



**THE STATES assembled on Tuesday  
17th November 2009, at 09.30 a.m. under  
the Presidency of the Deputy Bailiff,  
William James Bailhache, Esquire.**

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**His Excellency the Lieutenant Governor,  
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,  
was present**

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All members were present at roll call with the exception of –

Senator Stuart Syvret – en défaut  
Senator Philip Francis Cyril Ozouf – absent on States business  
Senator Frederick Ellyer Cohen – en défaut  
Connétable Michael Keith Jackson of St. Brelade – en défaut (défaut raised at 10.54 a.m.)

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Prayers read by the Deputy Greffier of the States

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#### **Connétable of St. John – re-election**

The Deputy Bailiff, on behalf of all members, congratulated Mr. Graeme Frank Butcher on his re-election as the Connétable of St. John.

#### **Documents presented or laid**

Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.104/2009) – comments. Presented: 17th November 2009. <i>Minister for Home Affairs.</i>	P.104/2009. Com.(2)
Draft Gambling Commission (Jersey) Law 200- (P.139/2009): amendment (P.139/2009 Amd.) – comments. Presented: 16th November 2009. <i>Minister for Economic Development.</i>	P.139/2009. Amd.Com.
Draft Gambling (Gaming and Lotteries) (Amendment No. 15) (Jersey) Regulations 200- (P.140/2009): amendment (P.140/2009 Amd.) – comments. Presented: 16th November 2009. <i>Minister for Economic Development.</i>	P.140/2009. Amd.Com.
Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009): amendment (P.141/2009 Amd.) – comments. Presented: 16th November 2009. <i>Minister for Economic Development.</i>	P.141/2009. Amd.Com.

Young Offenders: naming by the media (P.148/2009) – comments. Presented: 16th November 2009. <i>H.M. Attorney General.</i>	P.148/2009. Com.(2)
Young Offenders: naming by the media (P.148/2009) – comments. Presented: 16th November 2009. <i>Minister for Health and Social Services.</i>	P.148/2009. Com.(3)
Social Security Fund: research into alternative funding mechanisms (P.153/2009) – comments. Presented: 16th November 2009. <i>Chief Minister.</i>	P.153/2009. Com.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Housing regarding a refusal to grant housing qualifications. Presented: 10th November 2009. <i>Privileges and Procedures Committee.</i>	R.123/2009.
Land Transactions under Standing Order 168(3) – No. 1 Howard Davis Farm, La Route de la Trinité, Trinity – lease. Presented: 10th November 2009. <i>Minister for Treasury and Resources.</i>	R.124/2009.
Land Transactions under Standing Order 168(3) – (a) Flats 2, 4, 5, 6 and 15, Fourteen Gloucester Street, St. Helier – lease; (b) JEC Substation No. 283, Le Mont Rossignol, St. Ouen. Presented: 11th November 2009. <i>Minister for Treasury and Resources.</i>	R.125/2009.
Policy Statement for regulation of gambling in Jersey. Presented: 16th November 2009. <i>Minister for Economic Development.</i>	R.126/2009.
Rental Deposit Scheme to protect tenants' deposits: Response of the Minister for Housing to the approval by the States of P.130/2009. Presented: 17th November 2009. <i>Minister for Housing.</i>	R.127/2009.
States of Jersey Law 2005: delegation of functions – Assistant Minister for Treasury and Resources. Presented: 17th November 2009. <i>Minister for Treasury and Resources.</i>	R.128/2009.
<b>Notification of lodged propositions</b>	
Draft Gambling (2010 Fees) (Jersey) Regulations 200- (P.141/2009): second amendment. Lodged: 17th November 2009. <i>Deputy E.J. Noel of St. Lawrence.</i>	P.141/2009. Amd.(2)
H1N1 Influenza Pandemic Funding: expenditure approval (P.174/2009) – amendment. Lodged: 12th November 2009. <i>Public Accounts Committee.</i>	P.174/2009. Amd.

H1N1 Influenza Pandemic Funding: expenditure approval (P.174/2009) – second amendment. Lodged: 16th November 2009. <i>Minister for Treasury and Resources.</i>	P.174/2009. Amd.(2)
Employment of States of Jersey Employees Law: proposed changes (P.175/2009) – amendment. Lodged: 11th November 2009. <i>Chief Minister.</i>	P.175/2009. Amd.
Draft Supply of Goods and Services (Jersey) Regulations 200-. Lodged: 11th November 2009. <i>Minister for Economic Development.</i>	P.190/2009.
Rate Appeal Board: appointment of members. Lodged: 11th November 2009. <i>Minister for Treasury and Resources.</i>	P.191/2009.
Jersey Police Complaints Authority: appointment of members. Lodged: 12th November 2009. <i>Minister for Home Affairs.</i>	P.192/2009.
‘User Pays’ Charges: Immigration fees. Lodged: 17th November 2009. <i>Minister for Home Affairs.</i>	P.193/2009.
States of Jersey Law: Quorum in the States. Lodged: 17th November 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.194/2009.
Jersey New Waterworks Company Limited: report of Jersey Competition Regulatory Authority on outsourcing. Lodged: 17th November 2009. <i>Deputy G.P. Southern of St. Helier.</i>	P.195/2009.
Review of the roles of the Bailiff, Attorney General and Solicitor General: appointment of Chairman and members of the Review Panel. Lodged: 17th November 2009. <i>Council of Ministers.</i>	P.196/2009 (re-issue).
Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others. Lodged: 17th November 2009. <i>Deputy M.R. Higgins of St. Helier.</i>	P.197/2009.

### **Withdrawal of lodged propositions**

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others.  
Lodged: 23rd June 2009.  
*Deputy M.R. Higgins of St. Helier.*

P.104/2009.

**Written Questions**

*(see Official Report/Hansard)*

The Chief Minister tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding law suits against the States in the last 5 years.

The Chief Minister tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding leases signed by WEB for leisure facilities on the Waterfront.

The Chairman of the Comité des Connétables tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding shops permitted to open on a Sunday.

The Minister for Treasury and Resources tabled an answer to a question asked by the Connétable of St. John regarding the supply of duty free fuel for marine and commercial use.

The Minister for Health and Social Services tabled an answer to a question asked by Senator S.C. Ferguson regarding the recruitment and retention of middle grade doctors.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding serious case reviews.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding reductions in water rates.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the suspension and dismissal of staff in relation to child abuse matters.

The Chief Minister tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the final pay settlement of the Chief Executive Officer of Health and Social Services.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the supply of Blackberry mobile phones to Ministers and Assistant Ministers.

The Chief Minister tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding supply of Blackberry mobile phones to members of the Executive.

The Chief Minister tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding bills for Blackberry mobile phones.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the tax intake from 1(1)(k) residents.

H.M. Attorney General tabled an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding confidentiality issues.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding the independent review of the 3 year suspension of a Consultant Gynaecologist.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the dividends on shareholdings in the Jersey New Waterworks Company Limited.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding serious case reviews.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the level of water rates and charges by the Jersey New Waterworks Company Limited.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding redundancies at the Jersey New Waterworks Company Limited.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Deloitte estimate of lost tax revenues given in the Foot Report.

The Minister for Transport and Technical Services tabled an answer to a question asked by the Deputy of St. Mary regarding the number of damage-only accidents on the Island's road network.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of St. Mary regarding data protection.

The Chairman of Privileges and Procedures Committee tabled an answer to a question asked by Senator J.L. Perchard regarding limiting propositions and lengths of speeches.

### **Oral Questions**

*(see Official Report/Hansard)*

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the suspension of the Chief Officer of the States of Jersey Police.

THE STATES rejected a proposition of the Minister for Home Affairs that the Assembly should consider both of the oral questions tabled at the present meeting in relation to the suspension of the Chief Officer of the States of Jersey Police 'in camera'. The questions were therefore answered in public assembly.

Members present voted as follows –

#### **POUR: 21**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator S.C. Ferguson  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Deputy R.C. Duhamel (S)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy of St. Peter

#### **CONTRE: 26**

Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Martin  
 Connétable of St. John

#### **ABSTAIN: 0**

Deputy J.A. Hilton (H)	Connétable of St. Saviour
Deputy S. Pitman (H)	Connétable of St. Clement
Deputy K.C. Lewis (S)	Connétable of St. Peter
Deputy M. Tadier (B)	Connétable of St. Lawrence
Deputy of St. Mary	Connétable of St. Mary
Deputy T.M. Pitman (H)	Deputy of St. Martin
Deputy A.T. Dupré (C)	Deputy R.G. Le Hérisssier (S)
Deputy E.J. Noel (L)	Deputy J.B. Fox (H)
Deputy T.A. Vallois (S)	Deputy of Grouville
Deputy M.R. Higgins (H)	Deputy P.V.F. Le Claire (H)
Deputy D. De Sousa (H)	Deputy J.A.N. Le Fondré (L)
	Deputy I.J. Gorst (C)
	Deputy of St. John
	Deputy A.E. Jeune (B)
	Deputy A.K.F. Green (H)
	Deputy J.M. Maçon (S)

Deputy K.C. Lewis of St. Saviour asked a question of the Chief Minister regarding the proposed redundancies of a quarter of Jersey Telecoms employees and 20 Jersey New Waterworks employees.

The Deputy of Grouville asked a question of the Minister for Home Affairs regarding licensed premises seeking proof of identity and identity fraud.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the funding mechanisms and support from the States of Jersey provided to the Jersey Homes Trust.

Deputy D.J. de Sousa of St. Helier asked a question of the Minister for Social Security regarding the conformity of the actions of Jersey New Waterworks Company Limited with the conditions laid out in the Employment (Jersey) Law 2003.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Minister for Home Affairs regarding the suspension of the Chief Officer of Police.

Deputy S. Pitman of St. Helier asked a question of the Minister for Social Security regarding the impact of Long Term Incapacity Allowance increases on Income Support.

The Deputy of St. John asked a question of the Minister for Economic Development regarding the registration and staffing of charter and fishing vessels.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Assistant Minister for Transport and Technical Services regarding defective vehicles.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the redundancies at Jersey Telecom.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Economic Development regarding Jayen's ownership and staff.

The Deputy of St. John asked a question of the Assistant Minister for Treasury and Resources regarding the redundancy rights of the staff at Jersey Telecom.

The Deputy of St. Martin asked a question of the Assistant Minister for Treasury and Resources regarding the compatibility of the Draft Data Protection (Amendment No. 2) (Jersey) Law 200- with the Human Rights (Jersey) Law 2000.

Deputy G.P. Southern of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the estimated cost in lost tax in respect of the redundancies at Jersey Telecom.

Deputy R.G. Le Hérisssier of St. Saviour asked a question of the Chief Minister regarding the source from which staff under suspension were paid.

### **Oral Questions without notice**

*(see Official Report/Hansard)*

The Minister for Economic Development answered questions without notice from members.

The Chief Minister answered questions without notice from members.

### **Personal statements**

The Deputy of St. Mary made a statement regarding comments made during the debate on the Depositor's Compensation Scheme (P.86/2009).

### **Statements on a matter of official responsibility**

*(see Official Report/Hansard)*

The Chairman of the Comité des Connétables made a statement regarding the use of warrant cards by the Connétables.

The Minister for Health and Social Services made a statement regarding the H1N1 Flu outbreak.

### **Manual Workers' Joint Council: membership P.172/2009**

THE STATES commenced consideration of a proposition of the Chief Minister concerning the membership of the Manual Workers' Joint Council (P.172/2009 lodged 'au Greffe' on 12th October 2009).

### **Roll call**

Following the lunchtime adjournment the Deputy Bailiff, in accordance with Standing Order 56(2), directed that elected members be summoned as the Assembly was inquorate. In accordance with Standing Order 56(2), having allowed such time as he considered reasonable for elected members to return to the Chamber, the Presiding Officer asked the Greffier to call the roll, as he believed that the States remained inquorate. The following members who had been marked as present during the morning were absent from the Chamber for this second roll call –

Senator Terence John Le Main  
Senator James Leslie Perchard  
Senator Alan John Henry Maclean  
Connétable Alan Simon Crowcroft of St. Helier

Connétable John Le Sueur Gallichan of Trinity  
 Connétable Michael Keith Jackson of St. Brelade  
 Deputy Geoffrey Peter Southern of St. Helier  
 Deputy James Gordon Reed of St. Ouen  
 Deputy John Alexander Nicholas Le Fondré of St. Lawrence  
 Deputy Shona Pitman of St. Helier  
 Deputy Ian Joseph Gorst of St. Clement  
 Deputy Montfort Tadier of St. Brelade  
 Deputy Michael Roderick Higgins of St. Helier

**Manual Workers' Joint Council: membership P.172/2009**

THE STATES, having resumed consideration of a proposition of the Chief Minister, agreed to refer to their Act of 9th November 1961, (amended by Act of the States on 14th September 2006) approving the constitution of a Manual Workers' Joint Council on the basis set out in ANNEX B to that Act, and approved the following amendments –

In Section 3 – Membership of the constitution –

- (a) in the first line of paragraph 3(a), the number “10” should be deleted and the number “12” inserted ;
- (b) in the first line of paragraph 3(a), the number “5” should be deleted and the number “6” inserted;
- (c) in the third line of paragraph 3(a), the number “5” should be deleted and the number “6” inserted;
- (e) in the second line of paragraph 3(b), the word “Four” should be deleted and the word “five” inserted;
- (f) in the first and second line of paragraph 3(c), the words “Transport and General Workers' Union” should be deleted and “Unite the Union” inserted.

In Appendix A1 of ANNEX B – Union Membership –

- (a) in the sixth line of (b), the word “five” should be deleted and the number “six” inserted;
- (b) in the seventh line of (b), the words “Transport and General Workers' Union” should be deleted and “Unite the Union” inserted;
- (c) in the second line of (c), the words “Transport and General Workers' Union” should be deleted and “Unite the Union” inserted;
- (d) in the first and third lines of (d), the words “Transport and General Workers' Union” should be deleted and “Unite the Union” inserted.

In Appendix B of ANNEX B – Rules for the Conduct of Business –

- (a) In the first line of paragraph 7, the word “four” should be deleted and the word “six” inserted;



- (b) in the first and second line of paragraph 7, the word “two” in both cases should be deleted and the word “three” inserted.

Members present voted as follows –

**POUR: 44**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy of St. Peter  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy A.E. Jeune (B)  
 Deputy of St. Mary  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 4**

Deputy G.P. Southern (H)  
 Deputy S. Pitman (H)  
 Deputy T.M. Pitman (H)  
 Deputy D. De Sousa (H)

**ABSTAIN: 0**

**Public Holidays and Bank Holidays: designation of 26th December 2009 P.173/2009**

THE STATES rejected a proposition of Deputy Shona Pitman of St. Helier to refer to their Act dated 8th October 2009 in which they agreed to transfer the Boxing Day bank holiday from Saturday 26th December 2009 to Monday 28th December 2009 and –

- (a) to agree that Saturday 26th December 2009 should be designated as an extra Public and Bank Holiday for 2009 in addition to 28th December 2009 to enable Islanders who did not work only between Monday and Friday to benefit from this holiday; and
- (b) to request the Chief Minister to bring forward for approval the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to the decision.

Members present voted as follows –

**POUR: 14**

Deputy of St. Martin  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy P.V.F. Le Claire (H)  
 Deputy S. Pitman (H)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy T.M. Pitman (H)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 33**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator J.L. Perchard  
 Senator A. Breckon  
 Senator S.C. Ferguson  
 Senator A.J.D. Maclean  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. John  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy R.G. Le Hérisssier (S)  
 Deputy J.B. Fox (H)  
 Deputy of St. Ouen  
 Deputy of St. Peter  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy I.J. Gorst (C)  
 Deputy of St. John  
 Deputy A.E. Jeune (B)  
 Deputy A.T. Dupré (C)  
 Deputy E.J. Noel (L)

**ABSTAIN: 1**

Deputy of St. Mary

**Draft Gambling Commission (Jersey) Law 200- P.139/2009**

THE STATES commenced consideration of the Draft Gambling Commission (Jersey) Law 200- and, adopting an amendment of Deputy Montfort Tadier of St. Brelade, agreed that, in accordance with Standing Order 83(1)(a), the matter should be referred back to the Minister for Economic Development in order that further information relating to the proposition could be provided to the States.

Members present voted as follows –

**POUR: 32**

Senator T.J. Le Main  
 Senator B.E. Shenton  
 Senator S.C. Ferguson  
 Senator B.I. Le Marquand  
 Connétable of St. Ouen  
 Connétable of St. Helier  
 Connétable of St. John  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy of St. Martin  
 Deputy R.G. Le Hérisier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy P.V.F. Le Claire (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy S. Pitman (H)  
 Deputy I.J. Gorst (C)  
 Deputy M. Tadier (B)  
 Deputy of St. Mary  
 Deputy T.M. Pitman (H)  
 Deputy A.T. Dupré (C)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy D. De Sousa (H)  
 Deputy J.M. Maçon (S)

**CONTRE: 14**

Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Senator A. Breckon  
 Senator A.J.D. Maclean  
 Connétable of Trinity  
 Connétable of St. Brelade  
 Connétable of St. Saviour  
 Connétable of St. Clement  
 Deputy of St. Peter  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy of St. John  
 Deputy A.E. Jeune (B)  
 Deputy E.J. Noel (L)

**ABSTAIN: 0****Adjournment**

THE STATES adjourned, having agreed to reconvene on Wednesday 18th November 2009 to consider the outstanding items of public business.

THE STATES rose at 5.28 p.m.

**A.H. HARRIS**

*Deputy Greffier of the States*