by Mr. Cookson of Glenburn)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Cote of Lewiston presented the following Order and moved

its passage:

WHEREAS, Lewiston High School, in a losing cause, displayed great courage and sportsmanship against a tremendous opponent from Stearns High School of Millinocket:

BE IT ORDERED, that the members of the House of Representatives extend their commendation to this team for doing so well as State Championship Double L Basketball runner-ups.

AND BE IT FURTHER OR-DERED, that the Clerk of the House be directed to send an attested copy of this Order to Lewiston High School.

The Order received passage.

Mr. Crommett of Millinocket presented the following Order and moved its passage:

WHEREAS, Stearns High School has won the State of Maine Double L Basketball Championship against a well-spirited and sportsmanlike Lewiston team:

BE IT ORDERED, that the members of the House of Representatives extend their congratulations to this team for its tremendous victory and wish them the best of luck in the future.

AND BE IT FURTHER OR-DERED, that the Clerk of the House be directed to send an attested copy of this Order to Stearns High School and its coach.

The Order received passage.

Mr. Jalbert of Lewiston presented the following Order and moved its passage:

WHEREAS, St. Dominic's High School of Lewiston successfully defended its New England School-Hockey championship by demonstrating the championship caliber of Maine youth;

BE IT ORDERED, that the members of the House of Representatives extend their congratulations to this school and its coach, Larry Charest:

AND BE IT FURTHER OR-DERED, that the Clerk of the House be directed to send an attested copy of this Order to the St. Dominic's High School and its coach.

The Order received passage.

Mr. Kennedy of Milbridge was granted unanimous consent to briefly address the House.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: The members of the Minority Party in the House wish to have the record show our appreciation to the Majority Party for arranging the transfer of office space on the third floor of the State House, so that the Minority Party leadership can have a little more room.

As you may know, this is the first time the Minority Leader of the Senate has had an office of any kind.

This marks the first time, too, that the House Minority Leader and the Assistant Floor Leader will have a separate office from the secretary to the Minority. Although the space is located somewhat off the beaten path, we trust members of both parties will come look in on our new accommodations located next to the Legal Affairs hearing room.

We also trust the Democrats will

We also trust the Democrats will understand a Republican expression of hope, that the Democrats will have an opportunity to enjoy these new offices next session. (Laughter)

The SPEAKER: The Chair is at a loss for words.

Mrs. Lincoln of Bethel was granted unanimous consent to briefly address the House.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: The Minority members would like to take this opportunity to present their leader, the gentlemen from Milbridge, Mr. Kennedy, with a decoration for his new office. If the Page would make the delivery for me, I will read a brief message of our good wishes:

Little things to big things grow...

And this is something you should know.

Our new office, for the duration, Once housed the Department of Education.

As Republicans, we think it's neat,

To have our own Minority Suite. Although it's off the beaten track,

It's a spot to start the long road back;

And maybe in a year or two, We'll be able to give it back to

But while we're serving out this term,

Here's a party pachyderm

To keep the corner office bright,
And guard Dave's pill-box day
and night.

(Laughter and Applause)

Mr. Levesque of Madawaska was granted unanimous consent to briefly address the House.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: It is certainly with gratitude that I accept the remarks of the gentleman from Milbridge, Mr. Kennedy, and the kind words of gentlewoman from Bethel. Mrs. Lincoln. Certainly on behalf of the leadership, we appreciate those remarks and, of course, we are still hoping two years from now the office will be just as neat and clean and will retain its educational background. So for those reasons, if no more, and for the purpose of being brief this morning, again we appreciate these kind words from the Minority Party, and we certainly wish them success two years from now. (Applause)

House Reports of Committees Leave to Withdraw

Mr. Wuori from the Committee on Election Laws on Bill "An Act relating to Appointment of Chairmen of Board of Registration in Cities of Certain Population" (H. P. 734) (L. D. 972) which was recommitted, reported Leave to Withdraw.

Mr. Levesque from the Committee on Labor reported same

on Bill "An Act Providing Unemployment Compensation for Seasonal State Employees" (H. P. 827) (L. D. 1055)

Mr. Crommett from the Committee on Towns and Counties reported same on Bill "An Act Limiting Number of Deputy Sheriffs in Kennebec County" (H. P. 870) (L. D. 1167)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Cushing from the Committee on Election Laws reported "Ought not to pass" on Bill "An Act Revising the Laws Relating to Voting Machines" (H. P. 908) (L. D. 1236)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mrs. Baker from the Committee on Labor on Bill "An Act relating to Equal Pay for Women Employees" (H. P. 892) (L. D. 1189) reported same in a new draft (H. P. 1041) (L. D. 1412) under title of "An Act relating to Equal Pay for Men and Women Employees" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Third Reader Tabled and Assigned

Bill "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor" (S. P. 219) (L. D. 678)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for Tuesday, March 30.)

Passed to Be Engrossed

Bill "An Act relating to Use Tax on Personal Property Withdrawn from Inventory" (S. P. 270) (L. D. 818)

Bill "An Act relating to Age of Compulsory Education" (S. P. 456) (L. D. 1392)

Bill "An Act relating to Pensions for Beneficiaries of Members of Lewiston Police and Fire Departments" (H. P. 355) (L. D. 458)

Bill "An Act relating to Hours of Moving Pictures on Sunday" (H. P. 421) (L. D. 533)

Bill "An Act relating to Adoption of Ordinances by Tribal Indians" (H. P. 787) (L. D. 1040)

Bill "An Act relating to Delivery of Liquor by Manufacturers for Sales Promotion Purposes" (H. P. 841) (L. D. 1142)

Bill "An Act Clarifying the Offense of Procuring Liquor for Certain Persons" (H. P. 890) (L. D. 1187)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act relating to Payment by Dealers to Producers for Milk Purchased" (H. P. 1037) (L. D. 1408)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Gilbert of Turner, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Resolve Authorizing the Estate of Frank E. Lemli, Formerly of The Forks, Maine, to Sue the State of Maine (S. P. 150) (L. D. 391)

of Maine (S. P. 150) (L. D. 391)
Was reported by the Committee
on Bills in the Third Reading, read
the second time, passed to be engrossed and sent to the Senate.

Third Reader Tabled and Assigned

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attornew General by the Governor (S. P. 220) (L. D. 679)

Was reported by the Committee on Bills in the Third Reading and read the second time.

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for tomorrow.)

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House twenty pupils of the Junior and Senior Classes of Solon High School, accompanied by their Principal, Frank Beane. They are the guests of Representative Faucher of Solon.

On behalf of the House the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

Amended Bills

Bill "An Act relating to Dogs Doing Damage to Livestock and Poultry" (S. P. 41) (L. D. 212)

Bill "An Act Providing for a Mayor-Council Charter for the City of Westbrook" (H. P. 344) (L. D. 451)

Bill "An Act Revising the Laws Relating to Plumbers" (H. P. 591) (L. D. 783)

Bill "An Act relating to Malt Liquor Licenses" (H. P. 710) (L. D. 948)

Resolve in favor of the Town of Anson (S. P. 302) (L. D. 916)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate

Passed to Be Enacted Emergency Measure

An Act Authorizing the Municipalities of Acton, Alfred, Limerick, Lyman, Newfield, Shapleigh and Waterboro to Form a School Administrative District (H. P. 322) (L. D. 425)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Bill was passed

to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Publication of Foreclosure Notices (S. P. 208) (L. D. 589)

An Act relating to the Validation of Certain Instruments (S. P. 312) (L. D. 1025)

An Act relating to Authority of Water Companies to Acquire Property (S. P. 322) (L. D. 1019)

An Act relating to Trespass on Lands of the University of Maine (S. P. 357) (L. D. 1120)

An Act to Clarify the Law with Respect to Municipal Investments (H. P. 309) (L. D. 412) (Later Reconsidered and Tabled)

An Act relating to Definition of Cigarettes under Cigarette Tax Law (H. P. 555) (L. D. 726)

An Act relating to Definition of "Storage" and "Use" in Sales and Use Tax Law (H. P. 658) (L. D. 885)

An Act relating to Certain Fees of Registers of Deeds (H. P. 664) (L. D. 891)

An Act relating to Payments by Baxter State Park Authority to Maine Forestry District (H. P. 719) (L. D. 957)

An Act relating to Election of Clerks and Secretaries of Trust Companies (H. P. 795) (L. D. 1072)

An Act relating to Religious Confessionals as Privileged Communications (H. P. 1013) (L. D. 1352)

Finally Passed

Resolve Authorizing Mary Howe Goodall and Stanley Howe to Bring Civil Action Against the State of Maine (S. P. 196) (L. D. 575)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT — "Ought not to pass" — Committee on Education on Bill "An Act to Create a School Administrative District in the Town of Scarborough." (H. P. 7) (L. D. 7)

Tabled — February 24, by Mr. Lent of Scarborough.

Pending - Acceptance.

On motion of Mr. Berry of Cape Elizabeth, retabled pending acceptance of the Committee Report and specially assigned for Friday, March 26.

The Chair laid before the House the second tabled and to-day assigned matter:

HOUSE REPORT — "Ought not to pass" — Committee on Education on Bill "An Act to Create a School Administrative District in the Town of Cape Elizabeth." (H. P. 402) (L. D. 514)

Tabled — February 24, by Mr. Berry of Cape Elizabeth.

Pending — Acceptance.

On motion of Mr. Lent of Scarborough, retabled pending acceptance of the Committee Report and specially assigned for Friday, March 26.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE REPORT — "Ought not to pass" — Committee on Inland Fisheries and Game on Resolve, relating to Fish Screen at Outlet of Rangeley Lake. (H. P. 227) (L. D. 294)

Tabled — March 17, by Mr. Palmer of Phillips.

Pending — Motion of Mr. Palmer of Phillips to substitute Resolve for Ought not to pass Report.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, I move this be tabled until Tuesday, March 30.

The SPEAKER: The gentleman from Eastport, Mr. Mills, now moves this matter lie upon the table assigned for March 30, pending the motion of the gentleman from Phillips, Mr. Palmer, to substitute the Resolve for the "Ought not to pass" Report.

Mr. Anderson of Ellsworth requested a division.

The SPEAKER: A division has been requested. All those in favor of this matter being tabled until March 30 will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and fifty-four having voted in the negative, the tabling motion did prevail.

The Chair laid before the House the fourth tabled and today assigned matter:

Resolve, Designating Maine Turnpike as "The Maine Gold Star Memorial Highway." (H. P. 383) (L. D. 485)

Tabled — March 17, by Mr. Levesque of Madawaska

Pending — Motion of Mr. Blouin of Sanford to insist. (In Senate, Engrossed as Amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.) (S. "A" S-64) (C. "A" H-59)

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Blouin.

Mr. BLOUIN: Mr. Speaker, I withdraw my motion to insist.

The SPEAKER: The gentleman from Sanford, Mr. Blouin, now withdraws his motion to insist.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I move we insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves the House insist and join in a Committee of Conference.

Thereupon, on motion of Mr. Carroll of Limerick, the House voted to recede from its former action.

Senate Amendment "A" to Committee Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 383, L. D. 485, Resolve, Designating Maine Turnpike and

Interstate No. 95 as "The Gold Star Memorial Highway."

Amend said Amendment, in the 2nd line, by inserting after the word "Designating" the words 'Portion of'

Further amend said Amendment, in the last line, by inserting after the word "Turnpike" the words from the Falmouth Interchange to the Gardiner Interchange

On motion of Mr. Carroll of Limerick, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed in nonconcurrence.

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follow:

HOUSE AMENDMENT "A" to H. P. 383, L. D. 485, Resolve, Designating Maine Turnpike and Interstate No. 95 as "The Gold Star Memorial Highway."

Amend said Resolve by striking out all of the Title and inserting in place thereof the following: 'Resolve, Designating Portion of Maine Turnpike as "The Maine Gold Star Memorial Highway."'

Further amend said Resolve by striking out all of the headnote and inserting in place thereof the following: 'Maine Turnpike designated as "The Maine Gold Star Memorial Highway."'

Further amend said Resolve by striking out all of the 3rd line and inserting in place thereof the following: 'the Maine Turnpike from the Kittery Entrance to the Augusta Interchange "The Maine Gold Star"'

Further amend said Resolve by striking out the period at the end and inserting in place thereof the following:

'; and be it further

Resolves, 1959, c. 54, amended. Resolved: That chapter 54 of the resolves of 1959, as amended by chapter 65 of the resolves of 1961, is further amended to read as follows:

'Designation of Interstate High way System. Resolved: That in recognition of the outstanding and unselfish service rendered by the late Brian M. Jewett to the State of Maine that the Interstate Highway System in Maine, except for the bridges across the Kennebec River from Fairfield to Benton and except for the Maine Turnpike from the Kittery Entrance to the Augusta Interchange, be named the "Brian M. Jewett Memorial Highway" and that appropriate plaques designating the name of the highway be erected and maintained by the State Highway Commission at such locations in rest areas as the State Highway Commission shall select.'"

House Amendment "A" was adopted, the Resolve passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill, "An Act relating to Improper Conditions for Industrial Safety." (H. P. 420) (L. D. 532)

Tabled-March 19, by Mr. Brewer of Bath.

Pending — Further consideration. (In Senate, Engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.)

On motion of Mr. Brewer of Bath, the House voted to recede and concur with the Senate.

The Chair laid before the House the sixth tabled and today assigned matter:

HOUSE REPORT—"Ought not to pass" as Covered by Other Legislation—Committee on Highways on Bill, "An Act Increasing Reimbusement to Towns for Snow Removal." (H. P. 282) (L. D. 435)

Tabled—March 19, by Mr. Hunter of Clinton.

Pending-Acceptance.

On motion of Mr. Bourgoin of Fort Kent, retabled pending acceptance of the Committee Report and specially assigned for Friday, March 26.

(Off Record Remarks)

On motion of Mr. Pendergast of Kennebunkport, the House voted to reconsider its action of earlier in today's session whereby An Act to Clarify the Law with Respect to Municipal Investments, H. P. 309, L. D. 412, was passed to be enacted.

On further motion of the same gentleman, tabled pending pas-

sage to be enacted and specially assigned for Friday, March 26.

On motion of Mr. Wuori of Oxford,

Adjourned until ten o'clock tomorrow morning.