

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Wednesday, Jan. 1, 1913.

Pursuant to the provisions of the constitution and laws of the State of Maine, the senators-elect to the 76th Legislature convened in the Senate Chamber and were called to order by William C. Hanson, secretary of the Senate of 1911.

Prayer was offered by Rev. C. G. Mosher of Augusta.

The following communication was read by the secretary:

STATE OF MAINE.

Office of the Secretary of State.
To the secretary of the Senate:

In compliance with Section 26, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the senators-elect to the 76th Legislature, as appears by the report of the Governor and Council under date of September 26 1912:

First Senatorial District—Aaron D. Cole, Eliot; Cecil F. Clark, Hollis; George G. Emery, Sanford.

Second Senatorial District—H. M. Moulton, Cumberland; Ephraim B. Jillson, Otisfield; Edward W. Murphy, Portland; Edward F. Flaherty, Portland.

Third Senatorial District—Albert J. Stearns, Norway.

Fourth Senatorial District—David R. Hastings, Auburn; Frank A. Morey, Lewiston.

Fifth Senatorial District—Herbert S. Wing, Kingfield.

Sixth Senatorial District—Noble Maxwell, Richmond.

Seventh Senatorial District—Frank L. Dutton, Augusta; Joseph W. Allen, Mt. Vernon; Willington T. Reynolds, Winslow.

Eighth Senatorial District—Forrest H. Colby, Bingham; William L. Walker, Skowhegan.

Ninth Senatorial District—Charles J. Chase, Sebec.

Tenth Senatorial District—Taber D. Bailey, Bangor; Charles E. Smith, Newport; George H. Richardson, Old Town.

Eleventh Senatorial District—Leslie Boynton, Jefferson.

Twelfth Senatorial District—Arthur B. Packard, Rockport.

Thirteenth Senatorial District—Chas. M. Conant, Winterport.

Fourteenth Senatorial District—J. Herbert Patten, Eden; Alexander C. Hagerthy, Ellsworth.

Fifteenth Senatorial District—Herbert H. Allan, Dennysville; George F. Mansfield, Jonesport.

Sixteenth Senatorial District—Albert A. Burleigh, Houlton; Ira G. Hersey, Houlton; Carl E. Milliken, Island Falls.

In testimony whereof I have caused the seal of the State to be hereunto affixed at Augusta, this 31st day of December, A. D. nineteen hundred and twelve, of the Independence of the United States of America the one hundred and thirty-seventh.

(Signed) CYRUS W. DAVIS,
Secretary of State.

The roll being called, the following-named senators-elect responded to their names: Messrs. Herbert H. Allan, Joseph W. Allen, Taber D. Bailey, Leslie Boynton, Albert A. Burleigh, Charles J. Chase, Cecil F. Clark, Forrest H. Colby, Aaron B. Cole, Charles M. Conant, Frank L. Dutton, George G. Emery, Edward F. Flaherty, Alexander C. Hagerthy, David R. Hastings, Ira G. Hersey, Ephraim B. Jillson, George F. Mansfield, Noble Maxwell, Carl E. Milliken, Frank A. Morey, H. M. Moulton, Edward W. Murphy, Arthur B. Packard, J. Herbert Patten, Willington T. Reynolds, George H. Richardson, Charles E. Smith, Albert J. Stearns, William L. Walker, Herbert S. Wing—31, and 31 senators-elect having answered to their names, a quorum was declared present.

Mr. Stearns of Oxford moved that a message be sent to the Governor and Council informing that body that a quorum of senators-elect of the 76th Legislature is present in the Senate Chamber, ready to take and subscribe the oaths of office to qualify them to enter upon their official duties. The motion being duly seconded, prevailed, and Senator Stearns of Oxford was appointed to convey such message and thereafter reported that he had delivered the message with which he was charged.

Senators Take the Oath.

The Governor and Council thereupon came in, before whom the senators-elect took and subscribed the oaths required by the Constitution, and the Governor and suite then withdrew.

On motion by Mr. Colby of Somerset, that senator with Messrs. Richardson of Penobscot and Allan of Washington were appointed by the secretary a committee to receive, sort and count votes for President of the Senate. The committee reported 29 votes cast and Carl E. Milliken of Aroostook received 20, and Leslie Boynton of Lincoln received 9.

The report was accepted and Carl E. Milliken of Aroostook was declared elected President of the Senate for the political years 1913 and 1914.

Mr. Boynton of Lincoln was appointed to conduct the President to the chair.

Mr. BOYNTON of Lincoln: Senators: It is indeed a particular privilege for me to be able to present to you your newly elected President of the Senate, Senator Milliken of Aroostook.

The PRESIDENT: Brother Senators: It is a special privilege to me to accept this gracious courtesy at the hands of my dear friend, the senator from Lincoln. And no words at my command can express to you my deep appreciation of the honor you have conferred upon me. I shall need, constantly, and I shall confidently expect, your tolerance—for my mistakes will be many—your co-operation, in the work we shall try to do together, and a continuance of the same kindly spirit you have shown towards me.

I pledge you, upon my part, that my constant effort will be to preside over your deliberations with absolute fairness and impartiality, and I assure you that at all times I am at your service in the interest of our common duties here.

We are here, Senators, if you please, as directors in a great corporation. We are to transact the business of the people of the State of Maine. There occasionally will be differences of opinion as to where the interests of the people may lie, but there is no

difference in the mind of any senator present as to the motive that will inspire us all. And no personal interest, no sectional interest, even, will intervene, I know, between the mind of any senator and what he considers to be the welfare of the whole people of our great State. Again, I thank you and the Chair awaits the pleasure of the Senate. (Applause.)

On motion of Mr. Bailey of Penobscot, that senator with Messrs. Cole of York and Flaherty of Cumberland, were appointed a committee to receive, sort and count votes for secretary of the Senate. The committee reported 30 votes cast. William E. Lawry had 20, W. C. Hanson, 10.

The report was accepted and William E. Lawry was declared elected secretary of the Senate. Senator Bailey of Penobscot was appointed by the Chair to conduct the secretary-elect to the Council chamber to take and subscribe the necessary oaths of office before the Governor and Council. Subsequently that senator announced that Mr. Lawry had taken and subscribed said oaths of office, and the secretary of the Senate thereupon entered upon the discharge of his official duties.

On motion by Mr. Wing of Franklin, that senator with Messrs. Patten of Hancock and Packard of Knox were appointed a committee to receive, sort and count votes for assistant secretary of the Senate. The committee reported 28 votes cast. L. Ernest Thornton had 19, H. L. Thurlough 9.

The report was accepted and L. Ernest Thornton was declared assistant secretary of the Senate. The assistant secretary of the Senate thereafterwards took his oath of office.

On motion by Mr. Chase of Piscataquis, that senator with Messrs. Clark of York and Morey of Androscoggin were appointed a committee to receive, sort and count votes for messenger. The committee reported 31 votes cast. Charles H. Lovejoy had 31.

The PRESIDENT: It is with peculiar pleasure that the Chair announces the unanimous choice of Charles H. Lovejoy of Sidney as messenger of the Senate.

On motion of Mr. Burleigh of Aroos-

took, that senator, with Messrs. Maxwell of Sagadahoc and Hastings of Androscoggin were appointed a committee to receive, sort and count votes for assistant messenger. The committee reported 28 votes cast. J. F. Ashford had 23, J. B. Potter 5.

The report was accepted and J. F. Ashford was declared duly elected assistant messenger.

On motion by Mr. Conant of Waldo, that senator and Mr. Hagerthy of Hancock and Mr. Jillson of Cumberland were appointed a committee to receive, sort and count votes for folder. The committee reported 29 votes cast. John W. Higgins had 19, W. R. Fairclough had 10.

The report was accepted and John W. Higgins was declared duly elected folder.

On motion by Mr. Emery of York, that senator with Messrs. Moulton of Cumberland and Smith of Penobscot were appointed a committee to receive, sort and count votes for assistant folder. The committee reported 29 votes cast. Claude W. Townsend, Jr., had 19, Charles Lamere 10.

The report was accepted and Claude W. Townsend, Jr., was declared duly elected assistant folder.

On motion by Mr. Hersey of Aroostook, that senator with Mr. Stearns of Oxford and Murphy of Cumberland were appointed a committee to receive, sort and count votes for doorkeeper. The committee reported 29 votes cast. Stephen B. Lord had 22, Alonzo G. Dennis 7.

The report of the committee was accepted and Stephen B. Lord was declared duly elected doorkeeper.

On motion by Mr. Walker of Somerset, that senator with Messrs. Reynolds of Kennebec and Boynton of Lincoln were appointed a committee to receive, sort and count votes for postmaster. The committee reported 30 votes cast. Arthur A. Knight had 20, Ralph Trim had 10.

The report of the committee was accepted and Arthur A. Knight was declared duly elected postmaster.

On motion of Mr. Colby of Somerset it was

Ordered: That the President of the

Senate be authorized to appoint two pages for the Senate.

The President then announced the appointment of John F. Lock of Mt. Vernon and Percie F. Cram of Whiting.

On motion of Mr. Clark of York, it was

Ordered: That the Secretary of the Senate be authorized to secure the services of a stenographic and typewriter operator during the present session of the Legislature.

On motion of Mr. Conant of Waldo, it was

Ordered: That Fred W. Lee of Augusta be appointed official reporter of the Senate with the compensation fixed at the same amount as that of the official reporter at the last regular session.

On motion of Mr. Bailey of Penobscot, it was

Ordered: That a committee of seven be appointed by the President, to whom the returns of the votes for senators for the political years of 1913-14 shall be forwarded for examination and report.

The President thereupon appointed as such committee Messrs. Bailey of Penobscot, Chase of Piscataquis, Walker of Somerset, Conant of Waldo, Clark of York, Hastings of Androscoggin, Boynton of Lincoln.

On motion of Mr. Stearns of Oxford, it was

Ordered: That returns of votes for Governor given in the several cities, towns and plantations of the State for the political years of 1913 and 1914 be referred to a joint select committee of seven on the part of the Senate with such as the House may join.

The President appointed as the committee on the part of the Senate, to whom the votes for Governor shall be referred, Messrs. Stearns of Oxford, Burleigh of Aroostook, Reynolds of Kennebec, Maxwell of Sagadahoc, Morrey of Androscoggin, Packard of Knox, Allan of Washington.

On motion by Mr. Hersey of Aroostook, it was

Ordered: That a message be sent to the House of Representatives informing that body that the Senate is

duly organized by the choice of Hon. Carl E. Milliken of Aroostook as President; William E. Lawry as secretary, and L. Ernest Thornton as assistant secretary, and that Senator was appointed to convey said message. Subsequently that Senator reported that he had delivered the message with which he was charged.

On motion of Mr. Emery of York, it was

Ordered: That a message be sent to the Governor and Council in forming that body that the Senate is duly organized by the choice of Hon. Carl E. Milliken of Aroostook as President; William E. Lawry as secretary, and E. Ernest Thornton as assistant secretary, and that Senator was appointed to convey said message and subsequently reported that he had delivered the message with which he was charged, and that the Governor wished him to say that he congratulates this Senate upon its wise choice in selecting such efficient officers.

On motion of Mr. Wing of Franklin it was

Ordered: That the rules and orders of 1911 be the rules and orders of the Senate until otherwise ordered.

On motion by Mr. Allen of Kennebec it was

Ordered, That the secretary of the Senate be directed to furnish each member and officer of the Senate one copy of the Kennebec Journal and two other daily papers published in the State, such as each member and officer may select.

On motion by Mr. Smith of Penobscot, it was

Ordered, That the secretary of the Senate prepare and have printed 150 diagrams of the Senate Chamber for the use of the Senate.

On motion by Mr. Dutton of Kennebec, it was

Ordered, That the secretary of the Senate prepare the usual register of the Senate and that 800 copies of the same be printed for the use of the Senate.

On motion by Mr. Mansfield of Washington it was

Ordered, That the secretary of the Senate be directed to invite the clergy-

men of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate in rotation, during the present session.

On motion by Mr. Cole of York it was

Ordered, That the secretary of the Senate be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State, one copy each of the Holy Bible, Webster's International, Worcester's Unabridged and Standard Dictionaries, Lippincott's Pronouncing Gazetteer, Reed's Rules and Cushing's Law and Practice of Legislative Assemblies.

On motion by Mr. Colby of Somerset it was

Ordered, That the secretary of the Senate provide each member and officer of the Senate with a copy of the Acts and Resolves of 1911.

On motion by Mr. Patten of Hancock it was

Ordered, That the Senate hold one session a day commencing at 10 o'clock in the forenoon until otherwise ordered.

On motion by Mr. Emery of York it was

Ordered, The House concurring, that the joint rules and orders of 1911-12 be adopted as the joint rules and orders of this Legislature, with the following amendments: In rule one strike out the words "State Roads" and substitute in place thereof the words "Forest Preservation;" and add after the words "On School for Feeble Minded," the words "On Public Health."

On motion by Mr. Allen of Kennebec it was

Ordered, the House concurring, that the superintendent of public buildings is hereby given charge of all assignments for hearings in the Capitol building, and that all applications for rooms for hearings must be made to him in writing, 48 hours previous to being used for that purpose.

Sent down for concurrence. Subsequently this order came back from the House, that branch having concurred in the action of the Senate.

The following communication was

received from the office of the secretary of State:

STATE OF MAINE.

Office of Secretary of State,
Augusta, Jan. 1, 1913.

To the Senate and House of Representatives:

By order of the Governor and Council, I have the honor to herewith transmit a report of the votes cast at the election, Sept. 11, 1911, upon the amendments to the Constitution of the State proposed by Chapters 210 and 221 of the resolves passed at the regular session of the Legislature of 1911, and of the votes cast at the election, Sept. 9, 1912, upon the amendment to the Constitution of the State proposed by Chapter 1 of the resolves passed by said Legislature in special session, in 1912.

Upon the amendment proposed by Chapter 210 of the resolves of 1911, providing that Augusta is declared to be the seat of government of this State, there were 59,678 votes in the affirmative and 41,294 votes in the negative.

Upon the amendment proposed by Chapter 221 of the resolves of 1911, providing that towns having a population of 40,000 inhabitants or more, according to the last census taken by the United States, be permitted to create a debt or liability which, single or in the aggregate, equals seven and one-half per centum of its last regular valuation and that the increase in amount of debt be no greater than one-quarter of one per centum over the present rate of 5 per cent. in any one year, there were 39,242 votes in the affirmative and 38,712 votes in the negative.

Upon the amendment proposed by Chapter 1 of the resolves passed by the Legislature in special session, in 1912, providing for the issuing of State bonds for the purposes of building and maintaining State highways, there were 80,619 votes in the affirmative and 21,454 votes in the negative.

Very respectfully,

(Signed) CYRUS W. DAVIS,
Secretary of State.

Ordered placed on file. Sent down for concurrence.

The following communications were received from the Executive Department:

STATE OF MAINE.
Executive Chamber.

Augusta, Jan. 1, 1912.

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years 1911 and 1912, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation or pardon, and the conditions, if any, upon which the same was granted.

(Signed)

FREDERICK W. PLAISTED.

Order placed on file. Sent down for concurrence.

STATE OF MAINE.

Executive Department.

Augusta, Me., Jan. 1, 1913.

To the Honorable Senate and House of Representatives:

I have the honor to transmit herewith a communication signed by the postmaster general and secretary of agriculture of the United States in relation to a plan for national aid for the improvement of postal routes; together with a letter from the commissioner of highways of this State in relation to the same.

(Signed)

FREDERICK W. PLAISTED.

On motion by Mr. Hersey of Aroostook the communication was received and tabled pending reference to a committee.

The following bills, petitions and resolves were taken from the files and referred to committees and sent down for concurrence.

Judiciary.

An Act to make uniform the law relating to the sale of goods.

An Act for the better protection of

trust funds of churches and other religious societies.

Resolve in favor of Herbert L. Kimball.

An Act relating to Chapter 93 of the Revised Statutes concerning liens.

An Act to authorize municipalities to take and condemn powers and power sites for municipal purposes.

Resolve in favor of Deforest Keyes.

An Act to amend Section 43 of Chapter 114 of the Public Laws relating to sessions of the law court.

An Act to prohibit foreign corporations from engaging in the business of generating electricity by water power within the State of Maine.

An Act to amend Chapter 66 of the P. & S. Laws of 1881, being an act to incorporate the Island Cottage Co.

An Act relating to negotiable instruments.

Legal Affairs.

An Act to increase the efficiency of trustees of State institutions and commissioner appointed by the Governor, so that the same may be non-partisan.

Memorial by the town of Eden.

An Act to amend Section 25 of Chapter 125 of the R. S. relating to the observance of the Lord's Day.

An act relating to the liability of employers to make compensation for personal injuries suffered by employees.

An Act to establish a reformatory for women.

An Act for the creation of water districts and the control and regulation of water storage and water power companies.

An Act to amend Section 54 of Chapter 125 of R. S. of 1903, as to the appointment of agents for the prevention of cruelty to animals.

An Act for the investigation of the small loans business.

Appropriations and Financial Affairs.

An act to provide for the payment of State aid to free High schools out of

State school funds. (Tabled by Mr. Walker of Somerset).

Resolve in favor of the Washington State Normal school. (Tabled by Mr. Walker of Somerset).

Resolve in favor of the town of Norridgewock.

Resolve in favor of the town of Prescott.

Resolve in favor of the city of Waterville.

Resolution in favor of appropriating money to assist in freeing the Portsmouth bridge.

Resolve in aid of the Rumford General hospital.

On motion by Mr. Walker of Somerset, An Act to provide for the payment of State aid to free High schools out of State school fund, and Resolve in favor of the Washington State Normal school, both tabled by him, were taken from the table and referred to the committee on education.

Claims.

Resolve in favor of the city of Biddeford, for reimbursement for support of insane pauper.

Resolve in favor of the town of Castine.

Resolve in favor of the town of St. Agatha.

Resolve in favor of Jothan Stevens of Eden.

Resolve in favor of the city of Old Town.

Resolve in favor of Filix G. Sirois, M. D.

Resolve in favor of the city of Biddeford, for reimbursement for support of insane pauper.

Resolve in favor of the town of Solon.

Resolve in favor of the town of Stonham.

Resolve in favor of the town of Danforth with bills and statement of facts.

Resolve in favor of the town of Albion.

Resolve in favor of the town of East Livermore.

Resolve in favor of the counties of Kennebec and Somerset.

Resolve in favor of the town of St. George.

Resolve in favor of the town of Phillips.

Resolve in favor of Verna C. Keene of Milo.

Resolve in favor of James L. Martin of Milo, Maine, coroner, for the county of Piscataquis.

Resolve in favor of the town of Norway.

Resolve in favor of Stockholm Plantation.

Resolve in favor of the town of Paris.

Resolve in favor of W. R. L. Hathaway, M. D., of Milo.

Resolve in favor of the town of Island Falls.

Resolve in favor of Louis C. Ford, M. D., of Milo.

Resolve in favor of C. M. Wescott of Patten, Maine, constable of said town.

Resolve in favor of Fred A. Thurlough.

Resolve in favor of the town of Nobleboro.

Resolve in favor of the town of Moscow.

Resolve in favor of the town of Mexico.

Resolve in favor of the city of Biddeford for reimbursement for support of insane pauper, Joseph Labelle.

Resolve in favor of the town of Sebec.

Resolve in favor of the town of Dennysville.

Resolve in favor of the town of Columbia.

Resolve in favor of the town of Oxford.

Resolve in favor of the town of Woodstock.

Resolve in favor of the town of Island Falls.

Resolve in favor of the town of Peru.

Education.

An Act to provide for payments of State school funds.

Petition of John F. Harriman and others of Randolph for distribution of State school funds on the basis of average attendance in school.

An Act to amend Section 3 of Chapter 177 of the Public Laws of 1909 relating to the common school fund and the means of providing for and distributing the same.

An Act to provide for the distribution mill fund and the common school fund and to amend Sections 122, 123 and 126 of Chapter 15 of the R. S., and Section 3 of Chapter 177 of the Public Laws of 1909,

relating to the distribution of the common school fund.

An Act to establish a normal school to be located at Dexter in the county of Penobscot.

Resolve in favor of the College of Agriculture of the University of Maine.

Resolve in favor of the State Normal school.

Ways and Bridges.

Resolve in favor of aiding in building road in New Canada Plantation.

Resolve in favor of State aid for the support of the Eastport bridge.

Resolve in aid of bridge across Holmes' stream in the town of Whiting, Washington county.

Resolve in favor of the town of Addison.

Resolve in favor of the city of Gardiner and town of Randolph.

Resolve in favor of the town of Rockport.

Resolve in favor of aid in building a highway bridge across Moose river in Jackman Plantation in the county of Somerset.

Resolve in favor of repairing highway in the town of Greenbush.

Resolve in favor of a road in Eliotville Plantation.

Resolve in favor of the Wiscasset bridge.

Resolve to appropriate a sum of money to assist in freeing the Patterson toll bridge.

An Act to free the Patterson toll bridge.

Petitions for the building of a bridge across the Moose river near its mouth.

An Act for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, county and towns.

Resolve in favor of the Machiasport and East Machias bridge.

Resolve in favor of aid in building road from Roach River to Grant farm.

Resolve in favor of the town of Roque Bluffs.

Resolve in favor of aid for building road to Pittston Farm.

Resolve in aid of bridge in Franklin, Hancock county.

An Act to provide for the ownership of the Stillwater bridge in the town of Orono.

Resolve in favor of the town of Whitneyville for extra expense in connection

with building and repair of bridge across Machias river.

Resolve in favor of repairing the highway in the town of Moscow and the Plantations of Caratunk and The Forks.

Resolve in favor of aid in repairing road from The Forks to Lake Moxie Station.

Resolve in favor of raising and repairing bridge over Garland's brook in town of Mariaville.

Resolve in favor of the county commissioners of Franklin county for the repair and permanent improvement of the highways in Letter E Plantation and Sandy River Plantation in Franklin county.

Resolve in favor of the county commissioners of Franklin county for the repair and permanent improvement of the highway in Jerusalem and Crocker Townships in Franklin county.

Resolve in favor of the county commissioners of Franklin county for the repair and permanent improvement of the highway in Washington Plantation and Perkins Plantation in Franklin county.

State Lands and Forest Preservation.

Resolve to encourage the reforesting of waste lands in the State of Maine.

Agriculture.

An act to amend Chapter 247 of the Public Laws of 1909 providing for the uniform grading, packing and branding of apples.

Mercantile Affairs and Insurance.

An Act to amend Section 78 of Chapter 49 of the Revised Statutes of Maine relating to insurance and insurance companies.

Taxation.

An Act to amend Sections 24 and 36 of Chapter 8 of the Revised Statutes relating to the taxation of railroad companies and telegraph and telephone companies.

An Act to permit local option in taxa-

tion. (Tabled pending reference by Mr. Emery of York.)

Labor.

An Act to amend Chapter 40 of the Revised Statutes as amended by Chapter 46 of the Public Laws of 1907 and Chapters 70 and 257 of the Public Laws of 1909 relative to employment of women and children.

Sea and Shore Fisheries.

An Act for the better protection of her-
ring in Penobscot bay.

Interior Waters.

An Act to preserve the natural resources of the Kennebec Valley and prevent their diversion.

An Act for the placing of buoys in Lewis, Long and Big lakes.

Kennebec Delegation.

An Act to regulate ice fishing in Lake Cobbosseecontee and Lake Maranacook in Kennebec county. (Tabled pending reference by Mr. Allen of Kennebec.)

York Delegation.

Resolve authorizing the county of York to procure a loan. (Tabled pending reference by Mr. Emery of York.)

On motion by Mr. Stearns of Oxford a recess was taken until 2 o'clock.

After Recess.

Senate called to order by the President.

Message from the House.

A message was received from the House of Representatives, conveyed by Mr. Scates of Westbrook, that the House was duly organized for the 76th Legislature. by the election of John A. Peters of Ellsworth as Speaker, W. H. Roix of Ashland as clerk, and Gardner E. Heath of Augusta as assistant clerk.

On motion by Mr. King of Franklin the Senate adjourned until tomorrow morning at 10 o'clock.