

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, March 10, 1961

Senate called to order by the President.

Prayer by Rev. William Dawes Veazie of Gardiner.

On motion by Mr. Parker of Piscataquis

Journal of Wednesday read and approved.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Noyes.

Mr. NOYES of Franklin: Mr. President, I yield to the Senator from Cumberland, Senator Davis.

Thereupon, on motion by Mr. Davis of Cumberland out of order and under suspension of the rules the Senate voted to accept the Ought to pass report of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys for Improvements, Renovations and Repairs of State Buildings and Facilities." (S. P. 487) (L. D. 1482)

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.

On further motion by the same Senator, the bill was sent forthwith to the House for concurrence.

On motion by Mr. Noyes of Franklin, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 14, at ten o'clock in the morning. (S. P. 490)

Which was read and passed.
Sent down for concurrence.

**Papers from the House
Non-Concurrent Matters**

Report from the Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Little Jim Pond, Franklin County. (H. P. 246) (L. D. 360) reported that the same Ought to pass.

In House on March 1, Report and Resolve indefinitely postponed.

In Senate, March 7, passed to be engrossed in non-concurrence.

Comes from the House, that body having voted to adhere.

In the Senate, on motion by Mr. Cyr of Aroostook, tabled pending consideration, and especially assigned for Tuesday next.

Report from the Committee on Sea and Shore Fisheries on Bill, "An Act Repealing the Tax on Quahogs." (S. P. 236) (L. D. 640) in which the Majority reported Ought to pass, and the Minority reported Ought not to pass.

In Senate on March 7, the Majority Ought to pass report accepted and the Bill passed to be engrossed. Sent down for concurrence.

In House on March 8, the Bill and Reports were indefinitely postponed in non-concurrence.

In the Senate:

Mr. MAYO of Sagadahoc: Mr. President, I move that the Senate accept the Majority Ought to pass report in non-concurrence.

The PRESIDENT: The Chair would like to inform the Senator that we have already done that. It has been passed to be engrossed.

Mr. MAYO: Mr. President, I move that the Senate adhere.

The motion to adhere prevailed. Thereupon, on motion by Mr. Mayo of Sagadahoc, the Senate voted to reconsider its action just taken whereby the Senate voted to adhere; and on further motion by the same Senator, the Senate voted to insist.

**Committee Reports
House
Leave to Withdraw**

The Committee on Welfare on Bill, "An Act Increasing Old Age Assistance Benefits." (H. P. 918) (L. D. 1252) reported that the same should be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Welfare on Bill, "An Act Relating to Payment of Last Sickness Expense by Department of Health and Welfare." (H. P. 1052) (L. D. 1452) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Appointment

of Guardians of Persons Receiving Old Age Assistance." (H. P. 1053) (L. D. 1453) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

MAJORITY — Ought to Pass, As Amended
MINORITY — Ought Not to Pass

The Majority of the Committee on Liquor Control on Bill, "An Act Permitting Sale of Liquor for One Hour After Midnight." (H. P. 828) (L. D. 1143) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-92)

(Signed)

Senators: MAYO of Sagadahoc
JACQUES

of Androscoggin

Representatives:

LACHARITE

of Brunswick

DOSTIE of Winslow

HUMPHREY of Augusta

COOPER of Albion

MORRILL of Harrison

STEVENS of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Senator: CHRISTIE of Aroostook
Representative:

CHAPMAN of Norway

Comes from the House, Minority Report — Ought not to pass, accepted.

Mrs. CHRISTIE of Aroostook: Mr. President and Members of the Senate: This is not a very big bill, as we might say, but I move that we concur with the House in the acceptance of the minority "Ought not to pass" report and I would like to speak to that motion.

The claim that was made was that we needed this extra hour after midnight to accommodate the skiing resorts. It has been my feeling that when one is skiing he needs to be at his very best in judgment and in reaction time and everything else, and he cannot be at his best if he has been drinking. If he has an hour after midnight in which to drink he is

not even going to be at his best the next day. So I feel that this would not be a benefit to the skiers and I doubt if it would be of very much benefit to the ski resorts. I move that the "Ought not to pass" report be accepted and I ask for a division.

On motion by Mr. Lovell of York, the bill was tabled pending the motion of the Senator from Aroostook, Senator Christie, for acceptance of the "Ought not to pass" report of the committee.

Committee Reports Senate

Leave to Withdraw

Mr. Brewster from the Committee on Claims on Resolve, in Favor of J. Douglas Paton of Fredericton, New Brunswick, Canada. (S. P. 341) (L. D. 1074) reported that the same should be granted Leave to Withdraw.

Mr. Stilphen from the Committee on Transportation on Bill, "An Act Relating to Weight of Certain Commercial Vehicles." (S. P. 210) (L. D. 543) reported that the same should be granted Leave to Withdraw.

Which reports were read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Stilphen from the Committee on Liquor Control on Bill, "An Act Relating to Shipments of Malt Liquor Into the State." (S. P. 439) (L. D. 1394) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Erwin from the Committee on Judiciary on Bill, "An Act Relating to Fee of Outside Attorneys to Practice in Maine." (S. P. 169) (L. D. 415) reported that the same Ought to pass.

Mrs. Lord from the Committee on Legal Affairs on Bill, "An Act Relating to Plantations Organized Upon Application of Three or More Citizens." (S. P. 257) (L. D. 774) reported that the same Ought to pass.

Mr. Mayo from the Committee on Liquor Control on Bill, "An Act Relating to Sales of Discontinued

Items of Liquor in State Stores." (S. P. 436) (L. D. 1308) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Location of State Liquor Stores." (S. P. 297) (L. D. 908) reported that the same Ought to pass.

Mr. Noyes from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Limit to Retirement Purposes the Use of Funds of the Maine State Retirement System. (S. P. 306) (L. D. 894) reported that the same Ought to pass.

Which reports were read and accepted, the Bills and Resolve read once and tomorrow assigned for second reading.

Ought to Pass — As Amended

Mr. Stanley from the Committee on Appropriations and Financial Affairs on Resolve, Providing for Emergency Renovation of Existing Facilities at the Maine State Prison. (S. P. 249) (L. D. 766) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing S-45)

Which report was read and accepted and the Resolve read once. Committee Amendment "A" was read and adopted, and the Resolve, as amended, tomorrow assigned for second reading.

Ought to Pass — New Draft — Same title

Mr. Stilphen from the Committee on Transportation on Bill, "An Act Relating to Disposition of Fines for Vehicle Overload Violators." (S. P. 397) (L. D. 1262) reported that the same Ought to pass in New Draft (S. P. 488) (L. D. 1480)

Which report was read and accepted, and the Bill read once and tomorrow assigned for second reading.

**MAJORITY — Ought Not to Pass
MINORITY — Ought to Pass**

The Majority of the Committee on Legal Affairs on Bill, "An Act Creating a State Athletic Commission and Regulating Wrestling." (S.

P. 25) (L. D. 50) reported that the same Ought not to pass.

(Signed)

Senators: LORD of Cumberland
NOYES of Franklin
FARRIS of Kennebec

Representatives:

BRIGGS of Portland
KELLAM of Portland
KNAPP of Yarmouth
STEWART

of Presque Isle
SPROUL of Bristol
MINSKY of Bangor

The minority of the same Committee on the same subject matter reported that the same Ought to pass.

(Signed)

Representative:

BERMAN of Houlton

On motion by Mrs. Lord of Cumberland, the Majority Ought not to pass report was accepted.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following Bills and Resolves:

Bill, "An Act Relating to Definition of Owner under Motor Vehicle Law." (H. P. 1049) (L. D. 1449)

Bill, "An Act Relating to Close Time on Lobsters About Monhegan." (H. P. 119) (L. D. 159)

Bill, "An Act to Amend and Repeal Certain Private and Special Laws Relating to Sea and Shore Fisheries." (H. P. 205) (L. D. 300)

Bill, "An Act to Correct Errors and Omissions in Sea and Shore Fisheries Public Laws." (H. P. 207) (L. D. 302)

Bill, "An Act Providing for Municipal Court Conferences." (H. P. 321) (L. D. 473)

Bill, "An Act to Authorize the Municipalities of Carthage, Dixfield and Weld to Form a School Administrative District." (H. P. 472) (L. D. 672)

Bill, "An Act Requiring Public Utilities Commission Approval of Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation." (H. P. 475) (L. D. 675)

Bill, "An Act Placing Directors of Health and Social Welfare Un-

der Personnel Law." (H. P. 537) (L. D. 735)

Bill, "An Act to Create the Bureau of Maine Archives." (H. P. 539) (L. D. 737)

Bill, "An Act to Incorporate the 'Maine Credit Union League.'" (H. P. 654) (L. D. 932)

Bill, "An Act Relating to Taking Clams from Batson's River in the Town of Kennebunkport." (H. P. 703) (L. D. 981)

Bill, "An Act Repealing Grassy Pond Game Preserve and Gribbel Game Preserve." (H. P. 749) (L. D. 1035)

Bill, "An Act to Prevent the Pollution of the Waters of Oyster River Pond, Knox County." (H. P. 769) (L. D. 1055)

Bill, "An Act to Protect the Traveling Public and Persons Working on Highways." (H. P. 807) (L. D. 1121)

Bill, "An Act Protecting the Source of Public Water Supply." (H. P. 835) (L. D. 1150)

Bill, "An Act Relating to Number of Lobster Traps on Trawls in York County." (H. P. 838) (L. D. 1153)

Bill, "An Act Relating to Boundaries of Merrymeeting Bay Game Sanctuary." (H. P. 880) (L. D. 1215)

Bill, "An Act Relating to Speed of Power Boats in Merrymeeting Bay." (H. P. 881) (L. D. 1216)

Resolve, Regulating Fishing in Roach River, Piscataquis County. (H. P. 24) (L. D. 43)

Resolve, In Favor of Elude Cantara of Biddeford. (H. P. 43) (L. D. 84)

Resolve, Increasing Pension of Merle Merrill of Montville. (H. P. 104) (L. D. 144)

Resolve, Reimbursing Town of Weston for Aid Extended to Henry Lee. (H. P. 299) (L. D. 451)

Resolve, Increasing State Pension for Mrs. Katie Libby of Charleston. (H. P. 530) (L. D. 728)

Resolve, Authorizing State to Convey Certain Land to Cumberland County. (H. P. 542) (L. D. 739)

Resolve, Reimbursing Town of Exeter for Aid Extended to Mrs. Virginia Smith. (H. P. 580) (L. D. 800)

Resolve, Opening Baker Pond, Somerset County, to Fly Fishing. (H. P. 595) (L. D. 816)

Resolve, Increasing Pension of Martha Morey of Shirley Mills. (H. P. 626) (L. D. 843)

Resolve, Authorizing the Director of the Bureau of Public Improvements to Convey Certain Land in Hallowell. (H. P. 635) (L. D. 852)

Which Bills and Resolves were read a second time and passed to be engrossed in concurrence.

As Amended

Bill, "An Act Relating to Jurisdiction of Violations of Maine Forestry District Laws." (H. P. 115) (L. D. 155) Committee Amend. "A" (Filing H-73)

Bill, "An Act Relating to Removal of Ice Fishing Shacks." (H. P. 137) (L. D. 200) Committee Amend. "A" (Filing H-81)

Bill, "An Act Providing for a Review of Laws of Forestry Department." (H. P. 143) (L. D. 206) Committee Amend. "A" (Filing H-74)

Resolve, Closing Hayden Brook, Somerset County, to All Fishing. (H. P. 244) (L. D. 358) Committee Amend. "A" (Filing H-82)

Resolve, Regulating Fishing in Ireland Pond, Penobscot County. (H. P. 597) (L. D. 818) Committee Amend. "A" (Filing H-79)

Resolve, Authorizing Director of Public Improvements to Grant Certain Easements on Land of the State in Augusta. (H. P. 639) (L. D. 856) Committee Amend. "A" (Filing H-68)

Resolve, Designating Island in Little Sebago Lake as 'Dav Brian Island.'" (H. P. 695) (L. D. 973) Committee Amend. "A" (Filing H-83)

Bill, "An Act Regulating Emergency Calls on Party Lines." (H. P. 700) (L. D. 978) Committee Amend. "A" (Filing H-77)

Bill, "An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, LaGrange and Seboeis Plantation to Form a School Administrative District." (H. P. 737) (L. D. 1025) Committee Amend. "A" (Filing H-76)

Bill, "An Act Relating to Disability Retirement Under Maine

State Retirement Law." (H. P. 837) (L. D. 1152) Committee Amend. "A" (Filing H-67)

Bill, "An Act Revising the Laws Relating to Veterinarians." (H. P. 865) (L. D. 1200) Committee Amend. "A" (Filing H-70)

Bill, "An Act Relating to Transportation of Certain Poultry." (H. P. 954) (L. D. 1321) Committee Amend. "A" (Filing H-71)

Resolve, Regulating Taking of Smelts in Kingsbury Pond and Mayfield Pond. (H. P. 148) (L. D. 211) House Amend. "A" (Filing H-87)

Which Bills and Resolves were severally read a second time and passed to be engrossed, as amended, in concurrence.

New Draft

Resolve, Changing Survivor Payments to Mrs. Anita E. Lyons of Bangor, as Guardian for Minors. (H. P. 1071) (L. D. 1473)

Which was read a second time and passed to be engrossed in New Draft, in concurrence.

Senate

Bill, "An Act Relating to the Interstate Compact on Placement of Children." (S. P. 215) (L. D. 548)

Which was read a second time and passed to be engrossed. Sent down for concurrence.

As Amended

Bill, "An Act Providing for Review of Aid to Dependent Children by Department of Health and Welfare." (S. P. 82) (L. D. 182) Committee Amend. "A" (Filing S-42)

Bill, "An Act Relating to Renewal Motor Vehicle Instruction Permits." (S. P. 212) (L. D. 545) Committee Amend. "A" (Filing S-40)

Bill, "An Act Relating to Maximum Grants in Some Public Assistance Categories." (S. P. 310) (L. D. 898) Committee Amend. "A" (Filing S-43)

Bill, "An Act Exempting Taking of Alewives in Part of Kennebec River from Law Prohibiting Artificial Lights." (S. P. 356) (L. D. 1089) Committee Amend. "A" (Filing S-38)

Bill, "An Act Relating to Fee for Registration of Farm Trailers." (S. P. 452) (L. D. 1400) Committee Amend. "A" (Filing S-37)

Which were severally read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following Bill:

Emergency

Bill, "An Act Relating to Number of Councillors and Superintending School Board of Town of Fort Fairfield." (H. P. 515) (L. D. 713)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to School Administrative Districts Contracting for Secondary Education with Other Administrative Units." (H. P. 734) (L. D. 1022)

Which bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act to Appropriate Moneys for Improvements, Renovations and Repairs of State Buildings and Facilities." (S. P. 489) (L. D. 1482)

Which bill, being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

On motion by Mr. Bates of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed Bill, "An Act Revising the Laws Relating to Veterinarians." (7-39) and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

Orders of the Day

The President laid before the Senate the first tabled and today assigned item (S. P. 325) (L. D. 1000) Senate Report from the Committee on Labor on Bill, "An Act Relating to Chiropractic Treatment

Under Workmen's Compensation Law," Majority Report, Ought to pass; Minority Report, Ought Not to pass; tabled on March 7 by Senator Sampson of Somerset pending motion by Senator Chase of Lincoln that the Senate reconsider its former action whereby it accepted the Minority Ought Not to Pass report; and on further motion by Mr. Sampson of Somerset, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate the second tabled and today assigned item (H. P. 505) (L. D. 704) House Report from the Committee on Labor on Bill, "An Act Relating to Minimum Wage for Firemen," Majority Report, Ought to pass; Minority Report, Ought Not to pass; tabled on March 7 by Senator Sampson of Somerset pending motion by Senator Edgar of Hancock to indefinitely postpone; and Senator Sampson of Somerset yielded to Senator Edgar of Hancock, who moved the pending question and requested a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and thirteen opposed, the motion prevailed and the bill was indefinitely postponed in concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 31st tabled and unassigned item (H. P. 401) (L. D. 576) Bill, "An Act Authorizing Municipalities to Record Certain Instruments by Microfilm"; tabled on March 7 by Senator Marden of Kennebec pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. STILPHEN of Knox: Mr. President, I would like to inquire if L. D. 1450 is in the possession of the Senate.

The PRESIDENT: The Chair will state that it is, having been

held at the request of Senator Stilphen of Knox.

Mr. STILPHEN: Mr. President, I would like to move reconsideration of our action whereby we accepted the majority ought not to pass report of the committee on this bill. Just for the information of others in the Senate, I will say that this is the bill relating to registration of self propelled wheel chairs.

The motion to reconsider prevailed, and on further motion by the same Senator, the bill was re-committed to the Committee on Transportation.

Sent down for concurrence.

On motion by Mr. Cyr of Aroostook, the Senate voted to take from the table the 30th tabled and unassigned item (H. P. 698) (L. D. 976) House Report, Ought to Pass, from the Committee on Public Utilities on Bill, "An Act Relating to Meetings of and Power to Borrow Money by Madawaska Water District," tabled on March 3 by Senator Cyr of Aroostook pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 22nd tabled and unassigned item (H. P. 302) (L. D. 454) Bill, "An Act Dividing Township of Freeman, Franklin County, for Voting Purposes," tabled on February 23 by Senator Noyes of Franklin pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sampson of Somerset, the Senate voted to take from the table the 7th tabled and unassigned matter, (H. P. 461) (L. D. 661) Bill, "An Act to Regulate Issuance of Trading Stamps," which was tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to

the Committee on Business Legislation in concurrence.

On motion by Mr. Bates of Androscoggin, the Senate voted to take from the table the 20th tabled and unassigned matter, (H. P. 409) (L. D. 584) House Report "Ought to pass" from the Committee on Legal Affairs on Bill, "An Act Increasing Indebtedness of Town of Orono High School District," which was tabled on February 23rd by that Senator pending acceptance of report.

On further motion by the same Senator, the "Ought to pass" report of the Committee was accepted and the bill was given its first reading.

Mr. Bates then offered Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read and adopted and the bill was passed to be engrossed as amended.

Sent down for concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 27th tabled and unassigned item (S. P. 381) (L. D. 1191) Senate Report from the Committee on Liquor Control on Bill, "An Act Relating to Sale of Liquor on New Year's Eve and New Year's Day," Majority Report Ought Not to pass; Minority Report, Ought to Pass, tabled by that Senator on March 3 pending acceptance of either report; and that Senator yielded to the Senator from Androscoggin, Senator Couture.

Mr. COUTURE of Androscoggin: Mr. President and Members of the Senate: I introduced this piece of legislation for the purpose of keeping our people in our State. In the experience I have had in past New Years I have found that a good many of our people drove out of the State of Maine for their New Year's celebration. We are all aware that most of our New Year's celebrations start somewhere around ten or eleven o'clock at night, and the law prohibits them from having any liquor at that hour if New Year's Day falls on Sunday. The purpose in introducing this bill is so that if New Year's

Day falls on Sunday it will allow the licensees to operate until two o'clock on Sunday morning the same way as they have the right to operate on any other day of the week, and also when New Year's falls on Monday the New Year's Eve will be on Sunday night. That will allow these licensees to operate from nine o'clock until two o'clock Monday morning.

This bill here will only gain two hours on Sunday morning in one year out of seven. It will also allow them three hours of sales on Sunday night from nine o'clock to twelve if it falls on Monday, and any other days they have the right to operate until two o'clock on the so-called New Year.

I have heard a lot of opposition before in regard to Sunday sales and signs advertising liquor on Sunday which I have bought myself, so this bill also reads that no signs advertising liquor will be lit on any outside windows in the State.

I certainly think we would be taking a forward step in keeping our people within our State. We are spending thousands and thousands of dollars advertising our State as Vacationland, but when it comes time for a vacation and a celebration on New Years we are sending our own people out of the State instead of bring people into the State. All of us have relations that live outside of the State of Maine, and instead of bringing them to us for the New Year's celebration we are chasing our own people out of the State.

I am not arguing for operation on Sunday. This will only happen once in seven years. It so happens we have hit by this last New Years, and this next New Years which we would all like to celebrate will fall on Monday and we are going to find ourselves in an even worse situation. It means there will be no liquor sold at all that New Year's Eve because none can be sold on Sunday, and so more of our people will be out.

I have heard all kinds of alibis that we should not sell liquor because it causes accidents on the road, but it seems to me we are definitely sending our people out of the State and having them come

back at late hours, driving cars miles and miles, instead of having our people close at home and not using their cars after their New Year's celebration.

I hope that the Senate will not go along on the acceptance of the "Ought not to pass" report. Mr. President, if I am correct, I think Senator Mayo of Sagadahoc has already moved acceptance of the "Ought not to pass" report in my absence. At this time I will ask for a division.

The PRESIDENT: The Chair would advise the Senator from Androscoggin, Senator Couture, that right now the pending question is on the acceptance of either report.

Mr. COUTURE: Then I will move, Mr. President, that the minority report "Ought to pass" be accepted and ask for a division.

Mrs. CHRISTIE of Aroostook: Mr. President, I ask for a division.

A division of the Senate was had.

Eight having voted in the affirmative and twenty-three opposed, the motion did not prevail.

On motion by Mrs. Christie of Aroostook, the Ought not to pass report was accepted.

On motion by Mr. Noyes of Franklin

Adjourned until Tuesday next at ten o'clock in the morning.