

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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HOUSE

Tuesday, February 25, 1919.

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

Prayer by the Rev. Mr. Irving of Randolph.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend Chapter 8 of the Revised Statutes, relative to the office of forest commissioner.

Comes from the Senate referred to the committee on salaries and fees.

Mr. ROUNDS of Portland: Mr. Speaker, this matter does not relate to anything that the State pays; it is what the land owners pay. Therefore I move that it be referred to the committee on State lands and forest preservation.

A viva voce vote being taken, the bill was referred to the committee on state lands and forest preservation in non-concurrence with the action of the Senate.

From the Senate: An Act to provide for the collection of agricultural statistics by assessors.

In the House this was recommitted to the committee on agriculture. It came from the Senate to be engrossed in non-concurrence.

On motion by Mr. Rounds of Portland, a viva voce vote being taken, it was voted to adhere and that a committee of conference be appointed.

The SPEAKER: The Chair will appoint that committee later.

Senate Bills in First Reading

Senate 92: An Act to incorporate the city of Saco.

Senate 91: An Act to amend the charter of the Bath Military and Naval Orphan Asylum.

The following bills, petitions and

resolves were presented and, on recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

By Mr. Audibert of Fort Kent: Petition of Theophile Freeman and 34 others from Wallagrass, in favor of better protection against adulterated, misbranded and inferior commercial fertilizer.

Education

By Mr. Porter of Mapleton: Petition of W. C. Doyon and 26 others in favor of all contracts for school supplies being approved by superintending school committee and board of selectmen before the town is liable for payment.

By Mr. Washburn of Perry: Petition of C. W. Loring and 22 others of Perry, in favor of same.

By Mr. Audibert of Fort Kent: Remonstrance of Paul D. Thibodeau and 213 others, opposing the passing of an act by which the local school board would be deprived of their actual power, and secondly, would abolish the teaching of French in the elementary school subjects.

By Mr. Varney of Jonesboro: An Act to amend Sections 73 and 74 of Chapter 16 of the Revised Statutes, as amended by Chapter 67 of the Public Laws of 1917, relating to the classification of high schools.

By the same gentleman: An Act to amend Section 85 of Chapter 16 of the Revised Statutes as amended by Chapter 229 of the Public Laws of 1917, relating to tuition paid by towns for secondary school pupils.

Inland Fisheries and Game

By Mr. Conary of Bucksport: Remonstrance of L. B. Johnson and 63 others of the town of Orland against the passage of an act entitled An Act to amend Section 49 of Chapter 33 of the Revised Statutes, relating to a closed season on rabbits.

Judiciary and Labor

By Mr. Maher of Augusta: An Act to amend Chapter 50 of the Revised Statutes and acts amendatory thereof, relative to workmen's compensation. (1000 copies ordered printed.)

By the same gentleman: An Act relative to depositions under the workmen's compensation act. (1000 copies ordered printed.)

By the same gentleman: An Act to amend Section 21 of Chapter 112 of the Revised Statutes, relating to depositions. (1000 copies ordered printed.)

By the same gentleman: An Act to amend Section 34 of Chapter 50 of the Revised Statutes, providing for taking and use of depositions. Revised Statutes, Chapter 50, Section 34, relating to proceedings under the industrial accident commission, amended. (1000 copies ordered printed.)

Mr. BARNES of Houlton: Mr. Speaker, some five or more acts or bills amendatory of the Revised Statutes relative to workmen's compensation and the industrial accident commission have already been received and referred to a joint select committee composed of the committee on labor and the judiciary committee and advertised for hearing one week from tomorrow; and the motion which I have in my hand is in writing because it is rather long, containing the titles of all those bills. I move that the joint committees on labor and judiciary be directed to give public hearing on the bills which have this morning been referred to them at the time and place advertised for hearing the preceding bills on the same subject.

The SPEAKER: Will the clerk read the motion?

The CLERK: The gentleman from Houlton, Mr. Barnes, moves that the joint committee composed of the committee on labor and the judiciary committee, to which was referred bills entitled: An Act to amend Chapter 50 of the Revised Statutes and acts amendatory thereof, relative to workmen's compensation; An Act relative to depositions under the workmen's compensation act; an Act to amend Section 21 of Chapter 112 of the Revised Statutes, relative to depositions; an Act to amend Section 34 of Chapter 50 of the Revised Statutes, providing for taking and use of depositions. Revised Statutes, Chapter 50, Section 34, relating to

proceedings under the industrial accident commission, amended, be directed to give public hearing on said bills at the time and place advertised for hearing the following bills, to wit: An Act to amend Chapter 50 of the Revised Statutes, relating to compensation for personal injuries to employees, House Document No. 55, an Act to amend Sections 9 and 10 of Chapter 50 of the Revised Statutes, relating to compensation for personal injuries for employees, House Document No. 46, an Act to amend Sections 9, 10, 12, 13, 14, 15 and 16 of Chapter 50 of the Revised Statutes, relating to compensation for personal injuries for employees, House Document No. 67, an Act to amend Section 10 of Chapter 50 of the Revised Statutes, relating to the workmen's compensation act, House Document No. 69, and an Act to amend Chapter 50 of the Revised Statutes, entitled compensation for personal injuries to employees.

A viva voce vote being taken the motion was carried.

Public Health

By Mr. Barnes of Houlton: Petition of Rev. Henry C. Speed and 10 others of Houlton, requesting the passage of an act to prohibit the manufacture and sale of cigarettes.

By Mr. Weatherbee of Lincoln: Petition of Charles F. Kyle and 18 others of Lincoln, favoring same.

State Sanatoriums

By Mr. Williams of Wells: Resolve authorizing the treasurer of State to receive one, one thousand dollar United States Second Liberty Loan, four per cent. bond, in full release and discharge of a legacy of one thousand dollars bequeathed to the Central Maine Sanatorium by the will of the late John Prescott.

By the same gentleman: Resolve authorizing the treasurer of State to receive the sum of \$500 bequeathed to the Central Maine Sanatorium by the will of the late Valora Chase.

Towns

By Mr. Hinckley of South Portland: An Act to secure a correct census of the deaf, dumb, blind, feeble

mind, idiotic and insane of this State.

Ways and Bridges

By Mr. Murchie of Calais: An Act to amend Chapter 25 of the Revised Statutes, as amended, relative to the State Highway Commission.

(On motion by Mr. Murchie of Calais, the bill was tabled pending reference, and 1000 copies ordered printed.)

By Mr. Maher of Augusta: Resolution, urging the Congress of the United States to pay soldiers and sailors, discharged from the service, six months' additional salary.

Whereas, thousands of soldiers and sailors in the service of their country are daily being discharged from the army and navy of the United States,

And whereas, such discharged soldiers and sailors are encountering considerable difficulty in securing employment because of the conditions existing in industrial affairs of the country at this time, and

Whereas, in the opinion of the Legislature of Maine it is the duty of the National government to assist such discharged soldiers and sailors until they have reasonable opportunity to secure employment; therefore be it

Resolved, that the Legislature of Maine hereby requests the Congress of the United States to pass suitable legislation for the purpose of providing six months' additional pay for soldiers or sailors upon their discharge from the service of the United States; and be it further

Resolved, that copies of these resolutions be sent by the secretary of State to the President of the United States Senate, to the Speaker of the National House and to members of the Senate and House in Congress from this State.

The resolution was adopted by a viva voce vote.

Reports of Committees

Mr. Gray, from the Committee on Agriculture, reported "ought not to pass" on bill An Act relating to the

reimbursement of amount paid by cities and towns for damage to domestic animals caused by dogs.

Mr. Plummer from same committee reported same on bill, An Act to amend Section 110, Chapter 4, Revised Statutes, relating to payment of damages done by dogs and wild animals.

Mr. Houghton, from the committee on inland fisheries and game, reported same on bill, An Act to amend Section 19 of Chapter 219 of the Public Laws of 1917, relating to plug fishing in Rangeley lake.

(On motion by Mr. Eaton of Rumford, tabled pending acceptance of the report.)

Same gentleman, from same committee, on bill, An Act to amend Section 19 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to protection of land-locked salmon, trout, togue, black bass and white perch, reported that action thereon is unnecessary as the subject matter has been incorporated in another bill reported by this committee.

Same gentleman, from same committee, on petition of Dr. C. N. Bisbee and 62 others in favor of the bill to amend Section 19 of Chapter 219 of the Public Laws of 1917, relative to plug fishing, so-called, in Rangeley lake, report that the petitioners have leave to withdraw.

Same gentleman, from same committee, on petition of C. E. Cobb and 54 others, in favor of the bill to amend Section 19 of Chapter 219 of the Public Laws of 1917, relative to plug fishing, so-called, in Rangeley lake, report that the petitioners have leave to withdraw.

Mr. Baxter, from the committee on judiciary, on Resolve proposing an amendment to the Constitution of the State of Maine providing that an elector for Governor, Senators and Representatives shall be a resident of the State for a term of six months next preceding any election, reported that the same be committed to the committee on legal affairs.

Reports were read and accepted and sent up for concurrence.

Mr. Gray from the committee on agriculture reported ought to pass on Resolve appropriating money for the protection of plants, trees and shrubs from the ravages of dangerous insects and diseases.

Same gentleman from same committee reported same on Resolve making appropriation for New England Fruit show to be held in year 1919.

Mr. Grinnell from same committee on Resolve providing for aid in the payment of premiums awarded by the Eastern Maine State Fair, reported same in a new draft, under same title, and that it ought to pass.

Mr. Plummer from same committee reported ought to pass on Resolve making appropriation to assist, encourage and develop the poultry industry in Maine.

Same gentleman from same committee reported same on Resolve making appropriation for Maine Seed Improvement Association.

Mr. Washburn from same committee reported same on bill An Act to provide for cooperative agricultural extension work between the several counties of Maine and the University of Maine, College of Agriculture, in accordance with the federal agricultural extension act of May 8, 1914, entitled An Act to provide for cooperative agricultural extension work between the agricultural colleges and the United States department of agriculture.

Same gentleman from same committee on bill An Act to amend Sections 1, 10, 11 and 24 of Chapter 46 of the Revised Statutes, and to add one additional section to said chapter, all relating to the survey and sale of wood, bark, coal, hoops, staves and lumber, reporting same in a new draft, under title of An Act to amend Sections 1, 10, 11 and 24 of Chapter 46 of the Revised Statutes, all relating to the survey and sale of wood, bark, coal, hoops, staves and lumber, and that it ought to pass.

Mr. Houghton from the committee on inland fisheries and game on bill An Act to amend Section 19 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to protection of land-

locked salmon, trout, togue, black bass and white perch, reported same in a new draft, under same title, and that it ought to pass.

Mr. Hinckley from the committee on legal affairs reported ought to pass on bill An Act to extend the charter of Boothbay Harbor Water District.

Same gentleman from same committee reported same on bill An Act to amend Chapter 424 of the Private and Special Laws of 1907, as amended by Chapter 48 of the Private and Special Laws of 1917, changing the time of the annual meeting of the Kittery Water District.

Mr. Cunningham from the committee on State lands and forest preservation reported same on Resolve for further maintenance of the State forest nursery.

Same gentleman from same committee reported same on Resolve providing for the completion of the Book of Plans of Waldo County and appropriating money therefor.

Same gentleman from same committee reported same on Resolve for continuance of white pine blister rust control.

Mr. Washburn from the committee on ways and bridges on bill An Act to authorize the town of Southport to build and maintain a bridge across Nelson's millpond, so called, reported same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee reported ought to pass on bill An Act relating to Martin's Point bridge, so called, in the county of Cumberland.

Reports were read and accepted and bills and resolves ordered printed under the joint rules.

First Reading of Printed Bills and Resolves

House 203: An Act to amend Section 37 of Chapter 18 of the Revised Statutes, relating to penalty for practicing dentistry without certificate. (New draft.)

House 204: An Act amending Chapter 205 of Private and Special Laws of 1911, relating to annual report of the Grand Army of the Republic of the State of Maine.

House 208: An Act to amend the law relating to the establishment of public libraries.

House 209: An Act in relation to publications of State departments and institutions.

House 212: An Act to amend Section 64 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the use of automobiles in hunting wild birds and wild animals. (New draft.)

House 213: An Act to amend Section 38 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of deer.

House 214: An Act to amend Section 86 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to the disposition of money collected under the provisions of the inland fish and game laws.

House 215: An Act to amend Sections 2 and 6 of Chapter 66 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, relating to non-resident fishing licenses.

House 223: An Act to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895, as amended by Chapter 101 of the Private and Special Laws of 1909 and Chapter 145 of the Private and Special Laws of 1915, relating to clerk hire in the Bangor municipal court. (New draft.)

House 225: An Act to prohibit persons not duly authorized attorneys, firms, voluntary associations and corporations from the practice of law. (New draft.)

(Tabled by Mr. Barnes of Houlton pending second reading.)

House 226: An Act to amend Chapter 53, Section 91, of the Revised Statutes, relating to the annual statement of conditions of insurance companies, and providing a penalty for neglect to file the statement.

House 227: An Act to provide for retiring and pensioning employees of the State of Maine. (New draft.)

House 202: Resolve in favor of the State department of health. (New draft.)

House 205: Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol.

House 206: Resolve for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the commissioner of inland fisheries and game, and other expenses incident to the administration of the department of inland fisheries and game.

House 207: Resolve appropriating money for the purchase of traveling libraries for high schools.

House 210: Resolve providing for the purchase of certain volumes of the documentary history of Maine.

House 211: Resolve appropriating money to provide offices for the adjutant general's department and fire-proof apartments for the records and documents thereof.

House 224: Resolve in favor of William P. Livingston.

Passed to Be Engrossed

Senate 86: An act to amend Chapter 287 of the Public Laws of 1917, relating to registration of motor vehicles.

Senate 87: An Act to amend Chapter 120 of the Private and Special Laws of 1899 establishing the Livermore Falls municipal court.

Senate 88: Resolve in favor of Mary A. Carroll of Southwest Harbor for a teacher's pension.

House 187: An Act to permit the town of Southport to obtain a supply of pure water.

House 188: An Act to incorporate the Steep Falls Water Company.

House 189: An Act to extend the charter of the Penobscot Valley Gas Company.

House 190: An Act to authorize the Northern Seaport Railroad Company to merge with and into the Bangor and Aroostook Railroad Company.

House 192: An Act amendatory of and additional to Chapter 197 of the Public Laws of 1917, relating to the State department of health.

House 193: An Act to make valid the organization of the Second Christian Society of Kittery, Maine, under the Revised Statutes in the year of our Lord 1843.

House 195: An Act to authorize the town of Presque Isle to raise money to pay the purchase price of the lot of land conveyed to the State as a site for the erection of the buildings of the Northern Maine Sanatorium.

House 196: An Act to amend Section 10 of Chapter 117 of the Revised Statutes, as amended by Chapter 216 of the Public Laws of 1917, relating to stenographers of the supreme judicial court.

House 197: An Act to amend Section 54 of Chapter 82 of the Revised Statutes, relating to adjournment of court.

House 200: An Act relative to the tenure of office of county treasurers.

House 201: An Act for the care and preservation of shade and ornamental trees. (Tabled by Mr. Eaton of Rumford, pending third reading.)

House 185: Resolve in favor of John L. Mitchell, representative of the Passamaquoddy Tribe of Indians.

House 186: Resolve in favor of Ida E. Heath of Chelsea, Maine, as additional compensation for death of husband.

Passed to Be Enacted

An Act to amend Sections 11 and 13 of Chapter six of the Revised Statutes, relating to enrollment of voters for primary elections.

(On motion by Mr. Dutton of Bingham, tabled pending its final enactment.)

An Act to amend Chapter 636 of the Private and Special Laws of 1871, relating to an Act to establish a municipal court in the city of Lewiston.

An Act to amend Section four of Chapter 48 of the Revised Statutes, relating to municipal officers maintaining standards of weights and measures.

An Act to repeal Section 16 of Chapter 37 of the Revised Statutes, relating to the capacity of milk cans. (On motion by Mr. Rounds of Portland, tabled pending its final enactment.)

An Act to amend Section 36 of Chapter 36 of the Revised Statutes, relating to hearings in case of violation of the apple packing law.

An Act to provide for conducting scientific investigation bearing upon the agriculture of Aroostook county.

An Act to amend Section 35 of Chapter 37 of the Revised Statutes, relating to unclean milk and unclean cream containers.

An Act to extend the charter of the Salisbury Cove Water Company.

An Act to extend the provisions of Chapter 155 of the private and special laws of 1917, entitled An Act to authorize the town of Yarmouth to supply gas and electricity, and to amend the same.

An Act to amend Section 21 of Chapter seven of the Revised Statutes, relating to the time of the opening and closing of polls at elections.

An Act to authorize the construction of a weir in the tide-waters of Pembroke river in the town of Pembroke.

An Act to extend the charter of the Quebec Extension Railway Company.

An Act to extend the authority of the American Thread Company to erect a bridge across Sebec river in the town of Milo.

An Act authorizing and empowering the Passadumkeag Lumber Company to erect and maintain booms and piers in the Penobscot river.

An Act to amend Section 58 of Chapter 8 of the Revised Statutes, relating to the protection of forest fire signs.

An Act to amend Section 2 of Chapter 194 of the Private and Special Laws of 1915, amending the Act establishing a municipal court for the city of Auburn.

An Act relating to the sale of standing wood and timber on islands within the limits of the Indian reservation of the Penobscot tribe of Indians.

(On motion by Mr. Austin of Milford, a viva voce vote being taken, the bill was recommitted to the committee on Indian affairs.)

An Act to amend Section 48 of Chapter 11 of the Revised Statutes, relating to the Passamaquoddy tribe of Indians.

An Act to establish a superior court in the county of Penobscot.

The SPEAKER: We have an emergency act—An Act relating to the taxation of money deposited in banks outside the State. This carries the emergency clause, which requires a two-thirds vote of the entire elective membership of the House. This bill having received its two several readings in the Senate, and passed to be engrossed, and having received its three several readings in the House, and passed to be engrossed, and having been reported by the committee on engrossed bills as truly and strictly engrossed, is it now the pleasure of the House that it be passed to be enacted? On this there will have to be a rising vote by divisions in order to establish the necessary two-thirds vote. All those who are in favor of the passage of this bill to be enacted will rise and stand until counted, and the monitors will take the count.

A division being had, 114 voted in the affirmative, and none in the negative, and the bill was passed to be enacted.

Orders of the Day

Mr. BAXTER of Portland: Mr. Speaker, I should like to inquire through the Chair of the gentleman from Houlton (Mr. Barnes) if he would be willing to take from the table House Document No. 216, relating to the order in regard to the five questions to be submitted to the supreme judicial court. I make this inquiry so that the order may be given a passage at the present time without delay. If the gentleman from Houlton is willing—

The SPEAKER: The gentleman from Houlton (Mr. Barnes) hears the inquiry of Mr. Baxter of Portland. What reply does he wish to make?

Mr. BARNES of Houlton: Mr. Speaker, answering the gentleman from

Portland (Mr. Baxter), I will like to state that the order submitting five questions to the justices of the supreme court, as provided under certain conditions by our constitution, came before the House on a day when its sponsor was unavoidably absent. Matters which can only be introduced, discussed and enacted by special provision of the constitution of Maine are always of exceeding importance, and should not be hastily nor carelessly enacted. The provision of the constitution was, I suppose, clear to every one of us during our high school days, but has not been read by many since those days, except possibly as questions may have been asked in the offices of attorney at law. The provision is that the supreme court shall be obliged to give their opinion when required by the House of Representatives "upon important questions of law, and upon solemn occasions"—upon no other kind of questions, nor upon any other occasions—"important questions of law, and upon solemn occasions."

Mr. BAXTER of Portland: Mr. Speaker, may I interrupt one moment simply to make a suggestion?

Mr. SPEAKER: With the permission of the gentleman from Houlton (Mr. Barnes) you have that privilege.

Mr. BAXTER of Portland: Mr. Speaker, I was not aware that there would be opposition to these questions. The gentleman from Houlton (Mr. Barnes) is not in favor of their passage and I would suggest that as this is a most important question, we assign tomorrow for its consideration; that is my reason for interrupting the gentleman from Houlton, so that everybody might be here tomorrow when we will take the matter up and act upon it finally. I felt that it would not be fair, either to the gentleman from Houlton (Mr. Barnes) or to the members of the House who are not here, to have him continue his remarks and then perhaps have the matter postponed until tomorrow when the members who are not here today would not have the benefit of the gentleman's remarks. And as it is an important question, with his permission, I move that the question be tabled—

The SPEAKER: The Chair will state that the gentleman from Houlton (Mr. Barnes) has the floor, and that the gentleman from Portland (Mr. Baxter) was allowed, by way of courtesy, to make these remarks, but he feels his motion at this time is not in order.

Mr. BAXTER of Portland: Mr. Speaker, I only interrupted the gentleman as an act of courtesy so everybody might hear his remarks tomorrow, and it would not be necessary for him to repeat. I will ask the gentleman from Houlton (Mr. Barnes) if he will agree to that suggestion?

Mr. BARNES of Houlton: Mr. Speaker, I propose to accede to the request of the gentleman from Portland (Mr. Baxter), with the distinct understanding that while it may be his desire that everybody should be here to hear him tomorrow, it is not for that reason at all that I grant his request.

The SPEAKER: Does the gentleman from Houlton (Mr. Barnes) wish this matter to lie upon the table and be especially assigned for tomorrow morning?

Mr. BARNES of Houlton: Mr. Speaker, I understand that the matter is upon the table.

The SPEAKER: Already upon the table without any assignment.

Mr. BARNES of Houlton: Mr. Speaker, I will agree with the gentleman from Portland (Mr. Baxter), to take it up tomorrow, provided the condition of the calendar is such that it is practicable to do so.

Mr. BAXTER of Portland: Mr. Speaker, may I suggest it be assigned under orders of the day as the first matter to be discussed; then there will be no doubt but that we can reach it at tomorrow's session.

The SPEAKER: If it is agreeable to the gentleman from Houlton (Mr. Barnes) the Chair suggests that this be the first matter taken up under orders of the day tomorrow.

Mr. BARNES of Houlton: Mr. Speaker, may I suggest that it be Thursday of this week?

The SPEAKER: A motion, of course, is in order for special assignment.

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document No. 216, which is the order relating to the five questions to be submitted to the justices of the supreme judicial court; and on further motion by the same gentleman, it was assigned for hearing at the head of the calendar under orders of the day for Thursday of this week.

The SPEAKER: The Chair will call the attention of the members to the fact that the calendar is growing in size. We have not yet had any order relative to taking matters from the table within any special time but if there are matters here that can be taken from the table and put along in the course of business, the Chair will suggest that it be done.

Mr. O'LEARY of Bangor: Mr. Speaker, I notice in the Legislative Record this morning that the remarks of Mr. Crocker of Boston and Dr. Williams of New York were not reported, and I rise on a point of information. Are these remarks to be printed in the record on a later date?

The SPEAKER: The Chair will state to the gentleman from Bangor (Mr. O'Leary) that in accordance with the general understanding these speakers were here to address the Legislature, but there was nothing obligatory upon the reporters to take their remarks and to make them a part of the record. If it is desired to do so, a motion of course would be in order. Otherwise they would not appear upon the record.

Mr. O'LEARY of Bangor: Mr. Speaker, I will not delay the House now in discussing the matter or making a motion. I just wanted to receive the information.

On motion by Mr. Murchie of Calais,

Adjourned until tomorrow morning at 10 o'clock.