

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Saturday, April 10, 1937.

Senate called to order by the President.

Prayer by the Reverend Wm. R. Wood of Augusta.

Journal of yesterday, read and approved.

Order

(Out of Order)

On motion by Mr. Fernald of Waldo, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 12th, 1937 at 4:00 o'clock in the afternoon. (S. P. 506)

Sent down for concurrence.

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

Mr. FERNALD of Waldo: I might say, Mr. President, that the Committee on Judiciary has had in the process of determination 214 bills, that every one has been reported to the legislature except two which are pending redrafting and can be readily presented to the legislature at the proper time.

From the House:

"Bill "An Act Relating to Beauty Culture." (H. P. 1558) (L. D. 687)

(In Senate, on April 2nd, the "Ought to Pass" report of the Committee accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was substituted for the report, and asking for a Committee of Conference, the Speaker having appointed as members of such a committee: Messrs. Weatherbee of Lincoln, Coolidge of Livermore Falls, Brown of Bangor.

In the Senate, on motion by Mr. Owen of Kennebec, that Body voted to insist on its former action and join with the House in a Committee of Conference, and the President appointed as members of such committee on the part of the Senate: the Senator from Kennebec, Senator Owen; the Senator from Kennebec, Senator Marden; and the Senator from Cumberland, Senator Laughlin.

From the House:

Bill "An Act to Provide for Aid to Dependent Children." (H. P. 1656) (L. D. 794)

(In the Senate on March 23rd passed to be engrossed as amended by House Amendments "A" and "B" in concurrence.)

Comes from the House, recalled from the Governor by Joint Order. Under suspension of the rules, passage to be enacted reconsidered, passage to be engrossed reconsidered, House Amendment "C" read and adopted; under suspension of the rules, adoption of House Amendment "A" reconsidered, and House Amendment "A" indefinitely postponed; and the bill as amended by House Amendment "B" and "C" passed to be engrossed in non-concurrence.

In the Senate, on motion by Miss Laughlin of Cumberland, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be enacted; passage to be engrossed was reconsidered; House Amendment C was read and adopted in concurrence; House Amendment A was indefinitely postponed in concurrence, and the bill as amended by House Amendments B and C was passed to be engrossed in concurrence.

From the House:

Bill "An Act to Provide for the Perambulation of the Maine and New Hampshire Boundary Line." (S. P. 345) (L. D. 614)

(In the Senate on March 12th, passed to be engrossed.)

Comes from the House, House Amendment "A" adopted, and the bill as amended passed to be engrossed in non-concurrence.

In the senate, on motion by Mr. Graves of Hancock, under suspension of the rules, that Body voted to reconsider its former action, taken on March 12th, whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill An Act Relating to Mileage Compensation for County Officials." (H. P. 1761) (L. D. 871)

(In Senate, on April 2nd passed to be engrossed in concurrence.)

Comes from the House, under suspension of the rules, passage to be engrossed reconsidered; House Amendment "A" adopted, and the bill as amended passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Marden of Kennebec, tabled pending consideration.

House Bills and Resolves in First Reading

"An Act Relating to consolidation of Corporations," (H. P. 1669) (L. D. 801) in new draft (H. P. 1832) (L. D. 985).

"An Act Relating to Weekly Payment of Wages," (H. P. 1291) (L. D. 480) in new draft (H. P. 1823) (L. D. 977).

"An Act Relating to Pawnbrokers and Dealers in Junk and Second Hand Goods," (H. P. 1540) (L. D. 708) in new draft (H. P. 1834) (L. D. 984 under new title, bill "An Act Relating to Dealers in Junk."

Which reports were read and accepted in concurrence, the bills read one and Monday next assigned for second reading.

Papers from the House disposed of in concurrence.

From the House:

"Resolve for the Construction of Bunters Along Austin Stream," (H. P. 1629) (L. D. 773)

(In Senate on April 5th, Resolve indefinitely postponed in non-concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Cook of Somerset, that Body voted to reconsider its former action taken on April 5th, whereby the resolve was indefinitely postponed; and on further motion by the same Senator, the report of the committee "Ought to Pass" was accepted, and the bill was given its first reading.

Thereupon, on further motion by the same Senator, House Amendment A was read and adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by House Amendment A in concurrence.

From the House:

The majority of the Committee on Judiciary on "Resolve Authoriz-

ing D. M. Susi to Bring a Suit at Law Against the State of Maine," (H. P. 1516) (L. D. 605) reported that the same ought to pass.

(Signed) Laughlin of Cumberland
Fernald of Waldo
Wiley of Cumberland
Varney of Berwick
Bird of Rockland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln

The minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) McGlaulin of Portland
Thorne of Madison
Hinckley of South Portland.

Comes from the House, referred to the Committee on Claims.

In the Senate, referred to the Committee on Claims in concurrence.

Subsequently, on motion by Mr. Graves of Hancock, the Senate voted to reconsider its action whereby the resolve was referred to the Committee on Claims in concurrence; and on further motion by the same Senator, the resolve was laid upon the table pending the motion to refer.

First Reading of Printed Bills

Bill, "An Act Relating to Aid to Libraries Expenses of State Historian, Topographic Mapping, and Abolishment of Grade Crossings," (S. P. 494) (L. D. 995)

"Resolve in Favor of Stanley Gerow of Bangor," (S. P. 500) (L. D. 994)

Which bill and resolve were read once, and under suspension of the rules were given their second reading and passed to be engrossed.

Sent down for concurrence.

Reports of Committees

Mr. Friend from the Committee on Claims on "Resolve in Favor of Anton H. Jordan of Osborne Plantation," (S. P. 41) reported that the same ought not to pass.

Mr. KENNEDY of Hancock: Mr. President, I move that the resolve be recommitted to the Committee on Claims.

Thereupon, on motion by Mr. Graves of Hancock, the resolve was laid upon the table pending the motion to recommit to the Committee on Claims.

Mr. Graves from the same Com-

mittee on "Resolve to Reimburse Rae Randlette of Hartland for Amount Paid in Settlement of Earl Wyman Suit," (S. P. 168) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Eleanor Blauvelt Compensating her for the Death of her Husband," (S. P. 319) (L. D. 512) reported that the same ought not to pass.

(On motion by Miss Laughlin of Cumberland, tabled pending acceptance of the report.)

Mr. Fernald from the Committee on Judiciary on bill "An Act Creating a State Workmen's Compensation Fund," (S. P. 280) (L. D. 502) reported that the same be referred to the 89th Legislature as the matter is to be studied by a recess committee.

The same Senator from the same Committee on bill "An Act to Protect Trade Mark Owners, Producers, Distributors, and the General Public Against Injurious and Uneconomic Practices in the Distribution of Competitive Commodities Bearing a Distinguishing Trade-mark, Brand or Name, through the Use of Voluntary Contracts, etc." (S. P. 265) (L. D. 450) reported that the same ought not to pass, as the matter is covered by other legislation.

The same Senator from the same Committee on bill "An Act to Amend the Workmen's Compensation Act," (S. P. 281) (L. D. 495) reported that the same be referred to the 89th Legislature, as the matter is to be studied by a recess committee.

The same Senator from the same Committee on bill "An Act to Require Security for the Payment of Liability for Damages Arising Out of Motor Accidents and to Eliminate from the Highways, Irresponsible and Reckless Motor Vehicle Operators," (S. P. 129) (L. D. 177) reported that the same ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Friend from the Committee on Claims on "Resolve for Repairs on the Kingman Bridges," (S. P. 317) reported the same in a new draft (S. P. 504) under the same title, and that it ought to pass.

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

Miss Laughlin from the Committee on Judiciary on bill "An Act to Extend Suffrage to Qualified Voters in Unorganized Territory," (S. P. 337) (L. D. 598) reported the same in a new draft (S. P. 505) under the same title, and that it ought to pass.

(On motion by Miss Laughlin of Cumberland the report was accepted, and the bill was laid upon the table pending printing and 500 copies of the new draft ordered printed.)

The majority of the Committee on Judiciary on bill "An Act to Clarify the Meaning of Practice of Law," (S. P. 422) (L. D. 1818) reported that the same ought not to pass.

(Signed) Fernald of Waldo
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Varney of Berwick
Hinckley of South Portland
Thorne of Madison
McGlaulin of Portland
Bird of Rockland

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

(Signed) Laughlin of Cumberland
Wiley of Cumberland

Mr. WILLEY of Cumberland: Mr. President, I move the adoption of the minority report.

Mr. TOMPKINS of Arcostook: Mr. President, I hate awfully this morning again to oppose the Senator from Cumberland, Senator Willey, on another proposition, but it would seem to me that this piece of legislation is—well, it looks somewhat like class legislation and it seems to me that this piece of legislation is unfair to some poor laboring man or some poor farmer who lives anywhere from ten to fifty miles out in the country and wants some sort of document drawn up. If this bill should pass he would be obliged to travel that ten or fifty miles, pay his fare and also perhaps pay five dollars for the writing of a simple deed or a simple mortgage. As it is now, there is some person living in all these communities who does these things for those people and he or she is not a lawyer and it saves them this expense of travel and in many cases

they pay a less expense than they would pay to the city or large town lawyer. I hope the motion of the Senator from Cumberland, Senator Willey, does not prevail.

Mr. WILLEY: Mr. President, I too hate this morning to have any debate with the Senator from Aroostook, Senator Tompkins. And I am not going to have any debate with him about it. Under our existing laws the matter may perhaps be sufficiently covered, but of that I have my doubts. I think this is a good measure. As it affects the profession of which I am a member I shall not debate it. It is there. Every member of the Senate can read it. And certainly I am not going to stand here and defend the lawyers. I will let the members of the Senate read it and then vote as they want to.

Miss LAUGHHLIN of Cumberland: Mr. President, having signed the minority report I would like to give briefly my reason. It isn't to protect the legal profession but to protect other people. We have had come to our office very recently matters where somebody, not a lawyer, drew a will absolutely contrary to what the evident intention of the person who wanted the will because they didn't understand how to draw it. We had another matter recently affecting the title of real estate and the rights of grandchildren and somebody drew the deed which very seriously menaced the rights of the people. Now, if I were for the bill for the benefit of the legal profession I would say go to it because we could get more out of these improperly drawn instruments than we can get by drawing them ourselves, but I have seen in my business very recently where the rights of people were destroyed because a person who didn't understand how to draw these instruments drew them and they accomplish entirely different results from what the person meant to accomplish. And I saw innocent persons suffer because of the inept drawing of these instruments. That is the only reason I signed this minority report.

Mr. WILLEY: Mr. President, if I said, "benefit to the profession" I certainly didn't mean it. I intended to say it concerns the legal profession. If this bill is not passed, in my profession we make money by such a law not being on the

books because of the mistake made by people who were not familiar with the handling of the affairs of people. If you leave the law as it is and permit people to make these mistakes and blunders, we profit on that. What this would do would be to protect the people. Yet, as I say, it concerns my profession so I shall not further debate it.

Mr. TOMPKINS: Mr. President, during the last twenty-five years I have had a great deal to do in my work with legal documents which were not made by myself or by men who were not lawyers, and I have found a great many cases where even lawyers made mistakes in drawing up different kinds of legal documents.

Now, if you refer to Section One of this bill, Legislative Document 818, that part which reads, "shall include the appearance for another in court in the state," I have no objection to that. I don't believe that a layman, of course, should do that but the part I object to is the fourth line there, "drafting of legal instruments not relating to his own business." That is the part that I object to.

Mr. ASHBY: Mr. President, may I ask the Senator from Cumberland, Senator Willey, a question through the Chair?

Th. PRESIDENT: The Senator may ask his question through the Chair and the Senator from Cumberland, Senator Willey, may reply through the Chair if he wishes.

Mr. ASHBY: Was it a lawyer or a layman who drew the late lamented beer bill and was it a mistake or otherwise?

Mr. WILLEY: May I ask the Senator from Aroostook, (Senator Ashby), to clarify his question, and ask him whether he means the bill or the attempted referendum?

Mr. ASHBY: I don't remember the number of the bill but I think it is quite fresh in your mind. A few weeks ago we had something in here that was intended for a referendum to eliminate the beer tax and it eliminated some kind of politician's bill. Was that drawn by a lawyer or layman and was it a mistake?

Mr. WILLEY: In answer to the Senator, now that he makes his question definite, with reference to the referendum I would say that I have no knowledge who drafted it, when it was drafted or where it was drafted, but I will say that

whoever drafted it apparently didn't do a very good job.

Miss LAUGHLIN of Cumberland: Mr. President, I think that it should be made clear that this matter of legal advice is when they receive pay. I might tell someone to do something as a matter of suggestion, and I think they are foolish if they rely on me but they seem to do it on matters of law when they want to get sidewalk advice and not pay for it.

After I made my statement about menacing the rights of persons my colleague, Senator Goudy, leaned over and said, "I had a case just like that in your office", and I said, "Yes, that is the one I am telling about." Somebody had drawn a deed and it did raise the question of real estate and the rights of the grandchildren of the man who was then dead.

Mr. WILLEY: Mr. President, I wonder if the Senators from Aroostook understand that this only concerns the drafting of legal documents for others where pay is received for it?

Mr. TOMPKINS: Mr. President, if I may answer, we understand that very well.

Mr. FERNALD: Mr. President, I note on this bill that there is a majority report of eight from the Judiciary Committee and I might say in brief that the reasons for the majority favoring the "Ought Not to Pass" report was that first, it was opposed by the American Bar Association and, second, that the eight members of the Judiciary Committee thought it was poor legislation.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Willey, that the minority report, "Ought to Pass", on Legislative Document 818 be accepted.

Mr. FERNALD: Mr. President, I ask for a division.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Willey of Cumberland, the majority report, "Ought Not to Pass", was accepted.

On motion by Mr. Graves of Hancock, the Senate voted to reconsider its action taken earlier in today's session whereby the "Ought

Not to Pass" report was accepted from the Committee on Claims on "Resolve to Reimburse Rae Randlette of Hartland for Amount Paid in Settlement of Earl Wyman Suit", (S. P. 168); and on further motion by the same Senator the resolve and the report were laid upon the table pending acceptance of the report.

Passed To Be Engrossed

Bill "An Act Relating to Conventions of Municipal Assessors." (H. P. 659) (L. D. 228)

Bill "An Act Relating to the salary of the Judge of the Old Town Municipal Court." (H. P. 1744) (L. D. 859)

"Resolve Relating to Smelt Fishing in Hancock County." (H. P. 1774) (L. D. 898)

Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Norway in the County of Oxford." (H. P. 1831) (L. D. 981)

Bill "An Act Relating to the Gasoline Tax." (H. P. 1827) (L. D. 971)

Bill "An Act Relating to the Gasoline Tax." (H. P. 1828) (L. D. 973)

Which bills and resolves were read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Bounty on Porcupines and Hedgehogs." (S. P. 172) (L. D. 260)

"Resolve Creating a Recess Committee on Labor Relations." (S. P. 502)

Which bill and resolve were severally read a second time, and passed to be engrossed.

Sent down for concurrence.

Finally Passed

"Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals." (S. P. 483)

Orders of the Day

On the motion by Mr. Willey of Cumberland, the Senate voted to take from the table, bill, An Act Relating to the Support of Paupers, (H. P. 342) (L. D. 613), tabled by that Senator on April 5th pending adoption of House Amendment "A".

Mr. WILLEY: Mr. President, I will now yield to the Senator from Kennebec, Senator Marden.

On motion by Mr. Marden of

Kennebec, House Amendment "A" was adopted in concurrence and the bill was given its first reading.

Thereupon that Senator offered Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to L. D. 613. "An Act Relating to the Support of Paupers. Amend said bill by striking out in the eighth line thereof the numeral '3' and inserting in the place thereof the numeral '31.' And further amend said bill by substituting a comma for the period at the end thereof and adding the following: 'and in absence of the consent herein provided said city or town wherein the pauper or other dependent person is actually living or in which he is personally present shall have the right to require his removal as provided in sections 31 to 36 inclusive of chapter 33 of the revised statutes.'"

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

Sent down for concurrence.

On motion by Mr. Wentworth of York, the Senate voted to take from the table, bill, An Act Relating to the Maintenance of the Androscoggin Lake Dam, (H. P. 615) (L. D. 187), tabled by that Senator on March 17th pending passage to be enacted: and on further motion by the same Senator, passage to be engrossed was reconsidered, and that Senator offered Senate Amendment "A" and moved its adoption:

Senate Amendment "A" Legislative Document 187. "Amend said act by striking out the last six words of section 2 thereof, 'Department of Inland Fisheries and Game' and substituting in place thereof, the words, 'Public Utilities Commission'. Further amend by striking out in Section 3, the words 'two hundred dollars' and substituting in place thereof the words 'one hundred dollars'."

Senate Amendment "A" was adopted, and under suspension of the rules, the bill was passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

Mr. ASHBY of Aroostook: Mr. President, in regard to Senate Paper 179, Legislative Document 254, tabled by me last night—I promised to take it from the table this morning. At the request of Senator Martin of Penobscot and with the consent of Senator Laughlin of Cumberland, whose bill it is, if the Senate has no objection, I will take it from the table at the next legislative session.

The PRESIDENT: If there is no objection, the 29th tabled matter, An Act Relating to Emergency Municipal Finance Board, will be taken from the table on the next legislative day.

On motion by Mr. Lewis of Lincoln, the Senate voted to take from the table, bill, An Act to Provide for the Surrender of the Town of Somerville of its Organization, (H. P. 1748) (L. D. 855), tabled by that Senator on April 2nd pending adoption of House Amendment "A"; and that Senator offered Senate Amendment "A" to House Amendment "A" and moved its adoption:

Senate Amendment "A" to House Amendment "A". "Amend said amendment by striking out in the third line from the end thereof, the word 'January' and substituting in place thereof the word 'February'."

Senate Amendment "A" to House Amendment "A" was adopted.

Thereupon, on motion by Mr. Lewis, House Amendment "A", as amended by Senate Amendment "A" was adopted, and under suspension of the rules the bill was given its two several readings and passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A".

Sent down for concurrence.

Mr. WALSH of Androscoggin: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point.

Mr. WALSH: Mr. President, I wish to discuss certain statements made on the floor here yesterday, which I believe to be inaccurate regarding Unemployment Commission.

The PRESIDENT: What is the title of the bill and the legislative document number?

Mr. WALSH: It is the report on An Act Providing that Employers of Four or More Persons shall be

Subject to the Unemployment Compensation Law. Senate Paper 278. Legislative Document 501.

The PRESIDENT: If there is no objection, the Senator may proceed.

Mr. WALSH: Mr. President, I will read from the stenographic record, in which Senator Fernald and Senator Willey were talking. It says, "In the last three months it has cost the employers of the state \$253,000, in the state of Maine, and it is going to amount to \$6,000,000 the first year, or nearly that."

I was very much interested in that and I secured the official figures from the Unemployment Commission. Their estimated cost for 1937 is \$2,453,687.34. That is a difference of \$3,546,312.66, which is quite a ways apart from the \$6,000,000 mentioned by the Senator from Cumberland, Senator Willey.

Mr. WILLEY of Cumberland: Mr. President, in answer to the Senator from Androscoggin, Senator Walsh, regarding the newspaper or stenographic report—my statement in regard to the amount that had already been collected is not reported as I stated it. The commissioner, the chairman of the commission, advised me that they had thus far collected in excess of \$1,000,000 in a little over three months of operation. I noted in this morning's paper that a further collection of \$18,000 had been made from employers who felt they did not come under the Act. I think it is safe to say that employers will pay to the Commission under the act, during the first year of its operation, close to \$6,000,000. The Senator, however, is correct in regard to the statement in the paper, in the record, where it stated some \$253,000 had been collected. It is \$1,253,000 in round figures, if the Commissioner's statement to me correct. I think the Senator from Androscoggin, Senator Walsh, will admit there has been considerably over a million dollars collected. Multiply it by 4, with the increases they anticipate, and I think he will agree with me that it will be close to \$6,000,000.

Mr. FERNALD of Waldo: Mr. President, my recollection of the discussion of the proposition suggested by the Senator from Androscoggin, Senator Walsh, is that I made no remarks in regard to that proposition. As I look at the Kennebec Journal of this morning, I

believe the matter as reported there, in no way involves me. I think perhaps the Senator was in error when he mentioned my name in this connection.

Mr. WALSH: I apologize to the Senator from Waldo, Senator Fernald. I will state the figures were furnished by the Unemployment Commission, and with the approval of all the members, and their estimated cost is \$2,453,687.34 and not \$6,000,000.00.

Mr. WILLEY: Mr. President, may I ask the Senator from Androscoggin, Senator Walsh, a question through the Chair?

The PRESIDENT: The Senator may ask the question through the Chair and that Senator may reply if he wishes.

Mr. WILLEY: Have you the figures as to the amount that has already been collected?

Mr. WALSH: I have. The cost to the employers in 1936 was \$1,226,843.67.

Mr. WILLEY: Thank you, Senator.

Mr. BECKETT of Washington: Mr. President, out of order and under suspension of the rules, I would like unanimous consent to introduce a bill. I would say that Legislative Document 786, relative to the Calais School District, passed some time ago by the legislature is jeopardized by the fact that we are having a late adjournment of legislature. Section 8 of that document says this act shall be accepted by a meeting of the legal voters of the city not later than four months after the approval of the act. This act was approved on March 11th, and inasmuch as the legislature will not adjourn until some time next week it means the bill would not become a law and voted on in the four months period. For the purpose of clarifying this situation, I would like permission to introduce this act, which would make the referendum 90 days after the adjournment of the legislature.

The PRESIDENT: The Senator from Washington, Senator Beckett, has asked unanimous consent to introduce a bill. If there is no objection, the act is received. The Secretary will read the bill.

(The Secretary read "An Act Relating to the Calais School District".)

Thereupon, under suspension of the rules, the bill was given its two several readings and was passed to be engrossed.
Sent down for concurrence.

Mr. FERNALD of Waldo: Mr. President, as Floor Leader, may I remind the Senate that yesterday we had 31 matters on the table. Since then we have tabled six more. We have introduced one new measure and have taken three from the table, making a total gain for

the table of three matters in one day.

The PRESIDENT: I assume the Senator from Waldo, Senator Fernald, has no matters on the table?

Mr. FERNALD: That is correct, Mr. President.

On motion by Mr. Graves of Hancock

Adjourned until next Monday, April 12th, at four o'clock in the afternoon.